

1969  
SESSION LAWS  
OF THE  
STATE OF WASHINGTON

REGULAR SESSION, FORTY-FIRST LEGISLATURE  
Convened January 13, 1969. Adjourned March 13, 1969.

FIRST EXTRAORDINARY SESSION,  
FORTY-FIRST LEGISLATURE  
Convened March 14, 1969. Adjourned May 12, 1969.



**VOLUME NO. 1**

Containing All Chapters of the Regular Session, and  
Chapters 1 through 222, First Extraordinary Session

Published at Olympia by the Statute Law Committee pursuant  
to Chapter 6, Laws of 1969.

RICHARD O. WHITE  
Code Reviser

**PERTINENT FACTS CONCERNING THE WASHINGTON  
SESSION LAWS**

**1. EDITIONS AVAILABLE**

- (a) *General information.* The session laws are printed successively in two editions;
  - (i) a temporary pamphlet edition consisting of a series of 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. Commencing with the 1969 session, the style and page format of the bound volume edition will be identical with that of the temporary edition. Both editions will be accompanied by a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98501 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 98501 at four dollars per volume. (No sales tax required) It may be assumed that in years in which a regular session is shortly thereafter followed by an extraordinary session, two volumes will result. All orders must be accompanied by remittance.

**2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER**

Commencing with the Laws of 1969, both editions of the session laws will be printed by the offset method to present the new laws in the exact form in which they were adopted by the legislature. This style quickly and graphically portrays the 1969 changes to existing law as follows:

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

**3. PARTIAL VETOES**

- (a) Vetoed matter is boxed and marginally noted as in the following examples:

(i) association, partnership, society, or any other organization V

(ii) (3) "Community Mental Health Program" means any consciously adopted program designed to help people learn to avoid mental crisis. "Crisis" is any personal distress, acute or chronic. V

- (b) Pertinent excerpts of the governor's explanation of partial veto are printed at the end of the chapter concerned.

**4. EFFECTIVE DATE OF LAWS**

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The pertinent dates are: 1969 regular session, June 12, 1969 (midnight, June 11); 1969 1st extraordinary session, August 11, 1969 (midnight, August 10).
- (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.

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**AUTHENTICATION**

I, Richard O. White, Code Reviser of the State of Washington, do hereby certify that the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1969 regular and extraordinary sessions of the Legislature as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to section 1, chapter 6, Laws of 1969.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington.

Dated at Olympia, Washington, this first day of October, 1969.

(Signed)

**RICHARD O. WHITE**  
Code Reviser

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CHAPTER 1  
[Initiative Measure No. 242]  
DRIVERS' IMPLIED CONSENT --  
INTOXICATION TESTS

AN ACT providing that any person operating a motor vehicle on the public highways shall be deemed to have consented to a breath test (if unconscious a blood test) to determine intoxication, when arrested for any offense, provided the arresting officer has reasonable grounds to believe such operator was driving or in control of a vehicle while intoxicated; directing a six-month revocation of driving privileges for a person refusing such test after having been advised of his rights and consequences of refusal; providing hearing and appeal procedures; and reducing the blood alcohol percentage necessary to raise a presumption of intoxication.

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

Section 1. There is added to chapter 46.20 RCW a new section 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 section 3 of this initiative, 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 section 3 of this initiative. 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.

(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 section 3 of this initiative.

(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 motor vehicles, 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 non-resident 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 there-

fore, 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 RCW 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.

Sec. 2. Section 27, chapter 121, Laws of 1965 extraordinary session as last amended by section 5, chapter 167, Laws of 1967 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 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 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 section 1 of this initiative, 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, 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. 3. There is added to chapter 46.61 RCW a new section 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 narcotic 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, 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 per cent 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 per cent but less than 0.10 per cent 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 may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

(c) If there was at that time 0.10 per cent 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) Per cent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

(e) 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.

(3) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section 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 section 1 of this initiative, 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. 4. The director of the department of motor vehicles shall furnish every applicant for a driver's license or a driver's license renewal with a written summary of the provisions of this initiative.

Sec. 5. Section 60, chapter 155, Laws of 1965 extraordinary session and RCW 46.61.505 are each repealed.

Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

Filed in the office of the Secretary of State, February 8, 1968.  
Passed by the vote of the people at the November 5, 1968 state general election.  
Proclamation signed by the Governor, December 5, 1968 declaring measure effective law.

CHAPTER 2  
[Initiative Measure No. 245]  
REDUCING MAXIMUM RETAIL SERVICE CHARGES

AN ACT amending the present state law regulating retail installment sales of goods and services by reducing the maximum amount which may be legally assessed as a service charge in connection with retail installment transactions from 18% per year computed monthly on the unpaid balance (1½% per month) to 12% per year computed monthly (1% per month); reducing from \$15.00 to \$10.00 the alternative service charge that may be assessed on a retail installment contract notwithstanding the 12% maximum; and eliminating two other methods of computing service charges on such contracts which are permitted under the present law.

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

Section 1. Section 4 of chapter 236, Laws of 1963, as last amended by section 3 of chapter 234, Laws of 1967, RCW 63.14.040, is hereby amended to read as follows:

(1) The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or service furnished or rendered or to be furnished or rendered. The contract also shall contain the following items, which shall be set forth in the sequence appearing below:

(1) (a) The cash sale price of each item of goods or services;

(2) (b) The amount of the buyer's down payment, if any, identifying the amounts paid in money and allowed for goods traded in;

(3) (c) The difference between items (1) (a) and (2) (b);

(4) (d) The aggregate amount, if any, included for insurance, specifying the type or types of insurance and the terms of coverage;

(5) (e) The aggregate amount of official fees, if any;

(6) (f) The principal balance, which is the sum of items

(3) (c), (4) (d) and (5) (e);

(7) (g) The dollar amount or rate of the service charge;

(8) (h) The amount of the time balance owed by the buyer to the seller, which is the sum of items (6) (f) and (7) (g), if (7) (g) is stated in a dollar amount; and

(9) (i) Except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding installment payment, the maximum number of payments and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(2) Every retail installment contract shall contain the following notice in ten point bold face type or larger directly above the space reserved in the contract for the signature of the buyer:

"NOTICE TO BUYER:

(a) Do not sign this contract before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

(b) You are entitled to a copy of this contract at the time you sign it.

(c) You may at any time pay off the full unpaid balance due under this contract, and in so doing you may receive a partial rebate of the service charge.

(d) The service charge does not exceed . . . % (must be

filled in) per annum computed monthly and may not lawfully exceed twelve per cent per annum computed monthly.

(e) You may cancel this contract and return any goods received, if it is solicited in person, and you sign it, at a place other than the seller's business address shown on the contract, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the contract, which notice shall be posted not later than the next business day following your signing this contract: PROVIDED, That at the time of sending notice of cancellation you have not received and accepted a substantial part of the goods or services which the seller is required to furnish under this contract."

Clause (2) (e) needs to be included in the notice only if the contract is solicited in person by the seller or his representative, and the buyer signs it, at a place other than the seller's business address shown on the contract.

Sec. 2. Section 12 of chapter 236, Laws of 1963, as last amended by section 7 of chapter 234, Laws of 1967, RCW 63.14.120, is hereby amended to read as follows:

(1) At or prior to the time a retail charge agreement is made the seller shall advise the buyer in writing, on the application form or otherwise, or orally that a service charge will be computed on the outstanding balance for each month (which need not be a calendar month) or other regular period agreed upon, the schedule or rate by which the service charge will be computed, and that the buyer may at any time pay his total unpaid balance: PROVIDED, That if this information is given orally, the seller shall, upon approval of the buyer's credit, deliver to the buyer or mail to him at his address, a memorandum setting forth this information.

(2) The seller or holder of a retail charge agreement shall promptly supply the buyer with a statement as of the end of each monthly period (which need not be a calendar month) or other regular period agreed upon, in which there is any unpaid balance thereunder,

which statement shall set forth the following:

- (a) The unpaid balance under the retail charge agreement at the beginning and at the end of the period;
- (b) Unless otherwise furnished by the seller to the buyer by sales slip, memorandum, or otherwise, a description or identification of the goods or services purchased during the period, the cash sale price and the date of each purchase;
- (c) The payments made by the buyer to the seller and any other credits to the buyer during the period;
- (d) The amount, if any, of any service charge for such period; and
- (e) A legend to the effect that the buyer may at any time pay his total unpaid balance.

(3) Every retail charge agreement shall contain the following notice in ten point bold face type or larger directly above the space reserved in the charge agreement for the signature of the buyer:

NOTICE TO BUYER:

- (a) Do not sign this retail charge agreement before you read it or if any spaces intended for the agreed terms are left blank.
- (b) You are entitled to a copy of this charge agreement at the time you sign it.
- (c) You may at any time pay off the full unpaid balance under this charge agreement.
- (d) The monthly service charge may not lawfully exceed the greater of one per cent of the outstanding balance (twelve per cent per year computed monthly) or one dollar.
- (e) You may cancel any purchases made under this charge agreement and return the goods so purchased, if the seller or his representative solicited in person such purchase, and you sign an agreement for such purchase, at a place other than the seller's business address shown on the charge agreement, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the charge agreement, which notice shall be

posted not later than the next business day following your signing of the purchase agreement: PROVIDED, That at the time of sending notice of rescission you have not received and accepted a substantial part of the goods or services which you agreed to purchase.

Sec. 3. Section 13 of chapter 236, Laws of 1963, as last amended by section 8, chapter 234, Laws of 1967, RCW 63.14.130, is hereby amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer.

(1) The service charge, in a retail installment contract, shall not exceed the highest of the following:

(a) One percent per month on the outstanding unpaid balances;

or

(b) Ten dollars.

(2) The service charge in a retail charge agreement, revolving charge agreement or charge agreement, shall not exceed one percent per month on the outstanding unpaid balances. If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

(3) A service charge may be computed on the median amount within a range which does not exceed ten dollars and which is a part of a published schedule of consecutive ranges applied to an outstanding balance, provided the median amount is used in computing the service charge for all balances within such range.

(4) The service charge in a retail installment contract or charge agreement shall not exceed the rate of twelve percent per annum, computed monthly. A service charge computed by one of the foregoing methods, or within the permitted minimum charges, shall be deemed not to be in excess of twelve percent per annum computed

monthly.

Filed in the office of the Secretary of State, April 4, 1968.  
Passed by the vote of the people at the November 5, 1968 state  
general election.  
Proclamation signed by the Governor, December 5, 1968 declaring  
measure effective law.

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CHAPTER 3  
[Senate Bill No. 275]  
LEGISLATORS' SUBSISTENCE  
AND LODGING ALLOWANCE

AN ACT Relating to state government; providing for the subsistence and lodging of members of the legislature and the president of the senate; creating a new section; amending section 1, chapter 173, Laws of 1941 as last amended by section 6, chapter 127, Laws of 1965 ex. sess. and RCW 44.04.080; and declaring an emergency.

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

NEW SECTION. Section 1. In view of the decreased purchasing power of the dollar and the concomitant increase in the cost of living during the past several years, the members of the legislature declare that the twenty-five dollar per diem allowance provided during the past several sessions in lieu of subsistence and lodging is inadequate to cover necessary expenses incurred while attending sessions of the legislature. The legislature further finds and declares that forty dollars per day is a fair and adequate allowance to cover such reimbursement.

Sec. 2. Section 1, chapter 173, Laws of 1941 as last amended by section 6, chapter 127, Laws of 1965 ex.sess., 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 (~~twenty-five~~) forty dollars per day in lieu of subsistence and lodging during and while attending any legislative session. (~~The effective date of this section shall be January 1, 1967.~~)

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 January 28, 1969.

Passed the House January 28, 1969.

Approved by the Governor January 29, 1969.

Filed in the office of Secretary of State January 29, 1969.

CHAPTER 4

[Senate Bill No. 276]

APPROPRIATIONS -- LEGISLATIVE EXPENSE  
AND MEMBERS' SUBSISTENCE

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

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the Senate the sum of one million one hundred nineteen thousand seven hundred seventy-five dollars (\$1,119,775) for salaries and operations of the legislature.

NEW SECTION. Sec. 2. There is hereby appropriated out of the state general fund to the House of Representatives the sum of one million three hundred thirty-three thousand twenty-five dollars (\$1,333,025) for salaries and operations of the legislature.

NEW SECTION. Sec. 3. There is hereby appropriated to the Senate out of the state general fund the sum of one hundred twenty thousand dollars (\$120,000) for payment to the president and members of the Senate in lieu of subsistence and lodging while in attendance at the forty-first legislature, at the rate provided by RCW 44.04.080.

NEW SECTION. Sec. 4. There is hereby appropriated to the House of Representatives out of the state general fund the sum of two hundred thirty-seven thousand six hundred dollars (\$237,600) for payment to the members of the House of Representatives in lieu of subsistence and lodging while in attendance at the forty-first legislature, at the rate provided by RCW 44.04.080.

NEW SECTION. Sec. 5. None of the funds appropriated by sections 1 through 4 of this act shall be expended by or for the legislative council, the legislative budget committee, or any other legis-

lative interim committee.

NEW SECTION. Sec. 6. (1) From the amount appropriated by section 2 of this act, the House of Representatives shall reimburse the Speaker for not more than seventy days, in lieu of per diem at the rate of forty dollars per day for each day or major portion thereof in which he is actually engaged in completing the work of the forty-first legislature and is completing his duties as Speaker during the interim period until the convening of the next regular session of the legislature.

(2) From the amounts appropriated by sections 1 and 2 of this act the Senate and House of Representatives respectively shall reimburse their members in quarterly amounts of not to exceed one hundred fifty dollars upon presentation of vouchers by a member claiming reimbursement for interim expenses and certified by him that his expenses for such three month period were equal to or in excess of one hundred fifty dollars.

NEW SECTION. Sec. 7. There is hereby appropriated out of the state general fund, to the Statute Law Committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of forty-three thousand six hundred eighty-five dollars (\$43,685), or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature.

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

Passed the Senate January 28, 1969.

Passed the House January 28, 1969.

Approved by the Governor January 29, 1969.

Filed in the office of Secretary of State January 29, 1969.

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CHAPTER 5  
[House Bill No. 219]  
APPROPRIATIONS --  
LEGISLATIVE DATA PROCESSING

AN ACT Relating to state government; making appropriations, and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the state general fund to the institutional industries revolving fund the sum of nineteen thousand six hundred eighty nine dollars, to be used for the vocational training of female prisoners at the state penitentiary in the operation of key punch equipment and the supporting activities necessary to process the data, and the resultant creation of a law information retrieval data bank for the primary use of the state government. There is hereby appropriated from the state general fund to the legislative budget committee the sum of sixteen thousand five hundred dollars for the support of the budget reporting system. There is hereby appropriated from the state general fund to the house of representatives the sum of four thousand five hundred dollars for legislative information systems for expenses connected with installations for the legislative council and governor's office.

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

Passed the House January 23, 1969.

Passed the Senate February 3, 1969.

Approved by the Governor February 6, 1969.

Filed in the office of Secretary of State February 6, 1969.

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CHAPTER 6  
[House Bill No. 169]  
PUBLICATION OF THE SESSION LAWS

AN ACT Relating to state government; providing for the publication of session laws; amending section 2, chapter 136, Laws of 1907 and RCW 44.20.020; amending section 3, chapter 136, Laws of 1907 as last amended by section 1, chapter 21, Laws of 1961, and RCW 44.20.030; amending section 4, chapter 136, Laws

of 1907 as last amended by section 2, chapter 31, Laws of 1933 ex. sess., and RCW 44.20.040; amending section 5, chapter 136, Laws of 1907 as last amended by section 18, chapter 157, Laws of 1951, and RCW 44.20.050; amending section 8, page 632, Laws of 1890 and RCW 44.20.060; amending section 6, chapter 136, Laws of 1907 and RCW 44.20.080; amending section 43.78-.080, chapter 8, Laws of 1965 and RCW 43.78.080; amending section 4, chapter 150, Laws of 1941 and RCW 40.04.040; repealing section 7, page 632, Laws of 1890 and RCW 44.20.070; making an appropriation; and declaring an emergency.

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

Section 1. Section 2, chapter 136, Laws of 1907 and RCW 44-.20.020 are each amended to read as follows:

Whenever any bill shall become a law the secretary of state shall number such bill in the order in which it became a law, commencing with each session of the legislature, and shall forthwith certify and deliver three copies of such bill to the statute law committee. Such number shall be in Arabic numerals, and shall be the chapter number of the act when published. A citation to the chapter number and year of the session laws heretofore or hereafter published shall be a sufficient reference to the act so designated.

Sec. 2. Section 3, chapter 136, Laws of 1907 as last amended by section 1, chapter 21, Laws of 1961, and RCW 44.20.030 are each amended to read as follows:

The (~~secretary-of-state~~) statute law committee, after each and every legislative session, whether regular or extraordinary, shall cause to be reproduced or printed for temporary use (~~twenty-five-hundred~~) four thousand copies of each act filed in (~~his~~) the office of secretary of state within ten days after the filing thereof, and in the order of its chapter number.

Sec. 3. Section 4, chapter 136, Laws of 1907 as last amended by section 2, chapter 31, Laws of 1933 ex. sess., and RCW 44.20.040 are each amended to read as follows:

The (~~secretary-of-state~~) statute law committee, after each and every legislative session, whether regular or extraordinary, shall furnish one copy of each act as published to each member of the legislature at which such law was enacted, to each state officer, and to each state institution; five copies to each of the state educational institutions; and to each county auditor for the use of his county; twenty-five copies to the state law library; and such further distribution as may be necessary: PROVIDED, That there shall be a charge of one dollar for each of the complete sets of such temporary publications when delivered to any person, firm, corporation or institution excepting the persons and institutions named in this section, and all moneys received from the sale of such temporary sets shall be transmitted to the state treasurer who shall deposit the same in the state treasury to the credit of the general fund.

Sec. 4. Section 5, chapter 136, Laws of 1907 as last amended by section 18, chapter 157, Laws of 1951, and RCW 44.20.050 are each amended to read as follows:

When all of the acts of any session of the legislature and initiative measures enacted by the people since the next preceding session have been (~~published-in-temporary-form~~) certified to the statute law committee, the code reviser employed by the statute law committee shall make the proper headings (~~7-side-annotations~~) and index of such acts or laws and, after such work has been completed, the (~~secretary-of-state~~) statute law committee shall have published and bound in good buckram at least (~~twenty-five-hundred~~) two thousand copies of such acts and laws, with such headings (~~7-annotations~~) and indexes, and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjournment of the session, and any other matter deemed proper, including a certificate by the secretary of state of such referendum measures as may have been enacted by the people since the next preceding session.

Sec. 5. Section 8, page 632, Laws of 1890 and RCW 44.20.060

are each amended to read as follows:

In arranging the laws, memorials and resolutions for publication, the ((secretary)) code reviser is hereby authorized to make such corrections in the orthography, clerical errors and punctuation of the same as in his judgment shall be deemed essential: PROVIDED, That when any words or clauses shall be inserted, the same shall be inclosed in brackets; and no correction shall be made which changes the intent or meaning of any sentence, section or act of the legislature.

Sec. 6. Section 6, chapter 136, Laws of 1907 and RCW 44.20-.080 are each amended to read as follows:

It shall be unlawful for any person to print and publish for sale the session laws of any session in book form within one year after the adjournment of such session, other than those ordered printed by the ((secretary-of-state)) statute law committee, or to deliver to anyone other than such ((officer)) committee or upon ((his)) their order any of the session laws so ordered printed by ((him)) them: PROVIDED, This section shall not apply to any general compilation of the laws of this state or to a compilation of any special laws or laws on any special subject.

Sec. 7. Section 43.78.080, chapter 8, Laws of 1965 and RCW 43.78.080 are each amended to read as follows:

All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the public

printer.

The public printing shall be divided into the following classes:

**FIRST CLASS.** The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

**SECOND CLASS.** The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed on what is known as machine finish book paper weighing not less than fifty pounds to the ream of 25 x 38 inches, and set in bavier, or what is known as eight point type, with a six to pica lead between each line, and without unnecessary blanks, broken pages, or paragraphs. All communications, resolutions, reports of committees, messages, and similar documents making up a part of said journals shall be set in nonpareil or what is known as six point type, with a six to pica lead between each line. All tabular matters shall be set in nonpareil or what is known as six point type; the type matter for a page to be  $4\frac{1}{2}$  x  $7\frac{1}{2}$  inches, which is to include all running heads and footnotes. All reports shall be 6 x 9 inches when trimmed. The general style of all reports shall be the same as those printed in 1918, and the general style of the journals of the house and senate of the session of 1917 shall be followed in the printing and binding of the journals hereafter. There shall be no duplicates of reports or parts of reports printed except by permission of the governor.

**THIRD CLASS.** The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all

reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in ~~((the same style, size of page and form as the session laws published by this state heretofore, with similar margin notes, the size of type to be eleven point for the laws or body of the book and six point for the marginal notes and index, and shall be printed on machine finish book paper weighing not less than 60 pounds to the ream of 25 x 38 inches -- PROVIDED, That laws reenacting titles to the Revised Code of Washington which have been introduced in the legislature at the request of the statute law committee shall be printed in the session laws in the same size, form and style of type that is used in the Revised Code of Washington))~~ such form as the statute law committee shall provide.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three and four.

Sec. 8. Section 4, chapter 150, Laws of 1941 and RCW 40.04-.040 are each amended to read as follows:

Session laws shall be distributed, sold and/or exchanged by the state law librarian as follows:

(1) Copies shall be given as follows: One to each United States senator and representative in congress from this state; six to the Library of Congress; one to each United States executive department as defined by section 1, title 5, of the United States Code; three to the United States supreme court library; three to the library of the circuit court of appeals of the ninth circuit; one to

each United States district court room within this state; one to each office and branch office of the United States district attorneys in this state; one to each state official whose office is created by the Constitution; one to the judge advocate's office at Fort Lewis; one to each member of the legislature, session law indexer, secretary and assistant secretary of the senate, chief clerk and the assistant chief clerk of the house of representatives, the minute clerk and sergeant-at-arms of the two branches of the legislature of the sessions of which they occupied the offices and positions mentioned; one copy each to the Olympia representatives of the Associated Press and the United Press; and two copies to the law library of Gonzaga University law school.

(2) Copies, for official use only, shall be distributed as follows: One to each state department and to each division thereof; one to each state official whose office is created by the Constitution, except the governor who shall receive three copies; one each to the adjutant general, the state historical society, the state bar association, and to each state institution; one copy for each assistant attorney general who maintains his office in the attorney general's suite, and one additional copy for his stenographer's room; one copy to each prosecuting attorney and one for each of his deputies.

Sufficient copies shall be furnished for the use of the supreme court and the state law library as from time to time are needed. Eight copies shall be distributed to the University of Washington law library; one copy each to the offices of the president and the board of regents of the University of Washington, the dean of the University of Washington school of law, and to the University of Washington library; one copy to the library of each of the colleges of education (formerly called the normal schools); one copy each to the president of the Washington State College and to the Washington State College library. Six copies shall be sent to the King county law library, and one copy to each of the county law

libraries organized pursuant to law in the counties of the first, second and third class; one copy to each public library in cities of the first class, and one copy to the municipal reference branch of the Seattle public library.

At the convening of each session of the legislature the state law librarian shall deliver to the chief clerk of the house of representatives twenty copies, and to the secretary of state [secretary of the senate], ten copies, of the laws of the preceding general session and of any intervening session for the use of the legislators during the ensuing session but which shall be returned to the state law library at the expiration of the legislative session.

It shall be the duty of each county auditor biennially to submit to the state law librarian a list of county officers, including the prosecuting attorney and his regular full time deputies and the justices of the peace and superior court rooms regularly used by a justice of the peace or superior court judge, and the correct number of bound copies of the session laws necessary for the official use only of such officers and court rooms will be sent, transportation collect, to said county auditor who shall be responsible for the distribution thereof to the county officials entitled to receive them.

(3) Surplus copies of the session laws shall be sold and delivered by the state law librarian, in which case the price of the bound volumes shall be four dollars each (~~for these of the general sessions, and two dollars each for these of the special sessions when separately bound~~). All moneys received from the sale of such bound volumes of session laws shall be paid into the state treasury for the general fund.

(4) The state law librarian is authorized to exchange bound copies of the session laws for similar laws or legal materials of other states, territories and governments, and to make such other and further distribution of the bound volumes as in his judgment seems proper.

NEW SECTION. Sec. 9. Section 7, page 632, Laws of 1890 and RCW 44.20.070 are each repealed.

NEW SECTION. Sec. 10. There is hereby appropriated from the general fund to the statute law committee the sum of one hundred twenty-eight thousand one hundred ninety-eight dollars, or so much thereof as may be necessary, to carry out the provisions of this 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 immediately.

Passed the House January 31, 1969.

Passed the Senate February 3, 1969.

Approved by the Governor February 7, 1969.

Filed in office of Secretary of State February 7, 1969.

CHAPTER 7  
[Engrossed Senate Bill No. 255]  
CRIMINAL TRESPASS

AN ACT Relating to crimes and punishment; defining crimes; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. (1) Every person, knowing that he is not licensed or privileged to do so, who enters or remains in any building or occupied structure or separately secured or occupied portion thereof including but not limited to publicly owned or occupied buildings, structures or portions thereof shall be guilty of criminal trespass, a misdemeanor.

(2) Every person, knowing that he is not licensed or privileged to do so, who enters or remains in any public or private place or on any public or private premises as to which notice against trespass thereon is given by the owner or some other authorized person, through (a) actual communication to the actor, or (b) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders or (c) fencing or other enclosure manifestly designed to exclude intruders, shall be guilty of criminal trespass, a misdemeanor.

(3) Every person, knowing that he is not licensed or privi-

leged to remain, who defies an order to leave public or private places or public or private premises communicated to him by the owner of said place or premises or by some other authorized person, shall be guilty of criminal trespass, a misdemeanor.

It is a defense to prosecution for criminal trespass under this section that (a) the building or occupied structure referred to in subsection (1) above was abandoned, or (b) any place or premises referred to in this section were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises or (c) the actor reasonably believed that the owner of any of the places or premises referred to in this section or other person empowered to license access thereto would have licensed him to enter or remain or (d) the actor had possession of the premises originally under a landlord-tenant relationship or as mortgagor or vendee on a real estate contract.

NEW SECTION. Sec. 2. This 1969 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. 3. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 4, 1969.

Passed the House February 11, 1969.

Approved by the Governor February 21, 1969.

Filed in office of Secretary of State February 21, 1969.

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CHAPTER 8

[Engrossed House Bill No. 123]

FIREARMS AND OTHER DANGEROUS WEAPONS

AN ACT Relating to firearms and other dangerous weapons; adding a new section to chapter 9.41 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 9.41 RCW a

new section to read as follows:

(1) It shall be unlawful for anyone to carry, exhibit, display or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor.

(3) Subsection (1) of this act shall not apply to or affect the following:

(a) Any act committed by a person while in his place of abode or fixed place of business;

(b) Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments.

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

Passed the House February 27, 1969.  
Passed the Senate February 27, 1969.  
Approved by the Governor February 28, 1969.  
Filed in office of Secretary of State February 28, 1969.

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CHAPTER 9  
[Senate Bill No. 327]  
WESTERN INTERSTATE NUCLEAR COMPACT

AN ACT Relating to nuclear development; 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 western interstate nuclear compact is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

"ARTICLE I. POLICY AND PURPOSE"

The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

"ARTICLE II. THE BOARD"

"(a) There is hereby created an agency of the party states to be known as the 'Western Interstate Nuclear Board' (hereinafter called the Board). The Board shall be composed of one member from

each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

"(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

"(c) The Board shall have a seal.

"(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

"(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

"(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a

governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

"(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

"(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

"(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

"(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

"(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports

as it may deem desirable.

"ARTICLE III. FINANCES"

"(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

"(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

"(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II (h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

"(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

"(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and be-

come a part of the annual report of the Board.

"(f) The Accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

"ARTICLE IV. ADVISORY COMMITTEES"

"The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

"ARTICLE V. POWERS"

"The Board shall have power to --

"(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

"(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

"(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

"(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

"(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

"(f) Conduct, or cooperate in conducting, programs of train-

ing for state and local personnel engaged in any aspects of:

1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

"(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

"(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

"(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

"(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states or their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

"(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, by-products, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

"(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

"(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

"(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

"(o) Act as licensee, contractor or sub-contractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

"(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

"(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole

or within any subregion or subregions of the geographic area covered by this compact.

Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

"(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

"(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

#### "ARTICLE VI. MUTUAL AID"

"(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

"(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

"(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

"(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: PROVIDED, That nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

"(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

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"ARTICLE VII. SUPPLEMENTARY AGREEMENTS"

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

"(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

"(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

"(d) The provisions to this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

"ARTICLE VIII. OTHER LAWS AND RELATIONS"

"Nothing in this compact shall be construed to --

"(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

"(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

"(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

"(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

"ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL"

"(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

"(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: Provided, that it shall not become initially effective until enacted into law by five states.

"(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

"(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

"ARTICLE X. SEVERABILITY AND CONSTRUCTION"

"The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof."

NEW SECTION. Sec. 2. The board member from Washington shall be appointed by and shall serve at the pleasure of the governor. The board member may designate another person as his representative to attend meetings of the board.

NEW SECTION. Sec. 3. All departments, agencies and officers of this state and its subdivisions are directed to cooperate with

the board in the furtherance of any of its activities pursuant to the compact.

NEW SECTION. Sec. 4. Pursuant to Article II (j) of the compact, the western interstate nuclear board shall file copies of its bylaws and any amendments thereto with the secretary of state of the state of Washington.

NEW SECTION. Sec. 5. The laws of the state of Washington and any benefits payable thereunder shall apply and be payable to any persons dispatched to another state pursuant to Article VI of the compact. If the aiding personnel are officers or employees of the state of Washington or any subdivisions thereof, they shall be entitled to the same workmen's compensation or other benefits in case of injury or death to which they would have been entitled if injured or killed while engaged in coping with a nuclear incident in their jurisdictions of regular employment.

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.

NEW SECTION. Sec. 8. Sections 1 through 5 of this 1969 act are to be added to chapter 43.31 RCW.

Passed the Senate February 22, 1969.

Passed the House February 24, 1969.

Approved by the Governor March 3, 1979.

Filed in office of Secretary of State March 3, 1969.

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CHAPTER 10  
[Engrossed House Bill No. 827]  
APPOINTMENTS TO INTERIM BODIES--  
PROCEDURE

AN ACT Relating to state government; amending section 1, chapter 36, Laws of 1947 as last amended by section 6, chapter 134, Laws of 1967 ex. sess., and RCW 44.24.010; amending section 1, chapter 17, Laws of 1963 ex. sess. and RCW 41.52.010; amending section 3, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.220; amending section 1, chapter 43, Laws of 1951 as last amended by section 1, chapter 114, Laws of 1967 ex. sess., and RCW 44.28.010; amending section 12, chapter 43, Laws of 1951 as amended by section 5, chapter 206, Laws of 1955, and RCW 44.28.020; and amending section 5, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.240.

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

Section 1. Section 1, chapter 36, Laws of 1947 as last amended by section 6, chapter 134, Laws of 1967 ex. sess., and RCW 44.24.010 are each amended to read as follows:

There is hereby created a "state legislative council" hereinafter referred to as the council, which shall consist of fifteen senators and sixteen representatives from the legislature of the state of Washington, including the president pro tem of the senate and the speaker of the house of representatives, said council to be appointed by the president of the senate and the speaker of the house of representatives at least ten days before the close of the 1947 session of the legislature, and (~~at least ten days~~) before the close of each regular session thereafter: PROVIDED, That if prior to the close of any regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. The president of the senate and the speaker of the house of representatives shall prepare their lists of appointees so that the whole membership of the council shall include at least one individual from each United States congressional district within the state and so that the minority political party in each house shall have seven members on the council. The said lists of appointees shall be subject to confirmation as to the senate members by the senate and as to the house members by the house of representatives.

In the event of a failure to appoint council members within the time above stated, or in the event of a refusal by either senate or house of representatives to confirm appointments on the council, then the members on the council from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 2. Section 1, chapter 17, Laws of 1963 ex. sess. and RCW 41-.52.010 are each amended to read as follows:

There is created the state public pension commission. The commission shall consist of five members of the house of representatives to be appointed by the speaker thereof, five members of the senate to be appointed by the president of the senate, and five members to be appointed by the governor: PROVIDED, That no more than three senators nor more than three representatives shall be appointed from the same political party. All original legislative members shall be appointed before the close of the 1963 extraordinary session of the legislature and successors shall be appointed (~~at least ten days~~) before the close of each regular session thereafter: PROVIDED, FURTHER, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. Legislative members shall be subject to confirmation, as to senate members by the senate, and as to house members by the house. No terms of legislative members shall be extended without such confirmation.

The members appointed by the governor shall have the following qualifications: (1) At least one of the members shall be experienced in actuarial principles; (2) One member shall be a trustee or official of a retirement system; and (3) Three members shall have had general experience and knowledge in fields pertinent to retirement system operating, but shall not at the time of appointment or during their terms of office be trustees or officials in any retirement system.

Sec. 3. Section 3, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.220 are each amended to read as follows:

The committee shall consist of five senators and five representatives who shall be selected prior to the close of the thirty-ninth session of the legislature, and ~~((at-least-ten-days))~~ before the close of each regular session thereafter as follows: PROVIDED, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such selections shall be made as a matter of closing business of such extraordinary session.

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to confirm, then the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 4. Section 1, chapter 43, Laws of 1951 as last amended by section 1, chapter 114, Laws of 1967 ex. sess., and RCW 44.28.010 are each amended to read as follows:

There is hereby created a legislative budget committee which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. All members shall be appointed before the close of the 1967 session of the legislature and before the close of each regular session thereafter: PROVIDED, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such reg-

ular session, then such appointments shall be made as a matter of closing business of such extraordinary session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 5. Section 12, chapter 43, Laws of 1951 as amended by section 5, chapter 206, Laws of 1955, and RCW 44.28.020 are each amended to read as follows:

The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session or extraordinary session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature after their confirmation, election or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

Sec. 6. Section 5, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.240 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.33.220 at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner or at the extraordinary session, if any, following the said next succeeding regular session.

Passed the House March 3, 1969.  
Passed the Senate March 4, 1969.  
Approved by the Governor March 7, 1969.  
Filed in office of Secretary of State March 7, 1969.

CHAPTER 11  
[Engrossed Senate Bill No. 131]  
LEGAL HOLIDAYS

AN ACT Relating to legal holidays; and amending section 1, chapter 51, Laws of 1927, as amended by section 1, chapter 20, Laws of 1955, and RCW 1.16.050; and declaring an effective date.

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

Section 1. Section 1, chapter 51, Laws of 1927, as amended by section 1, chapter 20, Laws of 1955, and RCW 1.16.050 are each amended to read as follows:

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

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

NEW SECTION. Sec. 2. The effective date of this act shall be January 1, 1971.

Passed the Senate February 12, 1969.  
Passed the House March 1, 1969.  
Approved by the Governor March 10, 1969.  
Filed in office of Secretary of State March 10, 1969.

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CHAPTER 12  
[Senate Bill No. 206]  
STATE PATROL RETIREMENT SYSTEM

AN ACT Relating to the state patrol retirement system; amending section 43.43.120, chapter 8, Laws of 1965 and RCW 43.43.120; amending section 43.43.170, chapter 8, Laws of 1965 and RCW 43.43.170; amending section 43.43.250, chapter 8, Laws of 1965 and RCW 43.43.250; amending section 43.43.260, chapter 8, Laws of 1965 and RCW 43.43.260; amending section 43.43.270, chapter 8, Laws of 1965 and RCW 43.43.270; amending section 43.43.280, chapter 8, Laws of 1965 and RCW 43.43.280; adding new sections to chapter 8, Laws of 1965, and to chapter 43.43 RCW; and repealing section 43.43.210, chapter 8, Laws of 1965 and RCW 43.43.210.

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

Section 1. Section 43.43.120, chapter 8, Laws of 1965 and RCW 43.43.120 are each amended to read as follows:

As used in the following sections:

- (1) "Retirement system" means the Washington state patrol retirement system.
- (2) "Retirement fund" means the Washington state patrol retirement fund.
- (3) "State treasurer" means the treasurer of the state of Washington.
- (4) "Member" means any person included in the membership of the retirement fund.
- (5) "Employee" means any commissioned employee of the Washington state patrol.
- (6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.
- (7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board.
- (8) "Retirement board" means the board provided for in this chapter.

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(10) (~~("State-auditor")~~) "Lieutenant governor" means the (~~(auditor)~~) lieutenant governor of the state of Washington.

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more 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 herein. 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 benefit.

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(14) "Average final salary" shall mean the average monthly salary received by a member during his last (~~(five)~~) two years of service or any consecutive (~~(five)~~) two year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than (~~(five)~~) two years of service, then the average monthly salary received by him during his total years of service.

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

Sec. 2. Section 43.43.170, chapter 8, Laws of 1965 and RCW 43.43.170 are each amended to read as follows:

Whenever the state patrol retirement board determine that the

state patrol retirement fund contains moneys in excess of current needs, they shall authorize the state finance committee to invest such surplus in such bonds or other obligations as are or may be in the future authorized for the investment of the funds of the state employees' retirement system.

Sec. 3. Section 43.43.250, chapter 8, Laws of 1965 and RCW 43.43.250 are each amended to read as follows:

(1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may retire as provided in RCW 43.43.260, on his retirement application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired.

(3) ~~((No member shall contribute to the retirement fund or receive service credit after he has completed twenty-five years of service;--PROVIDED,--That any member who was a member prior to the effective date of this act--(1963-e-75-S-1, effective date was June 13, 1963) may contribute to the retirement fund and receive service credit until he attains the percentage of average final salary provided by any previous act under which he has served))~~ Any member who has ceased making contributions to the retirement fund because of having reached the maximum percentage of average final salary provided by a previous act may repay to the retirement fund those contributions which he would normally have made, if such restriction on service credit had not existed, by making these payments prior to retirement. The payment of these contributions will entitle the member to service credit as provided in RCW 43.43.260 (2).

Sec. 4. Section 43.43.260, chapter 8, Laws of 1965 and RCW 43.43.260 are each amended to read as follows:

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service annuity which shall be equal to one and one-half percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3) A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.

NEW SECTION. Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.43 RCW a new section to read as follows:

The average final salary of members already retired upon the effective date of this 1969 amendatory act shall be recomputed in accordance with RCW 43.43.120(14) as herein amended by this 1969 amendatory act and from the effective date of this 1969 amendatory act. The retirement allowance of such members shall be paid under RCW 43-.43.260 as amended by this 1969 amendatory act, upon the basis of the average final salary as recomputed.

Sec. 6. Section 43.43.270, chapter 8, Laws of 1965 and RCW 43-.43.270 are each amended to read as follows:

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

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

shall have been married to the retired member at least two years prior to his death.

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

(a) ~~((If the member is survived by one child under the age of eighteen years the child shall be paid an annuity of seventy-five dollars per month until such time as the child shall attain the age of eighteen years or shall marry or die.~~

~~(b) --If the member is survived by two or more children under the age of eighteen years the children shall be paid an annuity which shall total one hundred and fifty dollars per month until such time as the children shall attain the age of eighteen years or shall marry or die.--When the number of children under the age of eighteen years and unmarried has been reduced to one, the annuity shall be reduced to seventy-five dollars per month.)~~ Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

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

Sec. 7. Section 43.43.280, chapter 8, Laws of 1965 and RCW 43.43.280 are each amended to read as follows:

(1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he may request upon a form provided by the retirement board a refund (~~(of all ex-parte)~~) of his contributions to the retirement fund, with interest at two and one-half percent compounded annually, and this amount shall be paid to him.

NEW SECTION. Sec. 8. There is added to chapter 8, Laws of 1965 and to chapter 43.43 RCW a new section to read as follows:

The provisions of this 1969 amendatory act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act.

NEW SECTION. Sec. 9. There is added to chapter 8, Laws of 1965 and to chapter 43.43 RCW a new section to read as follows:

If any provision of this chapter or its application to any person or circumstance is held invalid the remainder of the chapter, or its application of the provision to any other person or circumstances is not affected.

NEW SECTION. Sec. 10. Section 43.43.210, chapter 8, Laws of 1965 and RCW 43.43.210 are each repealed.

Passed the Senate February 24, 1969.

Passed the House March 1, 1969.

Approved by the Governor March 10, 1969.

Filed in office of Secretary of State March 10, 1969.

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CHAPTER 13  
[Engrossed House Bill No. 127]  
COMMON SCHOOL PLANT FACILITIES -- BONDS

AN ACT Relating to the common schools and the support thereof; autho-

rizing the sale of limited obligation bonds and the use of the proceeds for needed common school plant facilities, modernization of existing common school facilities; providing ways and means to pay said bonds; making appropriations; 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 common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-six million four hundred thousand dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized herein 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 1969 act, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

NEW SECTION. Sec. 3. Bonds issued under the provisions of this

1969 act shall distinctly state that they are not a general obligation bond of the state, but are payable in the manner provided in this 1969 act from that portion of the common school construction fund derived from the interest on the permanent common school fund. That portion of the common school construction fund derived from interest on the permanent common school fund is hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this 1969 act.

NEW SECTION. Sec. 4. The common school building bond redemption fund of 1967 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by this 1969 act. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this 1969 act. On July first of each year the state treasurer shall transfer such amount to the common school building bond redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by this 1969 act and this 1969 act shall not be deemed to provide an exclusive method of payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit of the state of Washington.

NEW SECTION. Sec. 6. The bonds herein authorized shall be fully

negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

NEW SECTION. Sec. 7. For the purpose of carrying out the provisions of this 1969 act funds appropriated to the state board of education from the common school building construction account of the general fund shall be allotted by the state board of education in accordance with the provisions of sections 7 through 15, chapter 3, Laws of 1961, extraordinary session: PROVIDED, That the state board of education shall not discriminate as to any school district either individually or by classification in the apportionment of funds under this 1969 act as to non-high school districts: PROVIDED FURTHER, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation or such amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

NEW SECTION. Sec. 8. There is hereby appropriated to the state board of education the following sums or so much thereof as may be necessary for the purpose of carrying out the provisions of this 1969 act: Twenty-six million four hundred thousand dollars from the common school building construction account of the general fund and five million seven hundred and fifty-five thousand four hundred and forty-six dollars from the common school construction fund.

In accordance with section 7 of this 1969 act, the state board of education is authorized to allocate for the purposes of carrying out the provisions of this 1969 act the entire amount of such appropriation as hereinabove in this section provided which is not already allocated for that purpose: PROVIDED, That expenditures against such allocation shall not exceed the amount appropriated in this section.

NEW SECTION. Sec. 9. If any section, paragraph, sentence, clause, phrase or word of this 1969 act shall be held to be invalid or unconstitutional, such 1969 act shall not affect nor impair the validity or constitutionality of any other section, paragraph, sentence, clause, phrase or word of this 1969 act. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this 1969 act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

NEW SECTION. Sec. 10. This 1969 act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect immediately.

Passed the House February 27, 1969.

Passed the Senate February 22, 1969.

Approved by the Governor March 8, 1969, with the exception of a certain item in Section 7, which is vetoed.

Filed in office of Secretary of State March 12, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This is an emergency school bond construction bill providing for the issuance of \$26,400,000 in bonds and appropriating \$5,755,446 to the state board of education to provide common school plant facilities and modernization of existing common school plant facilities.

Section 7 provides that funds appropriated for the purposes of the act shall be allotted by the state board of education. After the bill passed the House, the Senate added a proviso to the effect that the state board of education may not discriminate either individually or by classification as to non-high school districts in the apportionment of the funds authorized by this emergency act. This would require that non-high school districts receive bond funds if they qualify as emergency districts.

Under the present law the allocation of school building funds is the responsibility of the state board of education. The exercise of this power through appropriate rules and regulations is one of the most important functions of the board. The proviso deprives the board of education of a significant part of its responsibility to allocate funds among school districts.

If the legislature intends to withdraw from the board of education this duty, it should consider whether this principle should apply to all state school bond issues and not merely to the funds authorized by this act. Such a step should be taken only after the most careful consideration and in accordance with the normal legislative processes.

Elimination of this proviso from the act does not deprive any non-high district of the opportunity to apply for emergency funds. Elimination of the proviso does restore the responsibility for the allocation of funds for school construction to the board of education.

With the exception of the item in Section 7, which I have vetoed for the reasons set forth above, the remainder of the bill is approved."

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CHAPTER 14  
[Engrossed House Bill No. 375]  
PUBLIC ASSISTANCE --  
RECIPIENTS GENERALLY -- WORK INCENTIVE

AN ACT Relating to public assistance; adding new sections to chapter 26, Laws of 1959, and to Title 74 RCW as a new chapter thereof.

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

NEW SECTION. Section 1. The purpose of this chapter is to provide every recipient of public assistance the opportunity to find and prepare for employment: PROVIDED, That recipients of aid to families with dependent children may be subject to other similar work incentive programs. As to recipients of federal-aid assistance, the employment program shall be consistent with federal law and requirements entitling the state to matching funds.

NEW SECTION. Sec. 2. The department of public assistance shall seek to promptly refer to the department of employment security all employable recipients and such others as are selected as being appropriate for referral in accordance with the criteria and standards established by the department of public assistance under the employment program set forth in this chapter.

NEW SECTION. Sec. 3. The employment security department shall seek to develop an employability plan for such persons referred to it under section 2 of this 1969 act and determine whether such indi-

viduals can be placed in one of the following three service categories: (1) Employment in the regular economy, (2) institutional and work experience training likely to lead to regular employment, or (3) a program of special work projects for individuals for whom a job in the regular economy cannot be found, in accordance with the criteria and standards established by the employment security department pursuant to the employment program.

NEW SECTION. Sec. 4. In order to develop special work projects under the employment program set forth in this chapter, the employment security department is authorized to enter into agreements with public agencies and private nonprofit organizations, and with respect to developing special work projects for Indians on a reservation, with the respective Indian tribes represented on such reservation. The work provided thereunder must serve a useful public purpose and be such that would not otherwise be performed by regular employees.

NEW SECTION. Sec. 5. With respect to those individuals who are participating in a special work project established under the employment program, set forth in this chapter, the department of public assistance is authorized to pay the employment security department the amount of assistance the participant would otherwise be eligible to receive under his particular category of assistance or eighty percent of the participant's earnings under the project, whichever is lesser. These payments will be used by the employment security department under the special works contracts as wages to the individual participant. The department of public assistance will supplement any earnings so received by payments to the extent that such payments, when added to the earnings, will equal the amount of assistance he would otherwise qualify for under his particular category of assistance had he not participated in the project, plus twenty percent of his earnings from the project.

NEW SECTION. Sec. 6. When permitted by federal law, the employment security department is authorized to pay to any participant under service category (2), of section 3 of this 1969 act, training, an incentive payment of not more than thirty dollars per month. Such incentive

payments may be disregarded in determining the needs of such person under his particular category of assistance.

NEW SECTION. Sec. 7. The department of public assistance is authorized to pay or consider expenses for costs incidental to participation in any program under this chapter including necessary child care.

NEW SECTION. Sec. 8. Good cause for refusal of employment shall be deemed to exist under this chapter when: (1) The wage rate of the offered employment is substantially less favorable than that which prevails for similar work in the locality, or (2) the job is available because of a labor dispute, or (3) the job is not within the physical or mental capacity of the person, as established, when necessary, by competent professional authority, or (4) acceptance would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or (5) such employment would be inconsistent with the declared intent and purpose of this chapter.

NEW SECTION. Sec. 9. Good cause for refusal to participate in training or a special work project shall be deemed to exist under this chapter, when: (1) Participation would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or (2) participation will be unreasonable because the assignment would not be within the physical or mental capacity of the person as established, when necessary, by competent professional authority, or (3) such participation would be inconsistent with the declared intent and purpose of this chapter.

NEW SECTION. Sec. 10. The employment security department shall notify the department of public assistance whenever any person referred under the employment program provided for in this chapter refuses to accept employment or participate in training or a special work project. If the department of public assistance determines that any such person has refused employment or participation in the program without good cause, assistance shall be denied to such person.

NEW SECTION. Sec. 11. The employment security department and the department of public assistance are authorized to transfer funds between the two departments and to adopt rules and regulations necessary to carry out the purpose and provisions of this chapter.

NEW SECTION. Sec. 12. The state of Washington is hereby authorized to accept federal, private, or public funds from any source, including but not limited to funds available pursuant to the Manpower Development and Training Act of 1962, as amended, to carry out the purposes of this chapter.

NEW SECTION. Sec. 13. Sections 1 through 12 of this 1969 act are hereby added to chapter 26, Laws of 1959 and to Title 74 RCW, and shall constitute a new RCW chapter under Title 74 RCW.

Passed the House February 28, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 17, 1969.

Filed in office of Secretary of State March 17, 1969.

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CHAPTER 15

[Senate Bill No. 344]

PUBLIC ASSISTANCE -- RECIPIENTS OF AID TO FAMILIES  
WITH DEPENDENT CHILDREN -- WORK INCENTIVE

AN ACT Relating to work incentive programs for recipients of aid to families with dependent children; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature hereby expresses its intention to comply with the requirements under the federal social security act, as amended, creating a work incentive program for recipients of aid to families with dependent children.

NEW SECTION. Sec. 2. The purpose of this 1969 act is to establish a program utilizing all available manpower services, including those authorized under other provisions of law, under which individuals receiving aid to families with dependent children will be furnished incentives, opportunities, and necessary services in order to secure for such individuals (1) employment in the regular economy, (2) institutional and work experience training likely to lead to regular employment, and (3) participation in special work projects for those individuals for whom a job in the regular

economy cannot be found, thus restoring the families of such individuals to independence and useful roles in their communities. It is expected that the individuals participating in the program established under this 1969 act will acquire a sense of dignity, self-worth, and confidence which will flow from being recognized as a wage-earning member of society and that the example of a working adult in these families will have beneficial effects on the children in such families.

NEW SECTION. Sec. 3. The employment security department and the department of public assistance are hereby authorized to participate in and administer the work incentive program for recipients of public assistance consistent with the provisions of the federal social security act, as amended.

NEW SECTION. Sec. 4. The institutional and work experience training programs and special work projects developed under this 1969 act shall be confined to programs which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, except in cases of projects which involve emergencies or which are generally of a nonrecurring nature.

NEW SECTION. Sec. 5. The department of public assistance shall promptly seek to refer individuals who are selected as being appropriate for referral to the employment security department or other appropriate agencies for participation under the work incentive program in accordance with criteria and standards established by the department of public assistance.

NEW SECTION. Sec. 6. The employment security department shall seek to place such persons referred to it in employment in the regular economy, in institutional and work experience training likely to lead to regular employment, and in participation in special work projects in accordance with criteria and standards established by the employment security department pursuant to the work incentive program.

NEW SECTION. Sec. 7. Training incentives paid under the pro-

gram shall be disregarded in determining the needs of the individual for public assistance, consistent with the federal social security act.

NEW SECTION. Sec. 8. With respect to those individuals who are participating in a special work project established under the work incentive program, the department of public assistance is authorized to pay the employment security department the amount of assistance the participant would otherwise be eligible to receive under aid to families with dependent children or eighty percent of a participant's earnings under the project, whichever is lesser. These payments will be used by the employment security department under the special work contracts as wages to the individual participant. The department of public assistance will supplement any earnings so received by payments to the extent that such payments, when added to the earnings, will equal the amount of assistance he would otherwise qualify for under aid to families with dependent children had he not participated in the project, plus twenty percent of his earnings from the project.

NEW SECTION. Sec. 9. Good cause for refusal of employment shall be deemed to exist under this 1969 act when: (1) The wage rate of the offered employment is substantially less favorable than that which prevails for similar work in the locality, or (2) the job is available because of a labor dispute, or (3) the job is not within the physical or mental capacity of the person, as established, when necessary, by competent professional authority, or (4) acceptance would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or (5) such employment would be inconsistent with the declared intent and purpose of this act.

NEW SECTION. Sec. 10. Good cause for refusal to participate in training or a special work project under this 1969 act shall be deemed to exist, when: (1) Participation would be unreasonable be-

cause it would interrupt a program in process for permanent rehabilitation or self-support or conflict with a imminent likelihood of re-employment at the person's regular work, or (2) participation would be unreasonable because the assignment is not suited to the person's abilities or potential, or will not lead to realistic employment opportunities suited to the person's ability or potential, or (3) such participation would be inconsistent with the declared intent and purpose of this act.

NEW SECTION. Sec. 11. (1) Whenever any person referred to the employment security department under this work incentive program refuses to accept employment or participate in training or participate in a special work project without good cause as determined by the employment security department, he shall be notified in writing by said department of its determination which shall be served upon him personally or by mail. Unless appealed in writing within ten days from the date of receipt of such written determination, it shall become final.

(2) To the extent permitted by the federal social security act, as amended, the manner and conduct of hearings and administrative appeals concerning written determinations issued pursuant to this 1969 act shall be in accordance with hearings and administrative appeals held pursuant to the employment security act, Title 50 of the Revised Code of Washington.

NEW SECTION. Sec. 12. Upon notification by the employment security department to the department of public assistance that there has been a final determination that a person referred under this work incentive program has refused without good cause to accept employment or to participate in training or participate in a special work project, the department of public assistance, in accordance with the federal social security act, as amended, shall discontinue the assistance payment to such person or, if counseling is accepted, may continue such assistance payments for a period of not more than sixty days: PROVIDED, HOWEVER, That protective payments contemplated by

and authorized under the provisions of the federal social security act, as amended, shall be made in accordance therewith.

NEW SECTION. Sec. 13. The employment security department and the department of public assistance are authorized to do all things necessary to effectuate the work incentive program on the state level in accordance with federal requirements contained in the federal social security act, as amended, and to that extent are authorized to transfer funds between the two departments and to adopt rules and regulations necessary to carry out the purpose and provisions of this act.

NEW SECTION. Sec. 14. If any part of this 1969 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 1969 act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agency directly affected, and such finding or determination shall not affect the operation of the remainder of this 1969 act and its application to the agencies concerned.

NEW SECTION. Sec. 15. This 1969 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 4, 1969.  
Passed the House March 11, 1969.  
Approved by the Governor March 17, 1969.  
Filed in office of Secretary of State March 17, 1969.

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CHAPTER 16  
[House Bill No. 65]  
VETERANS' REEMPLOYMENT RIGHTS

AN ACT Relating to veterans' reemployment rights; and amending section 3, chapter 212, Laws of 1953 and RCW 73.16.035.

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

Section 1. Section 3, chapter 212, Laws of 1953 and RCW 73-16.035 are each amended to read as follows:

In order to be eligible for the benefits of RCW 73.16.031

through 73.16.061, an applicant must comply with the following requirements:

(1) He must furnish a receipt of an honorable discharge, report of separation, certificate of satisfactory service, or other proof of having satisfactorily completed his service. Rejectees must furnish proof of orders for examination and rejection.

(2) He must make written application to the employer or his representative within ninety days of the date of his separation or release from training and service. Rejectees must apply within thirty days from date of rejection.

(3) If, due to the necessity of hospitalization, while on active duty, he is released or placed on inactive duty and remains hospitalized, he is eligible for the benefits of RCW 73.16.031 through 73.16.061: PROVIDED, That such hospitalization does not continue for more than one year from date of such release or inactive status: PROVIDED FURTHER, That he applies for his former position within ninety days after discharge from such hospitalization.

(4) He must return and reenter the office or position within three months after serving four years or less: PROVIDED, That any period of additional service imposed by law, from which one is unable to obtain orders relieving him from active duty, will not affect his reemployment rights.

Passed the House February 18, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

CHAPTER 17  
 [Engrossed House Bill No. 93]  
 COUNTY JAIL PRISONERS--BOARD  
 ALLOWANCE--RATE

AN ACT Relating to county prisoner's board; and amending section 36.63.120, chapter 4, Laws of 1963 and RCW 36.63.120.

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

Section 1. Section 36.63.120, chapter 4, Laws of 1963 and RCW 36.63.120 are each amended to read as follows:

The board of county commissioners of each county in this state

shall (~~allow~~) annually at budget time establish a daily rate of allowance (~~((not-to-exceed-one-dollar-and-twenty-cents-per-day))~~) for the boarding of each prisoner confined in the county jail.

Passed the House March 5, 1969

Passed the Senate March 10, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

CHAPTER 18

[Engrossed House Bill No. 121]

GUARDIANSHIP -- INCOMPETENTS --

NOTICE OF PROCEEDINGS

AN ACT Relating to guardianship; and amending section 11.92.150, chapter 145, Laws of 1965 and RCW 11.92.150.

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

Section 1. Section 11.92.150, chapter 145, Laws of 1965 and RCW 11.92.150 are each amended to read as follows:

At any time after the issuance of letters of guardianship in the estate of any incompetent person, any person interested in said estate, or in such incompetent person, or any relative of such incompetent person, or any authorized representative of any agency, bureau, or department of the United States government from or through which any compensation, insurance, pension or other benefit is being paid, or is payable, may serve upon such guardian, or upon the attorney for such guardian, and file with the clerk of the court wherein the administration of such guardianship estate is pending, a written request stating that special written notice is desired of any or all of the following matters, steps or proceedings in the administration of such estate:

(1) Filing of petition for sales, exchanges, leases, mortgages, or grants of easements, licenses or similar interests in any property of the estate.

(2) Filing of all intermediate or final accountings or accountings of any nature whatsoever.

(3) Petitions by the guardian for family allowances or allowances for the incompetent or any other allowance of every nature from the funds of the estate.

(4) Petitions for the investment of the funds of the estate.

(5) Petition to terminate guardianship or petition for adjudication of competency.

Such request for special written notice shall designate the name, address and post office address of the person upon whom such notice is to be served and no service shall be required under this section and RCW 11.92.160 other than in accordance with such designation unless and until a new designation shall have been made.

When any account, petition, or proceeding is filed in such estate of which special written notice is requested as herein provided, the court shall fix a time for hearing thereon which shall allow at least ten days for service of such notice before such hearing; and notice of such hearing shall be served upon the person designated in such written request at least ten days before the date fixed for such hearing. The service may be made by leaving a copy with the person designated, or his authorized representative, or by mailing through the United States mail, with postage prepaid to the person and place designated.

Passed the House February 4, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

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CHAPTER 19  
 [Engrossed House Bill No. 143]  
 PROBATE -- EXECUTORS --  
 NONINTERVENTION POWERS

AN ACT Relating to probate; and amending section 11.68.010, chapter 145, Laws of 1965 and RCW 11.68.010.

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

Section 1. Section 11.68.010, chapter 145, Laws of 1965 and RCW 11.68.010 are each amended to read as follows:

In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that such estate shall be settled without the intervention of any court or courts, and where it duly appears to the court, by the inventory filed, and other

proof, that the estate is fully solvent, which fact may be established by an order of the court on the filing of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit the will to probate and to file a true inventory of all the property of such estate and give notice to creditors and to the body having charge of the collection of inheritance tax, in the manner required by law.

After the probate of any such will and the filing of the inventory all such estates may be managed and settled without the intervention of the court, if the last will and testament so provides. However, when the estate is ready to be closed the court, upon application, shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid, finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons entitled thereto. Such decree shall be made after notice given as provided for like decrees in the estates of persons dying intestate. If no application for a final decree is filed, the executor shall, when the administration of the estate has been completed, file a written declaration to that effect, and thereupon his powers shall cease.

~~((The-obtaining-of-any-interim-order-by-the-executor-of-a-non-intervention-will-shall-not-be-deemed-to-be-a-waiver-of-the-nonintervention-powers-of-such-executor.))~~ The executor of a nonintervention will shall not be deemed to waive his nonintervention powers by obtaining any order appointing appraisers, fixing or allowing appraiser's fees, dispensing with appraisement, or approving or allowing creditors' claims, nor by obtaining any other order or decree.

Passed the House February 11, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 18, 1969  
Filed in office of Secretary of State March 19, 1969

CHAPTER 20  
[House Bill No. 166]  
CITIES AND TOWNS -- REMOVAL OF  
DEBRIS FROM PRIVATE PROPERTY

AN ACT Relating to cities and towns; authorizing cities and towns to require the removal of debris from private property; and amending section 35.21.310, chapter 7, Laws of 1965 and RCW 35.21.310.

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

Section 1. Section 35.21.310, chapter 7, Laws of 1965 and RCW 35.21.310 are each amended to read as follows:

Any city or town may by general ordinance require the owner of any property therein to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and may further so require the owner of any property therein to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died, and to remove or destroy all debris, upon property owned or occupied by them and which are a fire hazard or a menace to public health, safety or welfare. The ordinance shall require the proceedings therefor to be initiated by a resolution of the governing body of the city or town, adopted after not less than five days' notice to the owner, which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction after notice given as required by said ordinance. The ordinance may provide that if such removal or destruction is not made by the owner after notice given as required by the ordinance in any of the above cases, that the city or town will cause the removal or destruction thereof and may also provide that the cost to the city or town shall become a charge against the owner of the property and a lien against the property. Notice of the lien herein authorized shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided by law for liens for labor and materials.

The provisions of this section are supplemental and additional

to any other powers granted or held by any city or town on the same or a similar subject.

Passed the House February 18, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in the office of Secretary of State March 19, 1969

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CHAPTER 21  
 [House Bill No. 573]  
 STATUTE LAW COMMITTEE -- MEMBERS'  
 PER DIEM AND TRAVEL ALLOWANCE

AN ACT Relating to state government; providing for expenses of members of the statute law committee; amending section 3, chapter 157, Laws of 1951 and RCW 1.08.005; and declaring an emergency.

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

Section 1. Section 3, chapter 157, Laws of 1951 and RCW 1.08-.005 are each amended to read as follows:

~~((Members of the committee shall serve without compensation, but shall be reimbursed for actual expenses incurred therefor or per diem rates as provided by law, but in no event shall actual expenses claimed exceed per diem rates provided by law.))~~

For attendance at meetings of the committee or in attending to such other business of the committee as may be authorized thereby, each legislative member of the committee shall receive the per diem and travel allowances provided for such members by RCW 44.04.120, and each other member shall be entitled to allowances at rates equivalent thereto.

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

Passed the House March 4, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

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CHAPTER 22  
 [House Bill No. 617]  
 HORSE RACING

AN ACT Relating to horse racing; amending section 1, chapter 55, Laws of 1933 as amended by section 1, chapter 236, Laws of 1949, and RCW 67.16.010; amending section 3, chapter 236, Laws of 1949 and RCW 67.16.080; and amending section 4, chapter 236, Laws of 1949 and RCW 67.16.090.

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

Section 1. Section 1, chapter 55, Laws of 1933, as amended by section 1, chapter 236, Laws of 1949, and RCW 67.16.010 are each amended to read as follows:

Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Person" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred, quarter horse, and appaloosa horse racing, or standard bred ~~((and)) harness ((quarter)) horse racing,~~ where the parimutuel system is used.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

Sec. 2. Section 3, chapter 236, Laws of 1949 and RCW 67.16-.080 are each amended to read as follows:

A quarter horse to be eligible for a race meet herein shall be duly registered with the American Quarter Horse Association. An appaloosa horse to be eligible for a race meet herein shall be duly registered with the National Appaloosa Horse Club or any successor thereto.

Sec. 3. Section 4, chapter 236, Laws of 1949 and RCW 67.16-.090 are each amended to read as follows:

In any race meet in which quarter horses, thoroughbred horses and appaloosa horses participate, only ~~((quarter)) horses of the same~~

breed shall be allowed to compete in any individual race.

Passed the House March 7, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

CHAPTER 23  
 [Engrossed House Bill No. 34]  
 RULES OF THE ROAD--EMERGENCY  
 VEHICLES

AN ACT Relating to rules of the road for emergency vehicles; and amending section 6, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.035.

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

Section 1. Section 6, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.035 are each amended to read as follows:

(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of ((~~audible and~~)) visual signals meeting the requirements of RCW 46.37.190, except that: (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle; (b) Authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency

nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Passed the House February 27, 1969

Passed the Senate March 11, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

CHAPTER 24

[Engrossed House Bill No. 188]

STATE COLLEGES--FIRE PROTECTION

AN ACT Relating to education; providing for fire protection; and declaring an emergency.

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

NEW SECTION. Section 1. Each board of trustees of the state colleges may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the college;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together with other agencies or political subdivisions of the state or federal government and otherwise share in the accomplishment of any of the purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to exercise any of its powers under this section nor anything herein shall detract from the lawful and existing powers and duties of political subdivisions of the state to provide the necessary fire protection equipment and services to persons and property within their jurisdiction.

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 institutions, and shall take effect immediately.

Passed the House February 28, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

CHAPTER 25  
 [Engrossed House Bill No. 512]  
 COURT FEES

AN ACT Relating to inferior courts; and amending section 110, chapter 299, Laws of 1961, as amended by section 1, chapter 55, Laws of 1965, and RCW 3.62.060; and amending section 1, chapter 249, Laws of 1953 as last amended by section 9, chapter 304, Laws of 1961, and RCW 27.24.070.

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

Section 1. Section 110, chapter 299, Laws of 1961, as amended by section 1, chapter 55, Laws of 1965, and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a justice court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of (~~four~~) six dollars. Fees for the support of county law libraries (~~shall be paid and collected according to the provisions of RCW 27.24.070~~) provided for in RCW 27.24.070 shall be paid by the clerk out of the filing fee provided for in this section. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action (~~+-PROVIDED, That if process in replevin, attachment, or garnishment shall issue therein, the party procuring such process shall pay to such court an additional sum of one dollar for each such process as the fees and charges of the court incident to the proceedings~~)).

Sec. 2. Section 1, chapter 249, Laws of 1953 as last amended by section 9, chapter 304, Laws of 1961, and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the clerk of the superior court shall pay from each fee collected for the filing in his

office of every new probate or civil matter, including appeals, abstracts or transcripts of judgments, the sum of three dollars for the support of the law library in that county, which shall be paid to the county treasurer to be credited to the county law library fund. There shall be paid from the filing fee paid by each person instituting an action, when the first paper is filed, to each justice of the peace in every civil action commenced in such court where the demand or value of the property in controversy is one hundred dollars or more, in addition to the other fees required by law the sum of one dollar and fifty cents as fees for the support of the law library in that county which are to be taxed as part of costs in each case ((+

~~(1)--By each person instituting an action, when the first paper is filed,~~

~~(2)--By each defendant, ether adverse party, or intervenor, appearing separately when his appearance is entered on his first paper filed)).~~

The justice of the peace shall pay such fees so collected to ~~((the))~~ the county treasurer to be credited to the county law library fund.

Passed the House February 28, 1969

Passed the Senate March 11, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

CHAPTER 26

[Engrossed Senate Bill No. 7]

RECREATION DISTRICTS ACT FOR COUNTIES

AN ACT Relating to county recreation districts; amending section 36.69.010, chapter 4, Laws of 1963 as amended by section 1, chapter 63, Laws of 1967, and RCW 36.69.010; amending section 36.69.020, chapter 4, Laws of 1963 as amended by section 2, chapter 63, Laws of 1967 and RCW 36.69.020; amending section 36.69.030, chapter 4, Laws of 1963 as amended by section 3, chapter 63, Laws of 1967 and RCW 36.69.030; amending section 36.69.130, chapter 4, Laws of 1963 as amended by section 4, chapter 63, Laws of 1967 and RCW 36.69.130; amending section 36.69.140, chapter 4, Laws of 1963 as amended by section 5,

chapter 63, Laws of 1967 and RCW 36.69.140; amending section 36.69.190, chapter 4, Laws of 1963 as amended by section 6, chapter 63, Laws of 1967 and RCW 36.69.190; and amending section 36.69.900, chapter 4, Laws of 1963 as amended by section 7, chapter 63, Laws of 1967 and RCW 36.69.900.

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

Section 1. Section 36.69.010, chapter 4, Laws of 1963 as amended by section 1, chapter 63, Laws of 1967 and RCW 36.69.010 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed in (~~class-AA-counties-and-class-A-counties-and-in-counties-of-the-second,-fourth,-eighth-or-ninth-class~~) each and every class of county as municipal corporations for the purpose of providing leisure time activities and facilities, including swimming pools, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

Sec. 2. Section 36.69.020, chapter 4, Laws of 1963 as amended by section 2, chapter 63, Laws of 1967 and RCW 36.69.020 are each amended to read as follows:

The formation of a park and recreation district (~~in-class AA-counties-and-class-A-counties-or-in-counties-of-the-second,-fourth,-eighth-or-ninth-class~~) shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters within the area so described. No person signing the petition may withdraw his name therefrom after filing.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the

cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the county commissioners who shall by resolution entered upon their minutes, receive it and fix a day and hour when they will publicly hear the petition, as provided in RCW 36.69.040.

Sec. 3. Section 36.69.030, chapter 4, Laws of 1963 as amended by section 3, chapter 63, Laws of 1967 and RCW 36.69.030 are each amended to read as follows:

A park and recreation district (~~(in class-AA-counties-and class-A-counties-and-in-counties-of-the-second,-fourth,-eighth-or ninth-class))~~) may include any unincorporated area in the state and, when any part of the proposed district lies within the corporate limits of any city or town, said petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town.

Sec. 4. Section 36.69.130, chapter 4, Laws of 1963 as amended by section 4, chapter 63, Laws of 1967 and RCW 36.69.130 are each amended to read as follows:

Park and recreation districts (~~(in class-AA-counties-and class-A-counties-and-in-counties-of-the-second,-fourth,-eighth-or ninth-class))~~) shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal

property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make charges for the use of facilities or for participation; (8) to make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental, or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; and (13) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter:

PROVIDED, That such improvement or acquisition is within the scope of the purposes granted to such park and recreation district.

Sec. 5. Section 36.69.140, chapter 4, Laws of 1963 as amended by section 5, chapter 63, Laws of 1967 and RCW 36.69.140 are each amended to read as follows:

A park and recreation district (~~(in class-AA-counties-or-in class-A-counties-or-in-counties-of-the-second,-fourth,-eighth-or ninth-class))~~) shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, as amended by Amendment 17, of the Constitution and by RCW 84.52.052. Such special, voted levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to one and

one-half percent of the assessed valuation of the taxable property within such district, and may provide for the retirement thereof by levies in excess of millage limitations in accordance with the provisions of RCW 84.52.056.

Sec. 6. Section 36.69.190, chapter 4, Laws of 1963, as amended by section 6, chapter 63, Laws of 1967 and RCW 36.69.190 are each amended to read as follows:

After a park and recreation district (~~(in class AA counties or class A counties or in counties of the second, fourth, eighth or ninth class)~~) has been organized, an additional area may be added by the same procedure within the proposed additional area as is provided herein for the organization of a park and recreation district, except that no first commissioners shall be nominated by the board of county commissioners or elected, and all electors within both the organized park and recreation district and the proposed additional territory shall vote upon the proposition for enlargement.

Sec. 7. Section 36.69.900, chapter 4, Laws of 1963 as amended by section 7, chapter 63, Laws of 1967 and RCW 36.69.900 are each amended to read as follows:

This chapter may be cited as the "Recreation Districts Act for (~~class AA counties, for class A counties, and for counties of the second, fourth, eighth or ninth class~~) Counties."

Passed the Senate February 3, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 18, 1969.

Filed in office of Secretary of State March 19, 1969.

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CHAPTER 27  
[Senate Bill No. 9]  
MOTOR VEHICLES

AN ACT Relating to motor vehicles; reenacting section 46.20.220, chapter 12, Laws of 1961 as last amended by section 28, chapter 32, Laws of 1967 and section 9, chapter 232, Laws of 1967, and RCW 46.20.220; reenacting section 43, chapter 121, Laws of 1965 ex. sess. as last amended by section 7, chapter 167, Laws of 1967 and section 52, chapter 145, Laws of 1967 ex. sess.,

and RCW 46.20.342; amending section 46.16.010, chapter 12.

Laws of 1961, as last amended by section 2, chapter 202, Laws of 1967, and RCW 46.16.010; and declaring an emergency.

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

Section 1. Section 46.20.220, chapter 12, Laws of 1961 as last amended by section 28, chapter 32, Laws of 1967 and section 9, chapter 232, Laws of 1967, and RCW 46.20.220, are each reenacted to read as follows:

(1) It shall be unlawful for any person to rent a motor vehicle of any kind including a motorcycle to any other person unless the latter person is then duly licensed as a vehicle driver for the kind of motor vehicle being rented in this state or, in case of a non-resident, then that he is duly licensed as a driver under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle driver's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director.

Sec. 2. Section 43, chapter 121, Laws of 1965 ex. sess. as last amended by section 7, chapter 167, Laws of 1967 and section 52, chapter 145, Laws of 1967 ex. sess., and RCW 46.20.342 are each reenacted to read as follows:

(1) Any person who drives a motor vehicle on any public high-

way 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. 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. 3. Section 46.16.010, chapter 12, Laws of 1961 as last amended by section 2, chapter 202, Laws of 1967, and RCW 46.16.010 are each amended to read as follows:

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: PROVIDED, That these provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily oper-

ating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size

and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44-.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

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.

#### EXPLANATORY NOTE

Section 1. RCW 46.20.220 was twice amended by the 1967 legislature. 1967 c 32 § 28 changed "operator's licenses" to "driver's licenses" and "peace officer" to "police officer". 1967 c 232 § 9 provided that persons renting motor vehicles be licensed for the kind of vehicle rented.

As these two amendments appear to be in different respects, the purpose of section 1 of this bill is to give effect to both amendments by reenacting the section with both amendments included in it.

Sec. 2. RCW 46.20.342 was amended in the regular session of the 1967 legislature by 1967 c 167 § 7 and was again amended in the extraordinary session of the 1967 legislature by 1967 ex.s. c 145 § 52, without reference to the earlier amendment. The 1967 regular session amendment provided for extension of the period of license revocation upon conviction of juveniles. The 1967 extraordinary session amendment provides additional punishment for persons upon a second or third offense.

As these two amendments appear to be in different respects, the purpose of section 2 of this bill is to give effect to both amendments by reenacting the section with both amendments included in it.

Sec. 3. RCW 46.16.010 was amended in the 1967 legislative session by 1967 c 202 § 2. The underlined phrase in the first paragraph was omitted, but not indicated as deleted. The purpose of section 3 of this bill is to correct this apparent error.

Passed the Senate January 31, 1969

Passed the House March 10, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

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#### CHAPTER 28

[Senate Bill No. 10]  
CITIES AND TOWNS

AN ACT Relating to cities and towns; amending section 35.27.520, chapter 7, Laws of 1965 as amended by section 16, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.520; amending section

35.38.020, chapter 7, Laws of 1965 as amended by section 5, chapter 132, Laws of 1967 and RCW 35.38.020; reenacting section 35.79.030, chapter 7, Laws of 1965, as last amended by section 1, chapter 123, Laws of 1967 and section 1, chapter 129, Laws of 1967 ex. sess. and RCW 35.79.030; and declaring an emergency.

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

Section 1. Section 35.27.520, chapter 7, Laws of 1965 as amended by section 16, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.520 are each amended to read as follows:

In every town a police justice shall be appointed from among the regularly elected justices of the peace or any practicing attorney and shall receive such salary in addition to his salary as justice of the peace as the council by ordinance may direct and shall give such bond or additional bond as the council may provide: PROVIDED, That the council of every town having a population under five thousand may provide that the mayor may appoint any person, without regard to whether he is a justice of the peace or practicing attorney, to the office of police justice, for a period of four years from and after the date of his appointment, and he shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office.

Sec. 2. Section 35.38.020, chapter 7, Laws of 1965 as amended by section 5, chapter 132, Laws of 1967 and RCW 35.38.020 are each amended to read as follows:

Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the comptroller, file with the city comptroller a contract with the city wherein the bank agrees to pay such rate of interest on the cash daily balance of all municipal funds kept by such treasurer in said bank, while acting as such depositary, as shall be fixed from

time to time by the city finance committee; such payments to be made monthly to the city while said deposit continues in such depository. The contract shall run to the city and be in such form as shall be approved by the mayor or corporation counsel.

Such bank shall also file with the comptroller of such city a surety bond or bonds to the city in the amount of the deposits of such city that may be carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the said treasurer; or in lieu thereof shall deposit with the comptroller any of the following enumerated securities, if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of the funds deposited by said treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) (a) Direct and general obligation bonds and warrants of the state of Washington, or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the state of Washington, having the power to levy general taxes, which are payable from general ad valorem taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW as now or hereafter amended;

(5) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obliga-

tions of such city: PROVIDED, That said comptroller need not accept for deposit any collateral described in this subdivision if in his judgment it is not desirable so to do;

(6) In addition to the foregoing, every city depository may also deposit with the city comptroller such bonds, securities and other obligations as 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 as now or hereafter amended.

Such surety bonds or securities shall be in such form as shall be approved by the corporation counsel of the city and the sufficiency of such surety bonds or such securities shall be approved by the mayor and comptroller of the city. When such bonds have been duly approved and filed with the comptroller, he shall immediately certify to the city treasurer the amount of bonds or securities filed by such bank or banks, whereupon the city treasurer shall be authorized to make deposits in such bank.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

NEW SECTION. Sec. 3. Any action effected in accordance with the provisions of the last two paragraphs of section 2 of this 1969 amendatory act during the period from June 8, 1967 until the effective date of this 1969 amendatory act is hereby declared valid.

Sec. 4. Section 35.79.030, chapter 7, Laws of 1965, as last amended by section 1, chapter 123, Laws of 1967 and section 1, chapter 129, Laws of 1967 ex. sess. and RCW 35.79.030 are each reenacted

to read as follows:

The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated: PROVIDED, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services: PROVIDED FURTHER, That no city or town shall be authorized or have authority to vacate such street, or alley, or any parts thereof if any portion thereof abuts on a body of salt or fresh water unless such vacation be sought to enable the city, town, port district or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational, or educational purposes, or other public uses. This proviso shall not apply to industrial zoned property. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located.

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.

EXPLANATORY NOTE

Section 1. This section corrects an apparent clerical error in RCW 35.27.520 by adding the word "or" in the last phrase of the proviso.

Secs. 2 and 3. The last two paragraphs of RCW 35.38.020 were omitted, but not indicated as deleted, when the section was amended by the 1967 legislature (1967 c 132 § 5). Section 2 of this bill corrects the apparently inadvertent omission by replacing the omitted material in its original form as enacted by 1965 c 7. Section 3 validates any action taken during the omission period.

Sec. 4. RCW 35.79.030 was amended in the 1967 regular session of the legislature by 1967 c 123 § 1 and was again amended in the extraordinary session of the legislature by 1967 ex.s. c 129 § 1 without reference to the earlier amendment. The 1967 regular session amendment added the last sentence to the section pertaining to filing of the ordinance. The 1967 extraordinary session amendment pertains to the compensation of cities or towns by the owners of abutting property before the ordinance becomes effective. 1967 ex.s. c 129 § 1 also added the last proviso pertaining to the purposes for which cities and towns may vacate property.

Since these two amendments appear to be in different respects, the purpose of section 4 of this bill is to give effect to both amendments by reenacting the section with both amendments included in it.

Passed the Senate January 31, 1969

Passed the House March 10, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

CHAPTER 29

[Senate Bill No. 11]

PROBATION AND PAROLE

AN ACT Relating to the division of probation and parole; amending section 4, chapter 227, Laws of 1957, as last amended by section 16, chapter 134, Laws of 1967 and section 8, chapter 200, Laws of 1967, and RCW 9.95.210; consolidating said 1967 amendments; and declaring an emergency.

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

Section 1. Section 4, chapter 227, Laws of 1957, as last amended by section 16, chapter 134, Laws of 1967 and section 8, chapter 200, Laws of 1967, (said 1967 amendments being hereby consolidated), and RCW 9.95.210 are each amended to read as follows:

The court in granting probation, may suspend the imposing or

the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the supervisor of the division of probation and parole of the department of institutions or such officer as the supervisor may designate and as a condition of said probation to follow implicitly the instructions of the supervisor of probation and parole. The supervisor of probation and parole with the approval of the director of institutions will promulgate rules and regulations for the conduct of such person during the term of his probation: PROVIDED, That for defendants found guilty in justice court, like functions as the (~~heard-of-prison-terms-and-paroles~~) supervisor of probation and parole performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

NEW SECTION. Sec. 2. This act is necessary for the immediate

preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

#### EXPLANATORY NOTE

RCW 9.95.210 was twice amended by the 1967 legislature. 1967 c 134 § 16 transferred certain powers and duties of the board of prison terms and paroles to the division of probation and parole of the department of institutions. 1967 c 200 § 8 added the proviso at the end of the section. The language of the proviso has been amended in this bill to bring it into conformity with the rest of the section, and to consolidate and give effect to both 1967 amendments.

Passed the Senate February 5, 1969

Passed the House March 10, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

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#### CHAPTER 30 [Senate Bill No. 12] ELECTRICIANS AND ELECTRICAL INSTALLATIONS

AN ACT Relating to electricians and electrical installations; reenacting section 4, chapter 169, Laws of 1935 as last amended by section 2, chapter 88, Laws of 1967 and section 1, chapter 15, Laws of 1967 ex. sess., and RCW 19.28.120; and declaring an emergency.

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

Section 1. Section 4, chapter 169, Laws of 1935 as last amended by section 2, chapter 88, Laws of 1967 and section 1, chapter 15, Laws of 1967 ex. sess. and RCW 19.28.120 are each reenacted to read as follows:

It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue, and the fee for such license shall be one hundred dollars. Application for such license

shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus or appliances, or install material to enclose, fasten, insulate, or support such wires or equipment, to be operated by such current, in any and all places in the state of Washington. The application for such license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund," and the department of labor and industries shall thereupon issue said license. Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installa-

tion is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon such work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto.

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

#### EXPLANATORY NOTE

RCW 19.28.120 was amended in the 1967 regular session of the legislature by 1967 c 88 § 2 and was again amended in the extraordinary session of the 1967 legislature by 1967 ex.s. c 15 § 1 without reference to the earlier amendment. The 1967 regular session amendment added the installation of material to "enclose, fasten, insulate or support wires or equipment" to the rights of license holders. The 1967 extraordinary session amendment increased the amount of the bond accompanying the application for license, and included within the conditions of the bond that the principal pay employee benefits, and taxes and contributions to the state.

As these two amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments by reenacting the section with both amendments included in it.

Passed the Senate February 5, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 18, 1969  
Filed in office of Secretary of State March 19, 1969

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CHAPTER 31  
[Senate Bill No. 13]  
FIRST CLASS CITIES--  
EMPLOYEES' RETIREMENT SYSTEM

AN ACT Relating to municipal corporations; amending section 14,

chapter 207, Laws of 1939, as last amended by section 4, chapter 185, Laws of 1967, and RCW 41.28.130; and declaring an emergency.

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

Section 1. Section 14, chapter 207, Laws of 1939, as last amended by section 4, chapter 185, Laws of 1967, and RCW 41.28.130 are each amended to read as follows:

(1) A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of paragraph (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member.

(c) For any member having credit for prior service an additional pension, purchased by the contributions of the city equal to one and one-third percent of the final compensation, multiplied by the number of years of prior service credited to said member, except that if a member shall retire before attaining the age of sixty-two years, the additional pension shall be reduced to an amount which shall be equal to a lesser percentage of final compensation, multiplied by the number of years of prior service credited to said member, which lesser percentage shall be applied to the respective ages of retirement in accordance with the following tabulation:

Retirement age	Percentage
62 .....	1.333
61 .....	1.242
60 .....	1.158
59 .....	1.081
58 .....	1.010
57 .....	0.945

56	.....	0.885
55	.....	0.829
54	.....	0.778
53	.....	0.731
52	.....	0.687
51	.....	0.646
50	.....	0.608

(2) If the retirement allowance of the member as provided in this section, exclusive of any annuity purchased by his accumulated additional contributions, is in excess of two-thirds of his final salary, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance, exclusive of any annuity purchased by his accumulated additional contributions, equal to two-thirds of his final salary, and the actuarial equivalent of such reduction shall remain in the retirement fund to the credit of the city: PROVIDED, That the retired member will be granted a cost of living increase, in addition to the allowance provided in this section, of one percent commencing January 1, 1968 and an additional one percent on the first day of each even-numbered year thereafter if the U. S. Bureau of Labor Statistics' Cost of Living Index has increased one percent or more since the last cost of living increase in the member's retirement allowance; such increases shall apply only to retirement allowances approved on or after January 1, 1967.

(3) Any member, who enters the retirement system on July 1, 1939, or who enters after that date and who is given the credit for prior service, and who is retired by reason of attaining the age of seventy years, shall receive such additional pension on account of prior service, purchased by the contributions of the city, as will make his total retirement allowance not less than four hundred twenty dollars per year.

(4) Any member who, at the time of his retirement, has at least ten years of creditable service, as defined in this chapter,

and who has attained the age of sixty-five years or over, shall receive such additional pension, purchased by the contributions of the city, as will make his total retirement allowance not less than nine hundred sixty dollars per year.

NEW SECTION. Sec. 2. Any action effected in accordance with the provisions of the last two paragraphs of section 1 of this 1969 amendatory act during the period of from June 8, 1967 until the effective date of this 1969 amendatory act is hereby declared valid.

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

#### EXPLANATORY NOTE

The last two paragraphs, (3) and (4), of RCW 41-.28.130 were omitted, but not indicated as deleted, in the 1967 amendment of the section (1967 c 185 § 4). The section is corrected in this bill by restoring the omitted material to correct this apparently inadvertent omission.

Passed the Senate January 31, 1969

Passed the House March 10, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

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CHAPTER 32  
[Senate Bill No. 14]  
STATE GOVERNMENT--CODE  
DEPARTMENTS ENUMERATED--  
PURCHASING

AN ACT Relating to state government; reenacting section 43.17.010, chapter 8, Laws of 1965 as last amended by section 12, chapter 242, Laws of 1967 and section 12, chapter 26, Laws of 1967 ex. sess., and RCW 43.17.010; reenacting section 43.17.020, chapter 8, Laws of 1965 as last amended by section 13, chapter 242, Laws of 1967 and section 13, chapter 26, Laws of 1967 ex. sess., and RCW 43.17.020; reenacting section 43.19.190, chapter 8, Laws of 1965, as last amended by section 51, chapter 8, Laws of 1967 ex. sess., and section 2, chapter 104, Laws of 1967 ex. sess., and RCW 43.19.190; and declaring an emergency.

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

Section 1. Section 43.17.010, chapter 8, Laws of 1965 as last amended by section 12, chapter 242, Laws of 1967 and section 12, chapter 26, Laws of 1967 ex. sess., and RCW 43.17.010 are each reenacted to read as follows:

There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of water resources, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of fisheries, (8) the department of game, (9) the department of highways, (10) the department of motor vehicles, (11) the department of general administration, (12) the department of commerce and economic development, and (13) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 2. Section 43.17.020, chapter 8, Laws of 1965 as last amended by section 13, chapter 242, Laws of 1967 and section 13, chapter 26, Laws of 1967 ex. sess., and RCW 43.17.020 are each reenacted to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of institutions, (3) the director of health, (4) the director of water resources, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of fisheries, (8) the director of game, (9) the director of highways, (10) the director of motor vehicles, (11) the director of general administration, (12) the director of commerce and economic development, and (13) the director of revenue.

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

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

Sec. 3. Section 43.19.190, chapter 8, Laws of 1965 as last amended by section 51, chapter 8, Laws of 1967 ex. sess., and section 2, chapter 104, Laws of 1967 ex. sess., and RCW 43.19.190, are each reenacted to read as follows:

The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing advisory committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: PROVIDED, That acceptance of the limited

purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the director after consultation with the state purchasing advisory committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the purchasing advisory committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

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.

#### EXPLANATORY NOTE

Sections 1 and 2. RCW 43.17.010 and 43.17.020 were amended in the 1967 regular session of the legislature by 1967 c 242 §§ 12 and 13, and were again amended in the extraordinary session of the 1967 legislature by 1967 ex.s. c 26 §§ 12 and 13 without reference to the earlier amendments.

RCW 43.17.010 was amended by 1967 c 242 § 12 changing the department of conservation to the department of water resources. 1967 ex.s. c 26 § 12 added the department of revenue to the section.

RCW 43.17.020 was amended by 1967 c 242 § 13

changing the director of conservation to the director of water resources, and also providing in accordance with other law for the appointment of the director of game by the game commission. 1967 ex.s. c 26 § 13 added the director of revenue to the section.

As the amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments to both sections by reenacting the sections with the amendments included in them.

Sec. 3. RCW 43.19.190 was twice amended by the 1967 extraordinary session. 1967 ex.s. c 8 § 51 provided for the purchase of supplies and equipment for community colleges through the division of purchasing. 1967 ex.s. c 104 § 2 provided for a state purchasing advisory committee.

As these amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments by reenacting the section with both amendments included in it.

Passed the Senate January 31, 1969

Passed the House March 10, 1969

Approved by the Governor March 18, 1969

Filed in office of Secretary of State March 19, 1969

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CHAPTER 33  
[Senate Bill No. 15]  
MOTOR FREIGHT CARRIERS

AN ACT Relating to motor freight carriers; reenacting section 81-.80.060, chapter 14, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1967 and section 77, chapter 145, Laws of 1967 ex. sess., and RCW 81.80.060; and declaring an emergency.

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

Section 1. Section 81.80.060, chapter 14, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1967 and section 77, chapter 145, Laws of 1967 ex. sess., and RCW 81.80.060 are each reenacted to read as follows:

Every person who engages for compensation to perform a combination of services a substantial portion of which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the commission as to such transportation and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the commission what portion of the consideration is intended to cover

the transportation service and if the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the commission in the same manner that the rates of common and contract carriers are now controlled and regulated. Any person engaged in extracting and/or processing and, in connection therewith, hauling materials exclusively for the maintenance, construction or improvement of a public highway shall not be deemed to be performing a combination of services.

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

#### EXPLANATORY NOTE

RCW 81.80.060 was amended in the regular session of the 1967 legislature by 1967 c 69 § 2 and was again amended in the extraordinary session of the 1967 legislature by 1967 ex.s. c 145 § 77 without reference to the earlier amendment. 1967 ex.s. c 145 § 77 changed the last sentence of the section by providing that persons "engaged in extracting and/or processing, and in connection therewith, hauling materials exclusively for the maintenance, construction or improvement of a public highway shall not be deemed to be performing a combination of services". The 1967 regular session amendment changed the first sentence of the section by providing that persons who perform a combination of services "a substantial portion of which includes transportation of property of others upon the public highways" be subject to the jurisdiction of the commission, and must obtain a common carrier or contract carrier permit.

As these two amendments appear to be in different respects, the purpose of this bill is to give effect to both by reenacting the section with both amendments included in it.

Passed the Senate February 18, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 18, 1969  
Filed in office of Secretary of State March 19, 1969

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CHAPTER 34  
[Senate Bill No. 16]  
PROPERTY TAXES--  
PUBLIC PROPERTY EXEMPTION

AN ACT Relating to property taxes; reenacting section 84.36.010, chapter 15, Laws of 1961 as last amended by section 35, chapter 145, Laws of 1967 ex. sess. and section 31, chapter 149, Laws of 1967 ex. sess., and RCW 84.36.010; and declaring an emergency.

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

Section 1. Section 84.36.010, chapter 15, Laws of 1961 as last amended by section 35, chapter 145, Laws of 1967 ex. sess. and section 31, chapter 149, Laws of 1967 ex. sess., and RCW 84.36.010, are each reenacted to read as follows:

All property belonging exclusively to the United States, the state, any county or municipal corporation, and all property under order of immediate possession and use pursuant to RCW 8.04.090, shall be exempt from taxation. All property belonging exclusively to a foreign national government shall be exempt from taxation if such property is used exclusively as an office or residence for a consul or other official representative of such foreign national government, and if the consul or other official representative is a citizen of such foreign nation.

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

#### EXPLANATORY NOTE

RCW 84.36.010 was twice amended in the extraordinary session of the 1967 legislature. 1967 ex.s. c 145 § 35 added "all property under order of immediate possession and use pursuant to RCW 8.04.090" to the public property exemption. 1967 ex.s. c 149 § 31 provided that property exclusively owned by a foreign national government if such property is used for a residence or office by a consul or representative who is a citizen of such foreign nation, is tax-exempt property.

As these two amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments by reenacting the section with both amendments included in it.

Passed the Senate February 22, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

CHAPTER 35  
 [Senate Bill No. 130]  
 SECOND CLASS CITIES--  
 POLICE JUDGE PRO TEMPORE

AN ACT Relating to local government; and amending section 35.23.650, chapter 7, Laws of 1965, and RCW 35.23.650.

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

Section 1. Section 35.23.650, chapter 7, Laws of 1965, and RCW 35.23.650 are each amended to read as follows:

In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the mayor shall appoint from among the practicing attorneys (~~(and-qualified-e-lectors-of-the-city)~~) , a police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: PROVIDED, That such appointment shall not continue for a longer period than the absence or inability of the police judge. Such police judge pro tempore shall receive such compensation for such services as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

Passed the Senate February 11, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

CHAPTER 36  
 [Senate Bill No. 136]  
 STEELHEAD TROUT--STATE FISH

AN ACT Relating to the official state fish; 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 species of trout commonly called "Steelhead Trout" (*salmo gairdnerii*) is hereby designated as the official fish of the state

of Washington.

Passed the Senate February 13, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 18, 1969  
Filed in office of Secretary of State March 19, 1969

CHAPTER 37  
[Senate Bill No. 386]  
CITIZENS AIDING POLICE--  
IMMUNITIES

AN ACT Relating to the grant of civil and criminal immunity to citizens aiding police; and creating a new section.

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

NEW SECTION. Section 1. Private citizens aiding a police officer, or other officers of the law in the performance of their duties as police officers or officers of the law, shall have the same civil and criminal immunity as such officer, as a result of any act or commission for aiding or attempting to aid a police officer or other officer of the law, when such officer is in imminent danger of loss of life or grave bodily injury or when such officer requests such assistance and when such action was taken under emergency conditions and in good faith.

Passed the Senate March 3, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 18, 1969  
Filed in office of Secretary of State March 19, 1969

CHAPTER 38  
[Senate Bill No. 216]  
MECHANICS' AND MATERIALMEN'S  
LIENS

AN ACT Relating to liens; and amending section 12, chapter 24, Laws of 1893, as amended by section 10, chapter 279, Laws of 1959 and RCW 60.04.130.

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

Section 1. Section 12, chapter 24, Laws of 1893, as amended by section 10, chapter 279, Laws of 1959, and RCW 60.04.130 are each amended to read as follows:

In every case in which different liens are claimed against the same property, the court, in the judgment, must declare the rank of such lien or class of liens, which shall be in the following order:

- (1) All persons performing labor.
- (2) All persons furnishing material or supplying equipment.
- (3) The subcontractors.
- (4) The original contractors.

The proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against any party personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow to the prevailing party in the action, whether plaintiff or defendant, as part of the costs of the action, the moneys paid for filing or recording the claim, and a reasonable attorney's fee in the superior and supreme court.

Passed the Senate March 4, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

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CHAPTER 39  
 [Engrossed Senate Bill No. 49]  
 STATE SCHOOLS FOR BLIND AND  
 DEAF

AN ACT Relating to public institutions; amending section 72.40.040, chapter 28, Laws of 1959, and RCW 72.40.040.

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

Section 1. Section 72.40.040, chapter 28, Laws of 1959, and RCW 72.40.040 are each amended to read as follows:

The institutions shall be free to residents of the state between the ages of six and twenty-one years, and who are blind or deaf, and who are free from loathsome or contagious diseases: PROVIDED, That children under the age of six, who are otherwise qualified may be admitted to the institution, if in the discretion of the superintendent-

ent they are proper subjects to receive the training given in the institution and the facilities are adequate for proper care and training: PROVIDED FURTHER, That students over the age of twenty-one years, who are otherwise qualified may be retained at the institution, if in the discretion of the superintendent in consultation with the faculty they are proper subjects to receive further training given at the institution and the facilities are adequate for proper care and training.

Passed the Senate February 28, 1969  
 Passed the House March 11, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

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CHAPTER 40  
 [Senate Bill No. 88]  
 INTERLOCAL COOPERATION ACT--  
 SCHOOL DISTRICTS

AN ACT Relating to intergovernmental cooperation; and amending section 3, chapter 239, Laws of 1967 and RCW 39.34.020.

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

Section 1. Section 3, chapter 239, Laws of 1967 and RCW 39.34-.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, port district, school district, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

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

Passed the Senate January 31, 1969  
 Passed the House March 11, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

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CHAPTER 41  
 [Senate Bill No. 233]  
 WALLACE FALLS STATE PARK

AN ACT Relating to state parks; and amending section 2, chapter 146, Laws of 1965.

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

Section 1. Section 2, chapter 146, Laws of 1965 is amended to read as follows:

In addition to all other powers and duties provided by law, the state parks and recreation commission is hereby directed to acquire such real property upon which Wallace Falls on the Wallace River in Snohomish county is located together with such real property in the vicinity thereof as it deems necessary for park purposes.

The state parks and recreation commission shall acquire such property in any manner authorized by law for the acquisition of lands for park and parkway purposes (~~(other-than-by-condemnation)~~).

Passed the Senate February 14, 1969  
 Passed the House March 11, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

CHAPTER 42  
 [Senate Bill No. 305]  
 MOTORCYCLES--EQUIPMENT

AN ACT Relating to motor vehicles; and amending section 4, chapter 232, Laws of 1967 and RCW 46.37.530.

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

Section 1. Section 4, chapter 232, Laws of 1967 and RCW 46.37-.530 are each amended to read as follows:

It shall be unlawful:

(1) For any person to operate a motorcycle not equipped with a mirror on ~~((each))~~ the left side of the handlebars ~~((thereof))~~, ~~((two))~~ mirror~~((s))~~ shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle.

(2) For any person to operate a motorcycle in excess of thirty-five miles per hour which does not have a windshield unless he wears goggles or a face shield of a type approved by the commission. The commission is hereby authorized and empowered to adopt and amend regulations covering the types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications of the established list hereunder.

(3) For any person to operate or ride upon a motorcycle unless

he wears a protective helmet of a type approved by the commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle is in motion. The commission is hereby authorized and empowered to adopt and amend regulations covering the types of helmet and the special specifications therefor and to establish, maintain, and distribute to law enforcement agencies throughout the state a list of approved helmets which meet the specifications to be established by the commission on equipment.

Passed the Senate March 6, 1969  
 Passed the House March 11, 1969  
 Approved by the Governor March 18, 1969  
 Filed in office of Secretary of State March 19, 1969

CHAPTER 43  
 [Engrossed House Bill No. 243]  
 OSAKA WORLD EXPOSITION--  
 STATE PARTICIPATION

AN ACT Relating to world fairs; authorizing participation by the state of Washington in the 1970 world exposition to be held in Osaka, Japan; describing powers and duties; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The 1967 legislature, by virtue of chapter 138, Laws of 1967 ex. sess. created a world fair commission to study the feasibility and desirability of state participation in the 1970 world exposition to be held in Osaka, Japan, and to report its conclusions and recommendations to the 1969 legislature. The commission has met, has studied the matter, has issued its report, and has concluded that participation by the state is both feasible and desirable and so recommends.

NEW SECTION. Sec. 2. The legislature accepts the findings of the commission. The state of Washington, acting through its duly constituted agents, is hereby authorized to participate in the 1970 world exposition to be held in Osaka, Japan, March 15 to September 13, 1970.

NEW SECTION. Sec. 3. The development of a site (to be made

available to the state pursuant to the rules and regulations of the Bureau of International Expositions) and the purchase, construction, or acquisition of buildings, equipment and appurtenances therefor, suitable for use for a world fair presentation is hereby declared to be a state purpose.

NEW SECTION. Sec. 4. There is hereby created the world fair commission to be composed of seven members as follows: The lieutenant governor, the director of the department of general administration, the director of the department of commerce and economic development who shall also serve as chairman of the commission, and four citizen members to be appointed by the governor.

NEW SECTION. Sec. 5. There is hereby created a world fair legislative committee composed of five members to be selected as follows:

Two senators (being one from the senate majority and one from the senate minority), by the presiding officer of the senate, and two representatives (being one from the house majority and one from the house minority) by the speaker of the house of representatives, who shall also be a member. The senate and house members of the committee shall serve the commission in an advisory capacity only.

NEW SECTION. Sec. 6. Members of the commission and the committee shall serve without compensation but shall receive while on official business the sum of twenty-five dollars per day in lieu of per diem, plus necessary travel expenses, and shall meet at such times as they are called by the governor or chairman of the commission.

Vacancies occurring on the commission or committee shall be filled in the same manner and from the same sources as the original appointment.

The commission may employ such staff and personnel as is necessary to carry out its duties.

NEW SECTION. Sec. 7. The members of the world fair commission may form a nonprofit corporation under the provisions of chapter

24.04 RCW or any act successor thereto. In the event that such a corporation is formed, the members of the corporation shall be members so long as they are members of the commission or until their successors are appointed and qualify.

NEW SECTION. Sec. 8. The world fair commission shall have the power to accept and develop a site at the 1970 world exposition; let contracts for the construction of buildings, displays, exhibits, and do any other thing necessary to a successful presentation; employ personnel to represent the state at the exposition; and provide for the dismantling of the exhibit at the conclusion of the exposition.

The commission is further empowered to dispose of all equipment and other salvage in any manner deemed advantageous to it. Any funds realized from the sale or other disposal of such equipment and salvage shall be remitted to the general fund. If in the judgment of the commission there are any items remaining which have a future potential for promotion of the state, the commission shall turn such items over to the department of commerce and economic development for future state use and/or disposition.

Any funds realized from the sale of souvenirs or mementos commemorating the state's participation in the 1970 world exposition over and above the cost thereof shall be remitted to the general fund.

NEW SECTION. Sec. 9. There is hereby appropriated to the department of commerce and economic development from the general fund the sum of nine hundred seventy-five thousand dollars to carry out the purposes of this act. The department shall act as disbursing agent for the commission and shall provide assistance to the commission within the capabilities of the staff.

NEW SECTION. Sec. 10. Recognizing the critical time limitations imposed by the Japan Association for the 1970 World Exposition and approved by the Bureau of International Expositions and further recognizing the quantity of effort needed for a successful presentation, the legislature hereby declares time to be of the essence.

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.

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 House March 5, 1969.  
 Passed the Senate March 13, 1969.  
 Approved by the Governor March 19, 1969.  
 Filed in office of Secretary of State March 19, 1969.

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CHAPTER 44  
 [House Bill No. 383]  
 ADVISORY COUNCIL  
 ON NUCLEAR ENERGY AND RADIATION

AN ACT Relating to the development, regulation, and utilization of sources of ionizing radiation; and amending section 7, chapter 207, Laws of 1961 as amended by section 4, chapter 88, Laws of 1965, and RCW 70.98.070.

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

Section 1. Section 7, chapter 207, Laws of 1961 as amended by section 4, chapter 88, Laws of 1965, and RCW 70.98.070 are each amended to read as follows:

(1) There is hereby created an advisory council on nuclear energy and radiation, hereinafter referred to as the council, consisting of seven members appointed by the governor and serving at his pleasure. Membership on the advisory council shall include, but not be limited to, representatives from industry, labor, the healing arts, research and education. In addition the directors of the department of health, department of labor and industries, department of agriculture, ~~((and the))~~ department of commerce and economic development, and the chairman of the interagency committee for outdoor recreation shall serve as ex officio members of the council. The governor shall designate from his appointees a member to serve as chairman of the council. Members of the council shall receive no salary or compensation for services but shall be reimbursed for actual expenses incurred while engaged in the business of the council.

(2) The council shall:

(a) Review and evaluate policies and programs of the state relating to ionizing radiation.

(b) Make recommendations to the governor and furnish such advice as may be required on matters relating to development, utilization, and regulation of sources of ionizing radiation.

(c) Make an annual report to the governor.

(d) Review, after any agency, agencies, board or commission has held any public hearing required by this chapter or chapter 34.04 prior to promulgation and filing with the code reviser, the proposed rules and regulations of the state radiation control agency and all other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to determine that such rules and regulations are consistent with rules and regulations of other agencies, boards, and commissions of the state. Proposed rules and regulations shall not be filed with the code reviser until sixty days after submission to the council unless the council waives all or any part of such sixty day period.

(e) When the council determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards, or commissions of the state, the council will so advise the governor and the appropriate agency, agencies, boards or commissions, and consult with them in an effort to resolve any such inconsistencies.

(f) Have the power to employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to properly carry out the duties of the council from whatever funds which may be made available to the council for such purpose, including the power to employ an executive secretary to perform the administrative functions of the council.

Passed the House March 8, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 19, 1969.

Filed in office of Secretary of State March 19, 1969.

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CHAPTER 45  
[Engrossed House Bill No. 407]  
STATE PERSONNEL ADMINISTRATION

AN ACT Relating to state government; amending section 2, chapter 1, Laws of 1961, as amended by section 48, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.020; amending section 8, chapter 1, Laws of 1961, and RCW 41.06.080; adding new sections to chapter 1, Laws of 1961 and to chapter 41.06 RCW; repealing section 6, chapter 1, Laws of 1961, and RCW 41.06.060; declaring an emergency; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

The purpose of this 1969 amendatory act is to provide for a more effective and efficient management of the state system for personnel administration by consolidating under the state personnel board and the department of personnel all the powers, duties and functions heretofore vested in the highway department personnel board and the highway department personnel system.

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:

The offices of the highway personnel board and the highway personnel director are hereby abolished. From and after the effective date of this 1969 amendatory act all highway department personnel in all classes of positions shall be governed and controlled by and be subject to the provisions of chapter 41.06 RCW and the merit system rules and regulations adopted by the state personnel board, in the same manner as other state agencies now subject thereto: PROVIDED, That all highway department personnel shall remain subject to the classification plan and compensation plan in effect on the effective date of this 1969 amendatory act until such have been modified, amended, or incorporated into the state classification plan and compensation by the state personnel board.

NEW SECTION. Sec. 3. There is added to chapter 1, Laws of 1961

and to chapter 41.06 RCW a new section to read as follows:

All books, documents, records, papers, files, data, desks, chairs, typewriters and other office equipment, or other materials in the possession of, used or held by the highway department personnel board, the highway department personnel director, and any other person or persons performing duties and functions and exercising powers relating to the highway personnel board, shall be delivered and transferred to the state personnel board, and the state director of personnel. If any of the writings or other transfers pertaining to the functions herein transferred are considered by the state highway commission or the director of highways to be essential to the performance of duties of such agency, the director of highways may retain copies thereof.

NEW SECTION. Sec. 4. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

All classified civil service employees engaged in duties pertaining to the functions herein transferred shall be assigned and transferred to the state department of personnel and when transferred shall automatically retain their permanent or probationary status together with all rights, privileges and immunities attaching thereto.

Sec. 5. Section 8, chapter 1, Laws of 1961, and RCW 41.06.080 are each amended to read as follows:

Notwithstanding the provisions of this chapter, the department of personnel may make its services available on request, on a reimbursable basis, to:

- (1) Either the legislative or the judicial branch of the state government;
- (2) Any county, city, town, or other municipal subdivision of the state;
- (3) The institutions of higher learning ((~~4~~ ~~--The-department-of-highways~~)).

Sec. 6. Section 2, chapter 1, Laws of 1961, as amended by section 48, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.020 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) "Institutions of higher learning" are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, new, four-year state colleges subsequently authorized, and the various state community colleges;

(2) "Agency" means an office, department, board, commission or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(3) "Board" means the state personnel board established under the provisions of RCW 41.06.110 ((~~r~~)) and the personnel committee established under RCW 41.06.050 (~~and the personnel board established under RCW 41.06.060~~), except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

(4) "Classified service" means all positions in the state service subject to the provisions of this chapter;

(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as condition precedent to appointment;

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor.

NEW SECTION. Sec. 7. Section 6, chapter 1, Laws of 1961,

and RCW 41.06.060 are each repealed.

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

NEW SECTION. Sec. 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, 1969.

Passed the House March 6, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 19, 1969.

Filed in office of Secretary of State March 19, 1969.

CHAPTER 46  
[Senate Bill No. 121]  
INTEREST ON JUDGMENTS

AN ACT Relating to civil procedure; amending section 4, chapter 136, Laws of 1895, as amended by section 6, chapter 80, Laws of 1899, and RCW 4.56.110.

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

Section 1. Section 4, chapter 136, Laws of 1895, as amended by section 6, chapter 80, Laws of 1899, and RCW 4.56.110 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments (~~hereafter-rendered~~) founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in such contracts, not in any case, however, to exceed ten percent per annum: PROVIDED, That said interest rate is set forth in the judgment (~~and all other judgments shall bear interest at the rate of six percent per annum from date of entry thereof~~).

(2) Except as provided under subsection (1) of this section, judgments shall bear interest at the rate of eight percent per annum from the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any

case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered: PROVIDED, HOWEVER, That in any case where notice of appeal or petition for writ of review is filed prior to the effective date of this act, interest shall accrue from the date of entry of judgment and shall not date back to the date the verdict was rendered.

Passed the Senate February 4, 1969.  
Passed the House March 10, 1969.  
Approved by the Governor March 24, 1969.  
Filed in office of Secretary of State March 24, 1969.

CHAPTER 47  
[Senate Bill No. 208]  
DENTAL HYGIENISTS

AN ACT Relating to dental hygienists; amending section 28, chapter 16, Laws of 1923, and RCW 18.29.020; amending section 29, chapter 16, Laws of 1923 and RCW 18.29.030; amending section 33, chapter 16, Laws of 1923, and RCW 18.29.040; amending section 27, chapter 16, Laws of 1923, and RCW 18.29.050; amending section 1, chapter 130, Laws of 1951 as last amended by section 21, chapter 52, Laws of 1957 and RCW 18.32.030; adding a new section to chapter 16, Laws of 1923 and to chapter 18.29 RCW; and repealing section 5, chapter 256, Laws of 1951 and RCW 18.29.055.

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

Section 1. Section 28, chapter 16, Laws of 1923, and RCW 18.29.020 are each amended to read as follows:

Any citizen of this state of good moral character who shall have attained the age of nineteen years may file his application for license as a dental hygienist in the manner provided by law on forms furnished by the director of licenses and shall submit with said application proof of said applicant's graduation from a training school for dental hygienists. Said application shall be signed and sworn to by said applicant. Each applicant shall pay

a fee of ~~((ten))~~ twenty-five dollars which shall accompany his application.

Sec. 2. Section 29, chapter 16, Laws of 1923 and RCW 18.29.030 are each amended to read as follows:

Examination of applicant shall consist of written and practical tests and shall include the subjects of inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, practical demonstration in hygiene, other kindred subjects contained in the curriculum of training schools for dental hygienists. Said written examination shall consist of ten questions only, graded from zero to ten on each subject and the applicant must obtain an average grade of sixty-five percent to pass. Said practical examination shall consist of a clinical demonstration upon one or more patients of the removal of deposits from and the polishing of the ~~((exposed))~~ surfaces of the teeth, and the applicant must obtain an average grade of seventy-five percent to pass. The director of licenses shall keep on file the examination papers and records of examinations for at least one year, which file shall be open to the inspection of the applicant or his agent. A certificate granted by the National Board of Dental Hygiene Examinations may be accepted in lieu of the written examination.

Sec. 3. Section 33, chapter 16, Laws of 1923, and RCW 18.29-.040 are each amended to read as follows:

Applicants licensed as dental hygienists under the laws of other states whose requirements are equal to those of this state and who have been engaged in the lawful practice of dental hygiene for a period of not less than three years in such state may, upon the payment of a fee of ~~((ten))~~ twenty-five dollars, be granted licenses as dental hygienists in this state without examination: PROVIDED, HOWEVER, That the privileges of this section shall be extended only to those states which extend to this state the same privilege.

Sec. 4. Section 27, chapter 16, Laws of 1923, and RCW 18.29-050 are each amended to read as follows:

Any person licensed as a dental hygienist in this state may remove (~~((calcareous))~~) deposits (~~((accretions))~~) and stains from the (~~((exposed))~~) surfaces of the teeth (~~((and))~~) may (~~((prescribe-or))~~) apply (~~((ordinary-mouth-washes-of-soothing-character))~~) topical preventive or prophylactic agents, and may polish and smooth restorations, but shall not perform any other operation on the teeth or (~~((mouth-or upon-the-diseased-tissues-of-the-oral-cavity))~~) tissues of the mouth.

Such licensed dental hygienists may (~~((be-employed-by-boards-of education-of-public-or-private-schools, county boards, boards-of health, or public-or-charitable-institutions, but may))~~) operate only under the direct supervision of (~~((one-or-more-licensed-dentists))~~) a licensed dentist, (~~((and-may-also-be-employed-in-any-dental-office under-the-direct-supervision-of-a-licensed-dentist))~~) and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices provided that the number of hygienists so employed in any dental office shall not exceed in number the licensed dentists practicing therein.

Sec. 5. Section 32, chapter 16, Laws of 1923, and RCW 18.29-070 are each amended to read as follows:

Every person licensed as a dental hygienist shall pay on or before the first day of October of each year after a license is issued to him a license renewal fee of (~~((one))~~) ten dollars and the license renewal certificate which shall be thereupon issued by the director of (~~((licenses))~~) motor vehicles shall be displayed with the license of said licensee.

NEW SECTION. Sec. 6. There is added to chapter 16, Laws of 1923, and to chapter 18.29 RCW a new section to read as follows:

The term "surfaces of the teeth" as used in this act means the portions of the crown and root surface to which there is no periodontal membrane attached.

Sec. 7. Section 1, chapter 130, Laws of 1951 as last amended by section 21, chapter 52, Laws of 1957 and RCW 18.32.030 are each

amended to read as follows:

The following practices, acts and operations are ~~excepted~~ from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless he undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States army, navy, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved by the board, and the practice of dentistry by students in dental schools or colleges approved by the board, when acting under the direction and supervision of registered and licensed dentists acting as instructors;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them;

(5) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of licenses or his authorized representatives;

(7) The removal of ~~((calcareous))~~ deposits ~~((,accretions))~~ and stains from the ~~((exposed))~~ surfaces of the teeth, the ~~((and-pre-  
scription-or))~~ application ~~((of-ordinary-mouth-washes-of-seething  
character))~~ of topical preventative or prophylactic agents, and the  
polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery;

(9) A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington state medical or dental association or Washington progressive dental society;

(10) Students practicing or performing dental operations, under the supervision of competent instructors, in any reputable dental college.

NEW SECTION. Sec. 8. Section 5, chapter 256, Laws of 1951 and RCW 18.29.055 are each repealed.

Passed the Senate February 27, 1969.

Passed the House March 10, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 48

[Engrossed Senate Bill No. 87]

CITIES AND TOWNS--

INCORPORATION--REQUISITES

AN ACT Relating to incorporation proceedings; and amending section 35.02.010, chapter 7, Laws of 1965 and RCW 35.02.010.

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

Section 1. Section 35.02.010, chapter 7, Laws of 1965 and RCW 35.02.010 are each amended to read as follows:

Any portion 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 municipal corporation of the class to which it belongs: PROVIDED, That no area which lies within five air miles of the boundary of any city having a population of fifteen thousand or more and lying within the same county shall be incorpo-

rated after June 12, (~~1963~~) 1969 which contains less than three thousand inhabitants (~~(if such area or any part thereof lies within a class AA or A county)~~).

Passed the Senate February 5, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 49  
[Engrossed Senate Bill No. 207]  
DENTISTRY

AN ACT relating to dentistry; amending section 29, chapter 52, Laws of 1957 and RCW 18.32.110; amending section 5, chapter 93, Laws of 1953 as amended by section 30, chapter 52, Laws of 1957 and RCW 18.32.120; amending section 24, chapter 112, Laws of 1935 as amended by section 4, chapter 130, Laws of 1951 and RCW 18.32.180; and amending section 13, chapter 112, Laws of 1935 and RCW 18.32.210.

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

Section 1. Section 29, chapter 52, Laws of 1957 and RCW 18.32-.110 are each amended to read as follows:

Except as otherwise provided in RCW 18.32.210, as now or hereafter amended each applicant shall pay a fee of (~~twenty-five~~) fifty dollars, which shall accompany his application: PROVIDED, That applicants not licensed in another state and not residents of this state for at least six consecutive months shall pay an additional investigation fee of thirty-five dollars.

Sec. 2. Section 5, chapter 93, Laws of 1953 as amended by section 30, chapter 52, Laws of 1957 and RCW 18.32.120 are each amended to read as follows:

When the application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board at a time and place to be fixed by the director, which time shall be not less than sixty days after the receipt of such application by the director.

Examination shall be made in writing in all theoretic subjects.

Both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery.

The examination papers, and all grading thereon, and the grading of the practical work, shall be deemed public documents, and preserved for a period of not less than three years after the board has made and published its decisions thereon. All examinations shall be conducted by the board under fair and wholly impartial methods.

Any applicant who fails to make the required grade in his first examination is entitled to take as many subsequent examinations as he desires upon the prepayment of a fee of (~~twenty-five~~) fifty dollars for each subsequent examination. At least two examinations shall be given in each calendar year.

Sec. 3. Section 24, chapter 112, Laws of 1935 as amended by section 4, chapter 130, Laws of 1951 and RCW 18.32.180 are each amended to read as follows:

Every person granted a license under this chapter shall pay to the director a license renewal fee of (~~five~~) fifteen dollars for the year commencing with the first day of October next following the issuance of his license, and annually thereafter. Payment must be made (~~prior-to~~) within thirty days following the commencement of the year for which the same accrues. The license renewal certificate issued by the director shall be indispensable evidence that the same has been made.

The failure of any licensed dentist to pay (~~in-advance~~) his annual license renewal fee by the first day of November following the date on which the fee was due shall work a forfeiture of his license. It shall not be reinstated except upon written application and the payment of a penalty of (~~ten~~) twenty-five dollars, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement.

~~((The-director-shall-set-aside-from-each-annual-license-renew-~~

~~al-fee-the-sum-of-three-dollars-which,-together-with-any-unexpended portion-of-application-fees-paid-by-applicants-for-dentist-licenses shall-be-devoted-by-the-director-for-the-necessary-investigation-and legal-expenses-and-costs-to-enforce-the-provisions-of-the-dental-laws of-this-state.)~~)

Sec. 4 Section 13, chapter 112, Laws of 1935, and RCW 18.32-.210 are each amended to read as follows:

Any dentist who has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dentistry or dental surgery which in the opinion of the board is equal to that at the time maintained in this state, and who has been lawfully and continuously engaged in the practice of dentistry for five years or more immediately before filing his application to practice in this state and who shall deposit in person with the director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying to the fact of his registration and of his being a person of good moral character and of professional attainments, may, upon the payment of a fee of (~~fifty~~) eighty-five dollars and after satisfactory practical examination demonstrating his proficiency, be granted a license to practice dentistry in this state, without being required to take an examination in theory: PROVIDED, HOWEVER, That no license shall be issued to any such applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state, and removing to such other state: AND PROVIDED FURTHER, That the Washington state board of dental examiners shall have power to enter into reciprocal relations with similar boards of other states whose laws are practically identical with the provisions of this chapter.

Passed the Senate February 27, 1969.

Passed the House March 10, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 50  
 [Engrossed Senate Bill No. 282]  
 INVESTMENT OF STATE FUNDS--  
 RESERVE ACCOUNT

AN ACT Relating to the investment of state funds; and amending section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 66, Laws of 1967, and RCW 43.84.090.

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

Section 1. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 66, Laws of 1967, and RCW 43.84.090 are each amended to read as follows:

Twenty percent of all income received from such investments shall be set aside in a reserve ((fund)) account (~~(--This fund shall be maintained until it reaches five percent of the principal invested;--PROVIDED, That pursuant to legislative appropriation an amount not exceeding ten percent of this investment reserve fund may be used to pay the operating expenses of the state finance committee;--AND PROVIDED FURTHER, That pursuant to legislative appropriation an amount not exceeding ten percent of this investment reserve fund may be used to pay operating expenses of the state treasurer for the servicing of investments and outstanding bonded indebtedness of the state;)) : PROVIDED, That the legislature may appropriate such amounts from this account as may be necessary to pay operating expenses of the state treasurer for the servicing of investments and outstanding bonded indebtedness of the state and for operating expenses of the state finance committee and the state building authority, and may transfer further amounts from the reserve account to the general fund on a periodic basis.~~

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund.

Any profits obtained from selling investments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest fund in the state treasury.

Passed the Senate March 7, 1969.  
Passed the House March 13, 1969.  
Approved by the Governor March 24, 1969.  
Filed in office of Secretary of State March 24, 1969.

CHAPTER 51  
[Engrossed Senate Bill No. 291]  
BLOOD DONATION BY PERSONS  
EIGHTEEN OR OLDER

AN ACT Permitting persons over eighteen years of age to donate blood without parental permission in certain instances; adding a new section to chapter 70.01 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 70.01 RCW a new section to read as follows:

Any person of the age of eighteen years or over shall be eligible to donate blood in any voluntary and noncompensatory blood program without the necessity of obtaining parental permission or authorization.

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

Passed the Senate February 11, 1969.  
Passed the House March 11, 1969.  
Approved by the Governor March 24, 1969.  
Filed in office of Secretary of State March 24, 1969.

CHAPTER 52  
[Engrossed Senate Bill No. 298]  
JUSTICES OF THE PEACE--  
COMPENSATION

AN ACT Relating to salaries of full time justices of the peace; amending section 100, chapter 299, Laws of 1961, as amended by section 1, chapter 147, Laws of 1965, and RCW 3.58.010; amending section 4, chapter 156, Laws of 1951, as amended by section 6, chapter 110, Laws of 1965 ex. sess., and RCW 3.16.004.

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

Section 1. Section 100, chapter 299, Laws of 1961, as amended by section 1, chapter 147, Laws of 1965, 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 ~~((ten))~~ twenty thousand dollars: PROVIDED, That ~~((the-city-or-county-which-pays-the-salary-of-such-justice-may-increase-such-salary-to-an-amount-not-to-exceed-thirteen-thousand-five-hundred-dollars: PROVIDED-FURTHER,-That-in-class-AA-and-A-counties-the-annual-salary-of-such-justices-shall-be-two-thirds-of-the-amount-provided-by-statute-as-the-salary-for-the-position-of-superior-court-judge-or-twelve-thousand-five-hundred-dollars-whichever-is-greater: PROVIDED-FURTHER, That))~~ in cities having a population in excess of five hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall receive any fees or emoluments for the solemnization of civil marriages during court house hours or during scheduled sessions of the court.

Sec. 2. Section 4, chapter 156, Laws of 1951, as amended by section 6, chapter 110, Laws of 1965 ex. sess., and RCW 3.16.004 are each amended to read as follows:

Effective the second Monday in January, 1967, in cities having a population of more than twenty thousand, the justices of the peace shall devote their full time to the duties of the office and shall not engage in the practice of law; the annual salary shall be ~~((two-thirds-of-the-amount-provided-by-statute-as-the-salary-for-the-position-of-superior-court-judge-or-twelve-thousand-five-hundred-dollars, whichever-is-greater))~~ eighteen thousand dollars: PROVIDED FURTHER, That where justices of the peace in cities over the population of twenty thousand are also acting as police judges, five thousand dollars of their salaries as hereinabove provided shall be charged against the counties and the remainder shall be paid by the munici-

pality.

Passed the Senate February 27, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

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CHAPTER 53

[Engrossed House Bill No. 101]

SCHOOL DISTRICTS--JOINT PURCHASING AGENCIES--  
INTEREST BEARING WARRANTS

AN ACT Relating to education; amending section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 12, Laws of 1967 and section 1, chapter 29, Laws of 1967 ex. sess. and RCW 28-58.100; amending section 28A.58.107, chapter ..., Laws of 1969 (HB...); providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 12, Laws of 1967 and section 1, chapter 29, Laws of 1967 ex. sess., and RCW 28.58.100 are each amended to read as follows:

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

- (1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;
- (2) 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 teachers, and enforce the course of study lawfully prescribed for the schools of their districts;
- (3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;
- (4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly

and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship.

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

(8) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including textbooks;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the county or intermediate district superintendent of schools, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children;

(d) Provide for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting

upon written complaints regarding instructional materials used by the school district;

(f) Provide free textbooks, 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.

(9) 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.

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district

when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

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

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

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

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) 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: PROVIDED, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be 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;

(15) Adopt written policies on granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certified and noncertified employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) for such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated

time may be taken at any time during the school year;

(e) sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) accumulated leave under this proviso shall be transferred from one district to another, and from the office of superintendent of public instruction and offices of county and intermediate district superintendent and boards of education;

(h) leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.58.107, chapter ..., Laws of 1969 (HB...) and RCW 28A.58.107 are each amended to read as follows:

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

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

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

(3) Join with boards of directors of other school districts in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the

best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants;  
and

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

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB ...). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. Part II 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 on the date upon which the 1969 education code becomes effective.

Passed the House February 11, 1969.  
Passed the Senate March 10, 1969.  
Approved by the Governor March 24, 1969.  
Filed in office of Secretary of State March 24, 1969.

CHAPTER 54  
[Engrossed House Bill No. 111]  
METROPOLITAN PARK DISTRICTS--  
EMINENT DOMAIN

AN ACT Relating to metropolitan park districts; and amending section 35.61.130, chapter 7, Laws of 1965 and RCW 35.61.130.

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

Section 1. Section 35.61.130, chapter 7, Laws of 1965, and RCW 35.61.130 are each amended to read as follows:

A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is 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, however, funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter. The board of park commissioners (~~(may pass orders providing for all condemnations which it may desire to institute within its authority, and to bring actions in the proper courts for the condemnation of lands,))~~ shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park policemen, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties. The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district,

and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

Passed the House February 25, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

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CHAPTER 55  
[Engrossed House Bill No. 131]  
MUTUAL SAVINGS BANKS

AN ACT Relating to mutual savings banks; amending section 32.08.150, chapter 13, Laws of 1955 as last amended by section 1, chapter 41, Laws of 1959 and RCW 32.08.150; amending section 32.12.020, chapter 13, Laws of 1955 as last amended by section 2, chapter 145, Laws of 1967 and RCW 32.12.020; amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 80, Laws of 1961 and RCW 32.12.090; amending section 32.16.040, chapter 13, Laws of 1955 and RCW 32.16.040; amending section 32.20.230, chapter 13, Laws of 1955 as amended by section 6, chapter 176, Laws of 1963 and RCW 32.20.230; amending section 32.20.250, chapter 13, Laws of 1955 as last amended by

section 6, chapter 145, Laws of 1967 and RCW 32.20.250; amending section 32.20.280, chapter 13, Laws of 1955 and RCW 32.20.280; amending section 32.20.320, chapter 13, Laws of 1955 and RCW 32.20.320; amending section 18, chapter 176, Laws of 1963 as amended by section 10, chapter 145, Laws of 1967 and RCW 32.20.400; amending section 19, chapter 176, Laws of 1963 and RCW 32.20.410; amending section 11, chapter 145, Laws of 1967 and RCW 32.20.420; adding a new section to chapter 13, Laws of 1955 and to chapter 32.04 RCW; adding a new section to chapter 13, Laws of 1955 and to chapter 32.08 RCW; adding a new section to chapter 13, Laws of 1955 and to chapter 32.16 RCW; and adding two new sections to chapter 13, Laws of 1955 and to chapter 32.20 RCW.

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

Section 1. Section 32.08.150, chapter 13, Laws of 1955 as last amended by section 1, chapter 41, Laws of 1959 and RCW 32.08.150 are each amended to read as follows:

(1) A savings bank shall not purchase, deal or trade in any goods, wares, merchandise, or commodities whatsoever except such personal property as may be necessary for the transaction of its authorized business.

(2) Such bank shall not make or issue any certificate of deposit payable either on demand or at a fixed day, except the bank may issue savings certificates of deposit in such form as the bank may determine upon the following terms:

(a) The certificates may provide for the payment of interest at a rate fixed in advance by the bank, provided certificates carrying a fixed rate shall mature in a period not exceeding five years from the date of issuance;

(b) The certificates may be payable at a fixed future time not less than thirty days after the date of issuance or may contain provisions requiring thirty or more days' notice of demand for payment;

(c) The certificates may be issued at a discount instead of stipulating a rate of interest, or interest thereon may be deferred to be paid at maturity or other stipulated date.

Sec. 2. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 2, chapter 145, Laws of 1967 and RCW 32.12.020 are each amended to read as follows:

The sums deposited with any savings bank, together with any dividends or interest credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and RCW 32.12.030. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: PROVIDED, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

(2) Except as provided in subdivisions (3), (4), and (5) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the certificate of deposit is produced, or the passbook of the depositor is produced ((7)) and the proper entry is made therein<sub>1</sub> at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook or certificate of deposit, or other exceptional cases where the passbooks or

certificates of deposit cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the supervisor upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook or certificate of deposit of the depositor, and any payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) The issuance of a passbook or certificate of deposit may be omitted for any account if a ledger record thereof is maintained in lieu of a passbook or certificate of deposit on which shall be entered deposits, withdrawals, and interest credited: PROVIDED, That in any event a passbook or certificate of deposit shall be issued upon the request of any depositor.

(6) If any person dies leaving in any such bank an account on which the balance due him does not exceed one thousand dollars and no executor or administrator of his estate has been appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director, or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or

administrator thereafter appointed, unless the payment was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment.

Sec. 3. Section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 80, Laws of 1961 and RCW 32.12.090 are each amended to read as follows:

(1) Every savings bank shall regulate the rate of ~~((dividends not-to-exceed-six-percent-per-annum))~~ interest upon the amounts to the credit of depositors therewith, in such manner that depositors shall receive as nearly as may be all the earnings of the bank after transferring the amount required by RCW 32.08.120 and such further amounts as its trustees may deem it expedient and for the security of the depositors to transfer to the guaranty fund, which to the amount of ten percent of the amount due its depositors the trustees shall gradually accumulate and hold. Such trustees may also deduct from its net earnings, and carry as reserves for losses, or other contingencies, or as undivided profits, such additional sums as they may deem wise.

(2) Every savings bank may classify its depositors according to the character, amount, regularity, or duration of their dealings with the savings bank, and may regulate the ~~((dividends))~~ interest in such manner that each depositor shall receive the same ratable portion of ~~((dividende))~~ interest as all others of his class.

(3) Unimpaired contributions to the initial guaranty fund and to the expense fund, made by the incorporators or trustees of a savings bank, shall be entitled to have dividends apportioned thereon, which may be credited and paid to such incorporators or trustees.

Whenever the guaranty fund of any savings bank is sufficiently large to permit the return of such contributions, the contributors may receive ~~((dividends))~~ interest thereon not theretofore credited or paid at the same rate paid to depositors.

(4) A savings bank shall not:

(a) Declare, credit or pay any ~~((dividend))~~ interest except as authorized by a vote of a majority of the board of trustees duly en-

tered upon its minutes, whereon shall be recorded the ayes and noes upon each vote;

(b) Pay any ~~((dividend))~~ interest other than the regular quarterly or semiannual ~~((dividend))~~ interest, or the interest on savings certificates of deposit, or the extra dividends prescribed elsewhere in this title: PROVIDED, That such bank may pay interest not less often than annually on the anniversary dates of accounts separately classified for this purpose;

(c) Declare, credit or pay ~~((dividends))~~ interest on any amount to the credit of a depositor for a longer period than the same has been credited: PROVIDED, That deposits made not later than the tenth day of any month (unless the tenth day is not a business day, in which case it may be the next succeeding business day), or withdrawn upon one of the last three business days of the month ending any quarterly or semiannual ~~((dividend))~~ interest period, may have ~~((dividends-declared))~~ interest paid upon them for the whole of the period or month when they were so deposited or withdrawn: PROVIDED FURTHER, That if the bylaws so provide, accounts closed between ~~((dividend))~~ interest periods may be credited with ~~((dividends))~~ interest at the rate of the last ~~((dividend))~~ interest, computing from the first ~~((dividend))~~ interest period to the date when closed.

(5) The trustees of any savings banks whose undivided profits and guaranty fund, determined in the manner prescribed in RCW 32.12.070, amount to more than twenty-five percent of the amount due its depositors, shall at least once in three years divide equitably the accumulation beyond such twenty-five percent as an extra dividend to depositors in excess of the regular dividend authorized.

A notice posted conspicuously in a savings bank of a change in the rate of ~~((dividends))~~ interest shall be equivalent to a personal notice.

Sec. 4. Section 32.16.040, chapter 13, Laws of 1955 and RCW 32.16.040 are each amended to read as follows:

(1) A quorum at any regular or special or adjourned meeting

of the board of trustees shall consist of not less than five of whom the president shall be one, except when he is prevented from attending by sickness or other unavoidable detention, when he may be represented in forming a quorum by the first vice president, or in case of his absence for like cause, by the second vice president; but less than a quorum shall have power to adjourn from time to time until the next regular meeting.

Regular meetings of the board of trustees shall be held at least once a month.

(2) The board of trustees shall by resolution duly recorded in the minutes, designate an officer or officers whose duty it shall be to prepare and submit to ~~((each))~~ the trustees at each regular meeting of the board, or to an executive committee of not less than five members of such board, a written statement of ~~((all))~~ the purchases and sales of securities, and of ~~((every))~~ loans, made since the last regular meeting of the board ~~((, describing the collateral to such indebtedness as of the date of meeting at which such statement is submitted; but such officer or officers may omit from such statement loans of less than one thousand dollars, except as hereinafter provided. Such statement shall also contain a list giving the aggregate of loans to each individual partnership, unincorporated association, or corporation whose liability to the savings bank has been increased one thousand dollars or more since the last regular meeting of the board, together with a description of the collateral to such indebtedness held by the savings bank at the date of the meeting at which such statement is submitted. A copy of such statement, together with a list of the trustees present at such meeting, verified by the affidavit of the officer or officers charged with the duty of preparing and submitting such statement shall be filed with the records of the savings bank within one day after such meeting, and shall be presumptive evidence of the matters therein stated)).~~ The statement shall be in such form as the board from time to time shall determine and there may be omitted from the statement such purchases and sales of securi-

ties and such loans as determined by the board.

Sec. 5. Section 32.20.230, chapter 13, Laws of 1955 as amended by section 6, chapter 176, Laws of 1963 and RCW 32.20.230 are each amended to read as follows:

A mutual savings bank may invest its funds in promissory notes payable to the order of the savings bank, secured by the pledge or assignment of ~~((any bonds, warrants, or interest-bearing obligations))~~ investments lawfully purchasable by a savings bank. No such loan shall exceed ninety percent of the cash market value of such ~~((securities))~~ investments so pledged. Should any of the ~~((securities))~~ investments so held in pledge depreciate in value after the making of such loan, the savings bank shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed ninety percent of the market value of the ~~((securities))~~ investments so pledged for such loan.

Sec. 6. Section 32.20.250, chapter 13, Laws of 1955 as last amended by section 6, chapter 145, Laws of 1967, and RCW 32.20.250 are each amended to read as follows:

A mutual savings bank may invest its funds in loans secured by first mortgages on real estate subject to the following restrictions:

In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower;

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

Where the real estate (~~(subject to such first mortgage)~~) is other than a single family residential property, it must be improved to such extent that the net annual income thereof or reasonable annual rental value thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and (~~(all accruing charges and expenses)~~) a reasonable amount for maintenance and upkeep commensurate with the type of property involved.

No loan on real estate shall be:

(1) For an amount greater than ninety percent of the value of such real estate including improvements if it is property improved with owner-occupied single family residential dwellings (including but not being limited to condominiums); or

(2) For an amount greater than eighty percent of the value of (~~such~~) other real estate, including improvements (~~( $\tau$ )~~); except that in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits (~~(herein)~~) specified in (1) or (2), but such excess shall not be more than eighty percent of the cash surrender value of such assigned life insurance.

No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of principal and interest in annual, semiannual, quarterly or monthly payments, at a rate which if continued would repay the loan in full in not more than thirty years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security.

A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

No mortgage loan, or renewal or extension thereof for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged; and the application and written report thereon shall be filed and preserved with the savings bank records.

Every mortgage and assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located.

A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or

(2) There are outstanding nondelinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed the limits herein specified.

Sec. 7. Section 32.20.280, chapter 13, Laws of 1955 and RCW 32.20.280 are each amended to read as follows:

A mutual savings bank may invest its funds in real estate as follows:

(1) A tract of land whereon there is or may be erected a building or buildings suitable for the convenient transaction of the business of the savings bank, from portions of which not required for its own use revenue may be derived: PROVIDED, That the cost of the land and building or buildings for the transaction of the business of

the savings bank shall in no case exceed (~~twenty-five~~) thirty percent of the guaranty fund, undivided profits, reserves, and subordinated securities of the savings bank, except with the approval of the supervisor; and before the purchase of such property is made, or the erection of a building or buildings is commenced, the estimate of the cost thereof, and the cost of the completion of the building or buildings, shall be submitted to and approved by the supervisor((;)). "The cost of the land and building or buildings" means the amounts paid or expended therefor less the reasonable depreciation thereof taken by the bank against such improvements during the time they were held by the bank.

(2) Such lands as shall be conveyed to the savings bank in satisfaction of debts previously contracted in the course of its business((;)).

(3) Such lands as the savings bank shall purchase at sales under judgments, decrees, or mortgages held by it.

All real estate purchased by any such savings bank, or taken by it in satisfaction of debts due it, under this section, shall be conveyed to it directly by name, and the conveyance shall be immediately recorded in the office of the proper recording officer of the county in which such real estate is situated.

Every parcel of real estate purchased or acquired by a savings bank under this section, shall be sold by it within five years from the date on which it was purchased or acquired, or in case it was acquired subject to a right of redemption, within five years from the date on which the right of redemption expires, unless:

(1) There is a building thereon occupied by the savings bank as its offices, or

(2) The supervisor, on application of the board of trustees of the savings bank, extends the time within which such sale shall be made.

Sec. 8. Section 32.20.320, chapter 13, Laws of 1955 and RCW 32.20.320 are each amended to read as follows:

The trustees of every savings bank shall as soon as prac-

ticable invest the moneys deposited with it in the securities prescribed in this title (~~(:--PROVIDED, That for the purpose of paying withdrawals in excess of receipts, and meeting accruing expenses, or for the purpose of awaiting a more favorable opportunity for judicious investment, any such bank may keep on hand or on deposit in one or more banks or trust companies in this state or in the city of New York, state of New York, the city of Chicago, state of Illinois, the city of Portland, state of Oregon, or the cities of San Francisco or Los Angeles, state of California, an available fund not exceeding twenty percent of the aggregate amount credited to its depositors, but the sum deposited by any such savings bank in any one bank or trust company shall not exceed twenty five percent of the paid up capital and surplus of the bank or trust company in which the deposit is made, and no more than five percent of the aggregate amount credited to the depositors of any such savings bank shall be deposited in a bank or trust company of which a trustee of such savings bank is a director)).~~

The purchase by a savings bank of a negotiable certificate of deposit or similar security issued by a bank need not be considered a deposit if the certificate or security is eligible for investment by a savings bank under any other provision of this title.

Sec. 9. Section 18, chapter 176, Laws of 1963, as amended by section 10, chapter 145, Laws of 1967 and RCW 32.20.400 are each amended to read as follows:

A mutual savings bank may invest not to exceed five percent of its funds in loans for home or property repairs, alterations, appliances, improvements, or additions, home furnishings, for installation of underground utilities, for educational purposes, ~~((or))~~ for mobile homes used or to be used for permanent or semi-permanent housing, or for non-business family purposes: PROVIDED, That

(1) The principal amount of any loan shall not exceed five thousand dollars; except in the case of loans for mobile homes which shall not exceed fifteen thousand dollars;

(2) The application therefor shall state that the proceeds are to be used for one of the above purposes;

(3) The term of the loan shall not exceed sixty-two months, except in the case of loans for underground utilities, mobile homes or educational loans which may require repayment at such time and upon such terms as the bank may determine; and

(4) Nothing in this section shall permit a mutual savings bank to make secured or unsecured loans on or for inventory as that term is defined in section 9-109(4), chapter 157, Laws of 1965, RCW 62A.9-109(4).

Sec. 10. Section 19, chapter 176, Laws of 1963 and RCW 32.20.410 are each amended to read as follows:

The aggregate total amount a mutual savings bank may invest in the following shall not exceed eighty percent of its funds:

- (1) Mortgages upon real estate and participations therein;
- (2) Contracts for the sale of realty;
- (3) Mortgages upon leasehold estates; and

(4) Notes secured by pledges or assignments of first mortgages or real estate contracts (~~and~~

~~(5) Notes, bonds, debentures, advances of credit, participating certificates, and other obligations of any corporation or association which is or hereafter may be created pursuant to any law of the United States for the purpose of insuring or marketing real estate mortgages)).~~

Sec. 11. Section 11, chapter 145, Laws of 1967 and RCW 32.20.420 are each amended to read as follows:

A mutual savings bank may invest not to exceed five percent of its funds in loans on the security, and for the purpose of financing the acquisition and development, of land for primarily commercial, industrial, or residential usage. Within the five percent limit, and subject to the further limit hereinafter set forth, the bank may loan up to seventy-five percent of the (~~borrower's investment in~~) appraised value of the land (~~, but no loan shall be made under this~~

~~section in an amount equal to more than seventy percent of the value of the real estate security therefor)) as of the completion of the development thereof into building lots or sites ready for construction thereon. Each such loan shall be repayable within a period of not more than ten years and the interest thereon shall be payable at least semiannually. ((Upon the sale or release from the lien of)) When any portion of the security ((property)) is released from the lien of the mortgage, the principal amount of ((any)) such loan shall be reduced in an amount at least equal to that portion of the total loan secured by the property ((sold or)) released. ((No disbursement of any of the proceeds of any loan made under this section shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the bank and not repaid to it, would exceed an amount equal to the sum of (1) seventy percent of the value at such time of that portion of the security property which is building lots or sites the development of which is in progress or completed and, (2) seventy percent of the value at such time of the remaining security property.))~~

No loan made hereunder may exceed a sum equal to seventy-five percent of the amount of the borrower's investment in the property given (or remaining after a release or releases) as security for such loan. The "amount of the borrower's investment" may include all sums paid for the property and improvements thereto, taxes, assessments and the like thereon plus a sum equal to six percent per annum on such amounts.

A loan may be made on real estate which is to be developed with the developments to be paid for with the proceeds of such loan, if it is arranged that the proceeds will be used for that purpose and that when so used the property will qualify under this section.

NEW SECTION. Sec. 12. There is added to chapter 13, Laws of 1955 and to chapter 32.08 RCW a new section to read as follows:

A mutual savings bank shall have the power to act as trustee under:

(1) A retirement plan established pursuant to the provisions of the act of Congress entitled "Self-Employed Individuals Tax Retirement Act of 1962", as now constituted or hereafter amended. If a retirement plan, which in the judgment of the mutual savings bank, constituted a qualified plan under the provisions of that act at the time accepted by the mutual savings bank, is subsequently determined not to be a qualified plan or subsequently ceases to be a qualified plan in whole or in part, the mutual savings bank may, nevertheless, continue to act as trustee of any deposits theretofore made under the plan and to dispose of the same in accordance with the directions of the trustor and the beneficiaries thereof.

(2) A trust established by an inter vivos trust agreement or under the will of a deceased person, but only if all the trust assets are required by the terms of the trust to be invested in accounts with mutual savings banks. The trustee shall deposit the trust assets in savings accounts with itself as soon as practical after establishment of the trust.

(3) A trust established in connection with any collective bargaining agreement or labor negotiation wherein the beneficiaries of the trust include the employees concerned under the agreement or negotiation.

A mutual savings bank may be appointed to and accept the appointment of executor of the last will and testament, or administrator with will annexed, of the estate of any deceased person wherein the will establishes a trust wherein the mutual savings bank may act as trustee.

The restrictions, limitations and requirements in Title 30 RCW shall apply to a mutual savings bank exercising the powers granted under this section insofar as the restrictions, limitations, and requirements relate to exercising the powers granted under this section. A mutual savings bank shall not use the word "trust" in its name, but may use the word "trust" in its business or advertising.

NEW SECTION. Sec. 13. There is added to chapter 13, Laws of 1955 and to chapter 32.04 RCW a new section to read as follows:

The word "mortgage" as used in this title includes deed of

trust.

NEW SECTION. Sec. 14. There is added to chapter 13, Laws of 1955 and to chapter 32.16 RCW a new section to read as follows:

The bylaws of a savings bank may prescribe a maximum age beyond which no person shall be eligible for election to the board of trustees and may prescribe a mandatory retirement age of seventy-five years or less for trustees subject to the following limitations:

(1) No person shall be eligible for initial election as a trustee after December 31, 1969, who is seventy years of age or more; and

(2) No person shall continue to serve as a trustee after December 31, 1973, who is seventy-five years of age or more and the office of any such trustee shall become vacant on the last day of the month in which the trustee reaches his seventy-fifth birthday or December 31, 1973, whichever is the latest.

If a savings bank does not adopt a bylaw prescribing a mandatory retirement age for trustees prior to January 1, 1970, or does not maintain thereafter a bylaw prescribing a mandatory retirement age, the office of a trustee of such savings bank shall become vacant on the last day of the month in which such trustee reaches his seventieth birthday or on December 31, 1969, whichever is the latest.

NEW SECTION. Sec. 15. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

A mutual savings bank may invest its funds in such real estate, improved or unimproved, and its fixtures and equipment, as the savings bank shall purchase either alone or with others or through ownership of interests in entities holding such real estate. The savings bank may improve property which it owns, and rent, lease, sell, and otherwise deal in such property, the same as any other owner thereof. The total amount a mutual savings bank may invest pursuant to this section shall not exceed fifty percent of the total of its guaranty fund, undivided profits, and unallocated reserves, or five percent of its funds, whichever is less. No officer or trustee of the bank shall own or hold any interest in any property

in which the bank owns an interest, and in the event the bank owns an interest in property hereunder with or as a part of another entity, no officer or trustee of the bank shall own more than two and one-half percent of the equity or stock of any entity involved, and all of the officers and trustees of the bank shall not own more than five percent of the equity or stock of any entity involved.

NEW SECTION. Sec. 16. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

A mutual savings bank may invest its funds in loans secured by real estate mortgages or deeds of trust not otherwise eligible for investment by the savings bank, which are prudent real estate loans for the bank in the opinion of its board of trustees or of officers or committees designated by the board, whose action is ratified by the board at its regular meeting next following the investment. The total amount a mutual savings bank may invest pursuant to this section shall not exceed twenty-five percent of the total of its guaranty fund, undivided profits, and unallocated reserves.

Passed the House March 8, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 56

[House Bill No. 179]

STATE INSTITUTIONS--OFFICERS--  
RESIDENCE REQUIREMENTS

AN ACT Relating to state institutions; amending section 72.08.040, chapter 28, Laws of 1959 and RCW 72.08.040; amending section 72.23.030, chapter 28, Laws of 1959 and RCW 72.23.030; and amending section 72.33.040, chapter 28, Laws of 1959 and RCW 72.33.040.

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

Section 1. Section 72.08.040, chapter 28, Laws of 1959 and RCW 72.08.040 are each amended to read as follows:

~~((The superintendent shall reside at the penitentiary, and it shall be his duty))~~ It shall be the duty of the superintendent of the penitentiary:

(1) Under the order and direction of the department to pros-

ecute all suits at law or in equity that may be necessary to protect the rights of the state in matters or property connected with the penitentiary and its management, such suits to be prosecuted by the attorney general, in the name of the department.

(2) To supervise the government, discipline and police of the penitentiary, and to enforce all orders and regulations of the department in respect to the penitentiary. He shall keep a registry of the convicts, in which shall be entered the names of each convict, the crime for which he is convicted, the period of his sentence, from what county sentenced, by what court sentenced, his nativity, to what degree educated, an accurate description of his person, and whether he has previously been confined in a prison in this or any other state, and if so where, and how he was discharged.

(3) To perform such other duties as may be prescribed by the department.

Sec. 2. Section 72.23.030, chapter 28, Laws of 1959 and RCW 72.23.030 are each amended to read as follows:

The superintendent of a state hospital shall be a skillful practicing physician (~~(and shall reside in the hospital)~~) ; he shall have control of the medical, therapeutic, and dietetic treatment of the patients, which shall include authority to cause the performance of all necessary surgery. The superintendent, subject to rules and regulations of the department, shall have control of the internal government and economy of a state hospital ((~~7~~)) and shall appoint and direct all subordinate officers and employees (~~(7 and shall designate these employees whose residence at the hospital is deemed essential for its proper operation)~~).

Sec. 3. Section 72.33.040, chapter 28, Laws of 1959 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, over the age of thirty years, in good physical health, 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 mentally deficient 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: PROVIDED, That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent or guardian, except, if after reasonable effort to locate the parents or guardian 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 ((7) and shall appoint and direct all subordinate officers and employees (~~(and shall designate those officers and employees whose residence at the state school is deemed essential for its efficient operation)~~): 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.

Passed the House February 18, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

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CHAPTER 57  
[House Bill No. 198]  
VETERAN'S RELIEF FUND

AN ACT Relating to revenue and taxation; and amending section 7, page 210, Laws of 1888, as last amended by section 7, chapter 144,

Laws of 1945, and RCW 73.08.080.

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

Section 1. Section 7, page 210, Laws of 1888, as last amended by section 7, chapter 144, Laws of 1945, and RCW 73.08.080 are each amended to read as follows:

The boards of county commissioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax not less than one-twentieth of one mill, and not greater than one and one-fifth mills, upon the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating ((a)) the veteran's relief fund for the relief of honorably discharged ((soldiers,-sailors-and-marines)) veterans who served in the armed forces of the United States in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Phillipine insurrection, ((soldiers,-sailors-and-marines-who-served-in-the United-States-army,-navy,-or-marine-corps-between-April-6,-1917,-and the-date-upon-which-peace-is-finally-concluded-with-the-German-government-and-its-allies,-or-soldiers,-sailors-and-marines-who-served-in the-army,-navy-or-marine-corps-of-the-United-States-in-any-other-foreign-war,-insurrection-or-expedition,-which-service-shall-be-governed by-the-issuance-of-a-campaign-badge-by-the-government-of-the-United States-of-America,-or-any-members-of-the-armed-forces-of-the-United States-in-the-existing-war-between-the-United-States-and-Germany-and her-allies-or-the-existing-war-between-the-United-States-and-Japan-and her-allies)) in the First World War, or Second World War or Korean conflict, or Viet Nam conflict, and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased ((soldiers,-sailors-and-marines)) veterans, to be disbursed for such relief by such board of county commissioners: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's relief fund on the first Tuesday in September exceed the expected yield of one-twentieth of one mill on the taxable property

of the county, the county commissioners may levy a lesser amount:  
PROVIDED FURTHER, That the costs incurred in the administration of  
said veteran's relief fund shall be computed by the county treasurer  
not less than annually and such amount may then be transferred from  
the veteran's relief fund as herein provided for to the county cur-  
rent expense fund.

Passed the House February 27, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 58  
 [House Bill No. 281]  
 MEDICAL DISCIPLINARY BOARD--  
 ORDERS, STAY ON APPEAL

AN ACT Relating to and regulating the discipline of doctors practicing medicine and surgery by the medical disciplinary board; and amending section 25, chapter 202, Laws of 1955 and RCW 18.72-.250.

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

Section 1. Section 25, chapter 202, Laws of 1955 and RCW 18-.72.250 are each amended to read as follows:

The filing by the board in the office of the director of licenses 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 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 (~~(--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 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 exhausted hereunder)~~). Such certificate or order of revocation or suspension,

if appealed, may be stayed by the board or by the reviewing court upon such terms as is deemed proper.

Passed the House February 27, 1969.  
Passed the Senate March 10, 1969.  
Approved by the Governor March 24, 1969.  
Filed in office of Secretary of State March 24, 1969.

CHAPTER 59

[Engrossed House Bill No. 393]  
STATE PAYROLLS AND DEDUCTIONS--  
STATE PAYROLL REVOLVING FUND

AN ACT Relating to payment of public officers and employees and other payees; amending section 1, chapter 130, Laws of 1891, as amended by section 1, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.010; amending section 2, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.011; amending section 4, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.013; amending section 5, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.014; and adding new sections to chapter 41.04 RCW.

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

Section 1. Section 1, chapter 130, Laws of 1891, as amended by section 1, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.010 are each amended to read as follows:

The salaries of all state officers and employees shall be paid monthly on the last day of each month unless the budget director shall establish different dates in accordance with RCW 42.16.017: PROVIDED, That the budget director may adopt or authorize adoption of semi-monthly or more frequent payment schedules for state agencies, in his discretion: AND PROVIDED FURTHER, That schedules for the payment of compensation more often than semi-monthly may be adopted only upon the written requests of state agencies, and only for the purpose of conforming state payment schedules for classes of employees in specific trades or occupations to customary schedules prevailing in private industries.

Sec. 2. Section 2, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.011 are each amended to read as follows:

A state payroll revolving fund and an agency payroll revolving

fund are created in the state treasury, for the payment of compensation to employees and officers of the state and distribution of all amounts withheld therefrom pursuant to law and amounts authorized by employees to be withheld pursuant to ~~((regulations-of-the-budget-director))~~ law; also for the payment of the state's contribution for retirement and insurance and other employee benefits: PROVIDED, That the utilization of the state payroll revolving fund shall be optional except for agencies whose payrolls are ~~((not))~~ prepared ~~((by))~~ under a centralized system established pursuant to regulations of the budget director: PROVIDED FURTHER, That the utilization of the agency payroll revolving fund shall be optional for agencies whose operations are funded in whole or part other than by funds appropriated from the state treasury.

Sec. 3. Section 4, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.013 are each amended to read as follows:

The state treasurer shall make such transfers to the state payroll revolving fund in the amounts to be disbursed as certified by the respective agencies: PROVIDED, That if the payroll is prepared ~~((by-the-budget-director))~~ on behalf of an agency from data authenticated and certified by the agency under a centralized system established pursuant to regulation of the budget director, the state treasurer shall make the transfer upon the certification of ~~((the budget-director))~~ the head of the agency preparing the centralized payroll or his designee.

Sec. 4. Section 5, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.014 are each amended to read as follows:

Disbursements from the revolving funds created by RCW 42.16.010 through 42.16.017 shall be by warrant in accordance with the provisions of RCW 43.88.160: PROVIDED, That when ~~((the-budget-director-prepares the-payroll-for-an-agency,-disbursement-on-behalf-of-the-agency-shall be-made-upon-his-certification,--in-the-case-of-such-payrolls-prepared by-the-budget-director-for-other-agencies,-disbursements))~~ the payroll is prepared under a centralized system established pursuant to reg-

ulations of the budget director, disbursements on behalf of the agency shall be certified by the head of the agency preparing the centralized payroll or his designee: PROVIDED FURTHER, That disbursements from a centralized paying agency representing amounts withheld, and/or contributions, for payment to any individual payee on behalf of several agencies, may be by single warrant representing the aggregate amounts payable by all such agencies to such payee. The procedure for disbursement and certification of these aggregate amounts shall be established by the budget director.

All payments to employees or other payees, from the revolving funds created by RCW 42.16.010 through 42.16.017, whether certified by an agency or by the budget director on behalf of such agency, shall be made wherever possible by a single warrant reflecting on its face the amount charged to each revolving fund.

NEW SECTION. Sec. 5. There is added to chapter 41.04 RCW a new section to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salaries or wages of the officers or employees, the amount of money designated by the officer or employee for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. Savings Bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all

bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Accident, health, casualty, or medical, surgical and hospital premiums to a single insurer: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to that insurer.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the budget director for purposes clearly related to state employment or goals and objectives of the agency.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in ad-

dition to such other authority as may be provided by law.

NEW SECTION. Sec. 6. There is added to chapter 41.04 RCW a new section to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized upon written request of the officer or employee to whom salaries or wages are to be paid, to pay the same to any bank designated by the officers or employees for credit to their accounts: PROVIDED, That designated banks are qualified state depositories: AND PROVIDED FURTHER, That twenty-five or more officers or employees of an agency must authorize direct deposits to the same bank. A single warrant may be drawn in favor of such bank, for the total amount due the officers or employees involved, and written directions provided to such bank of the amount to be credited to the account of each officer or employee. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth herein and proper indorsement thereof by the bank shall have the same legal effect as payment directly to the officer or employee.

Passed the House March 6, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

CHAPTER 60  
[House Bill No. 549]  
DAIRY PRODUCTS COMMISSION--  
ASSESSMENTS ON MILK AND CREAM

AN ACT Relating to agriculture and marketing; levying assessments and establishing procedures for assessments upon milk and cream; amending section 15.44.080, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 ex. sess. and RCW 15-.44.080; and amending section 15.44.130, chapter 11, Laws of 1961 and RCW 15.44.130.

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

Section 1. Section 15.44.080, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 ex. sess. and RCW 15-.44.080 are each amended to read as follows:

There is hereby levied upon all milk and cream produced in this

state an assessment (~~(not to exceed)~~) of:

(1) One cent per pound butter fat of wholly or partially farm separated cream; and

(2) Four cents per hundredweight of all milk and the components thereof, other than wholly or partially farm separated cream.

~~(The amount to be assessed shall be determined by the commission within the limits prescribed by this section, and shall be determined according to the necessities required to effectuate the stated purposes of the commission subject to approval by a producer referendum as herein provided.)~~

Subject to approval by a producer referendum as provided in this section, the commission shall have the further power and duty to increase the amount of the assessment to be levied upon either milk or cream according to the necessities required to effectuate the stated purpose of the commission.

In determining such necessities, the commission shall consider one or more of the following:

(a) The necessities of--

(i) developing better and more efficient methods of marketing milk and related dairy products;

(ii) aiding dairy producers in preventing economic waste in the marketing of their commodities;

(iii) developing and engaging in research for developing better and more efficient production, marketing and utilization of agricultural products;

(iv) establishing orderly marketing of dairy products;

(v) providing for uniform grading and proper preparation of dairy products for market;

(vi) providing methods and means including but not limited to public relations and promotion, for the maintenance of present markets, for development of new or larger markets, both domestic and foreign, for dairy products produced within this state, and for the prevention, modification or elimination of trade barriers which obstruct

the free flow of such agricultural commodities to market;

(vii) restoring and maintaining adequate purchasing power for dairy producers of this state; and

(viii) protecting the interest of consumers by assuring a sufficient pure and wholesome supply of milk and cream of good quality;

(b) The extent and probable cost of required research and market promotion and advertising;

(c) The extent of public convenience, interest and necessity;  
and

(d) The probable revenue from the assessment as a consequence of its being revised.

This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

The increase in assessment or any part thereof to be charged producers on milk and cream provided for in this section shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission.

The referendum for approval of any increase in assessment or part thereof provided for in this section shall be by secret mail ballot furnished to all producers paying assessments to the commission. The commission shall furnish ballots to producers at least ten days in advance of the day it has set for concluding the referendum and counting the ballots. Any interested producer may be present at such time the commission counts said ballots.

Any proposed increase in assessments by the commission subsequent to a decrease in assessments as provided for in RCW 15.44.130(2) shall be subject to a referendum and approval by producers as herein provided.

Sec. 2. Section 15.44.130, chapter 11, Laws of 1965 and RCW 15.44.130 are each amended to read as follows:

(1) In order to adequately advertise and market Washington dairy products in the domestic, national and foreign markets, and to

make such advertising and marketing research and development as extensive as public interest and necessity require, and to put into force and effect the policy of this chapter 15.44 RCW, the commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign, and keep such research, advertising and education as continuous as the production, sales, and market conditions reasonably require.

(2) The commission shall investigate and ascertain the needs of dairy products and producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. If upon such investigation, it shall appear that the revenue from ~~((the maximum))~~ an assessment provided for in RCW 15.44.080 is more than adequate to accomplish the purposes and objects of this chapter, it shall file a request with the director of agriculture showing the necessities of the industry, the extent and probable cost of the required research and advertising, the extent of public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is more than the amount reasonably necessary to conduct the research and advertising that the public interest and convenience require to accomplish the objects and purposes hereof, the commission shall decrease the assessment to a sum that the commission shall determine adequate to effectuate the purposes hereof ~~((7-but-in no-case-shall-any-assessment-exceed-the-amount-provided-in-RCW-15.44-080))~~: PROVIDED, That no such change shall be made in rate of assessment until the commission shall have filed with the director a full report of such investigations and findings. Such change in assessment shall be effective thirty days after such report is filed.

Passed the House February 27, 1969

Passed the Senate March 10, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 61  
[Engrossed House Bill No. 570]  
COMMUNITY MENTAL HEALTH PROGRAMS

AN ACT Relating to community health programs; adding a new section to

chapter 111, Laws of 1967 ex. sess. and to chapter 71.24 RCW; and repealing section 17, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.170.

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

NEW SECTION. Section 1. There is added to chapter 111, Laws of 1967 ex. sess. and to chapter 71.24 RCW a new section to read as follows:

The department of institutions in making payments of state funds in accordance with the provisions of chapter 71.24 RCW, to counties for the support of community mental health programs which were financially supported by the state prior to July 1, 1967 shall pay to the counties not less than the amounts paid by the state to such pre-existing programs immediately prior to July 1, 1967: PROVIDED, That in the event appropriated funds to the department of institutions for the support of community mental health programs are insufficient to maintain community mental health programs of eligible counties at the same level prevailing during the previous biennium, then the department of institutions shall make pro rata reductions in the payment of state funds to all counties.

NEW SECTION. Sec. 2. Section 17, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.170 are each hereby repealed.

Passed the House February 27, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

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CHAPTER 62  
[House Bill No. 196]  
UNIFORM COMMERCIAL CODE--  
DISHONORED CHECKS

AN ACT Relating to dishonored checks; amending section 1, chapter 23, Laws of 1967 extraordinary session and RCW 62A.3-515; adding new sections to chapter 157, Laws of 1965 extraordinary session and to Title 62A RCW; and repealing section 1, chapter 53, Laws of 1965 extraordinary session and RCW 62.01.300.

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

Section 1. Section 1, chapter 23, Laws of 1967 extraordinary session and RCW 62A.3-515 are each amended to read as follows:

CHECKS DISHONORED BY NONACCEPTANCE OR NONPAYMENT; LIABILITY FOR INTEREST; RATE; COLLECTION COSTS AND ATTORNEYS FEES. Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment and has not been paid within fifteen days and after (~~written-notice-by~~) the holder of such check (~~to-the~~) sends such notice of dishonor as provided by section 2 of this 1969 amendatory act to the drawer at his last known address (~~of-the-drawer that-such-check-has-been-dishonored-and~~) , then if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed twenty dollars or the face amount of the check, whichever is the lesser. In addition, in the event of court action on the check the court, after such notice and the expiration of said fifteen days, shall award a reasonable attorneys fee as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

NEW SECTION. Sec. 2. There is added to chapter 157, Laws of 1965 extraordinary session and to Title 62A RCW a new section to read as follows:

STATUTORY FORM FOR NOTICE OF DISHONOR. The notice of dishonor shall be sent by certified mail to the drawer at his last known address, and said notice shall be substantially in the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to ..... in the amount of ..... has not been accepted for payment by ....., which is the drawee bank designated on your check. This check is dated ....., and it is numbered, No. .... .

You are CAUTIONED that unless you pay the amount of this check

within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

- (1) costs of collecting the amount of the check, including an attorney's fee which will be set by the court; and
- (2) interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor.

You are advised to make your payment to ..... at the following address: .....

NEW SECTION. Sec. 3. There is added to chapter 157, Laws of 1965 extraordinary session and to Title 62A RCW a new section to read as follows:

CONSEQUENCES FOR FAILING TO COMPLY WITH REQUIREMENTS. No interest, collection costs and attorneys' fees shall be recovered on any dishonored check under the provisions of section 1 of this 1969 amendatory act where the holder of such check or any agent, employee or assign of the holder has demanded:

- (1) interest or collection costs in excess of that provided by section 1 of this 1969 amendatory act; or
- (2) interest or collection costs prior to the expiration of fifteen days after the certified mailing of notice of dishonor, as provided by sections 1 and 2 of this 1969 amendatory act; or
- (3) attorneys' fees either without having such fees set by the court, or prior to the expiration of fifteen days after the certified mailing of notice of dishonor, as provided by sections 1 and 2 of this 1969 amendatory act.

NEW SECTION. Sec. 4. Section 1, chapter 53, Laws of 1965 extraordinary session and RCW 62.01.300 are each repealed.

Passed the House February 18, 1969  
Passed the Senate March 11, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

CHAPTER 63  
[House Bill NO. 217]  
WASHINGTON STATE SEED ACT

AN ACT Relating to seeds; repealing sections 15.48.010 through 15.48-

.260 and 15.48.900, chapter 11, Laws of 1961 and RCW 15.48.010 through 15.48.260 and RCW 15.48.900; providing penalties; and declaring an effective date.

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

NEW SECTION. Section 1. For the purpose of this 1969 act, the definitions set forth in sections 2 through 30 of this 1969 act shall be controlling.

NEW SECTION. Sec. 2. "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

NEW SECTION. Sec. 3. "Person" means a natural person, individual, firm, partnership, corporation, company, society or association.

NEW SECTION. Sec. 4. "Seeds" mean agricultural or vegetable seeds or other seeds as determined by regulations adopted by the department.

NEW SECTION. Sec. 5. "Agricultural seeds" include the seeds of grass, forage, cereal, field, turf, legume and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seeds and mixtures of such seeds, or as determined by regulations adopted by the department.

NEW SECTION. Sec. 6. "Vegetable seeds" include the seeds of those crops, including truck crops, which are grown in gardens and on farms for canning and freezing purposes and are generally known and sold under the name of vegetable seeds in this state.

NEW SECTION. Sec. 7. The terms "foundation seed", "registered seed", and "certified seed" mean seed that has been produced and labeled in compliance with the regulations of the department.

NEW SECTION. Sec. 8. "Pure live seed" means a measure of that portion of any lot of seed that consists of live seed and is determined by multiplying the percentage of germination by the percentage of pure seed and dividing by one hundred.

NEW SECTION. Sec. 9. "Bulk seed" means seed distributed in a

nonpackage form.

NEW SECTION. Sec. 10. "Weed seeds" include the seeds of all plants generally recognized as weeds within this state, and includes the seeds of prohibited and restricted noxious weeds as determined by regulations adopted by the department.

NEW SECTION. Sec. 11. "Prohibited (primary) noxious weed seeds" are the seeds of weeds which when established are highly destructive, competitive and/or difficult to control by cultural or chemical practices.

NEW SECTION. Sec. 12. "Restricted (secondary) noxious weed seeds" are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

NEW SECTION. Sec. 13. "Labeling" includes labels, and all other written, printed, or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers, and includes representations on invoices.

NEW SECTION. Sec. 14. "Advertisement" means all representations, other than on the label, disseminated in any manner, or by any means, relating to seed within the scope of this 1969 act.

NEW SECTION. Sec. 15. "Record" includes all information relating to the handling and distribution of seeds and includes a file sample of each lot of seed distributed.

NEW SECTION. Sec. 16. "Stop Sale, Use, and/or Removal Order" means an administrative order restraining the sale, use, disposition, and movement of a specific amount of seed.

NEW SECTION. Sec. 17. "Kind" means one or more related species or subspecies which singly or collectively is known by one common name: examples are, corn, oats, alfalfa, timothy, etc.

NEW SECTION. Sec. 18. "Type" means a group of varieties so nearly similar that the individual varieties cannot be easily differentiated except under special conditions; for example, winter wheat vs. spring wheat.

NEW SECTION. Sec. 19. "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind; for example, merion Kentucky bluegrass vs. park Kentucky bluegrass.

NEW SECTION. Sec. 20. "Official sample" means any sample of seed taken and designated as official by the department.

NEW SECTION. Sec. 21. "Lot" means a definite quantity of seed identified by a lot number, every portion or bag of which is uniform within recognized tolerances.

NEW SECTION. Sec. 22. "Lot number" shall identify the producer or dealer and year of production or the year distributed for each lot of seed. This requirement may be satisfied by use of a processor's or dealer's code.

NEW SECTION. Sec. 23. "Distribute" means to import, consign, offer for sale, hold for sale, sell, barter, or otherwise supply seed in this state.

NEW SECTION. Sec. 24. "Dealer" means any person who distributes.

NEW SECTION. Sec. 25. "Certifying agency" means (1) an agency authorized under the laws of a state, territory, or possession to officially certify seed, or (2) an agency of a foreign country that adheres to procedures and standards for seed certification comparable to those established under the provisions of this 1969 act and the regulations adopted thereunder.

NEW SECTION. Sec. 26. "Retail" means to distribute to the ultimate consumer.

NEW SECTION. Sec. 27. "Seed labeling registrant" means a person who has obtained a permit to label seed for distribution in this state.

NEW SECTION. Sec. 28. "Screenings" mean chaff, seed, weed seed, inert matter, and other materials removed from seed in cleaning or processing.

NEW SECTION. Sec. 29. "Treated" means that the seed has received an application of a pesticide or has been subjected to a process which pesticide or process is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or the seedlings emerging therefrom. Excluded are seeds intended for food or feed use which are treated with pesticides approved for that intended use.

NEW SECTION. Sec. 30. "Inoculant" means a commercial preparation containing nitrogen fixing bacteria applied to the seed.

NEW SECTION. Sec. 31. The department shall administer, enforce, and carry out the provisions of this 1969 act and may adopt regulations necessary to carry out its purpose. The adoption of regulations shall be subject to a public hearing and all other applicable provisions of chapter 34.04 RCW (Administrative Procedure Act), as enacted and hereafter amended.

The department when adopting regulations in respect to the seed industry shall consult with affected parties, such as growers, processors, and distributors of seed. Any final regulation adopted shall be based upon the requirements and conditions of the industry and shall be for the purpose of promoting the well-being of the purchasers and users of seed as well as the members of the seed industry.

When seed labeling, terms, methods of sampling and analysis, and tolerances are not specifically stated in this 1969 act or otherwise designated by the department, the department shall, in order to promote uniformity, be guided by officially recognized associations, or regulations under The Federal Seed Act.

NEW SECTION. Sec. 32. (1) Each container of seed distributed in this state for seeding purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label in the English language providing the following information:

- (a) Kind, or kind and variety, or kind and type.
- (b) Lot number.
- (c) Net weight as required under chapter 19.93 RCW as enacted

or hereinafter amended.

(d) Name and address of the seed labeling registrant under whose label said seed is distributed within this state.

(e) When seed is treated, or subjected to a process for which a claim is made, the label shall contain:

(i) A word or statement indicating that the seed has been treated and the process the seed has been subjected to.

(ii) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or a description of the process used.

(iii) The appropriate warning or caution statement for the pesticide used. The skull and cross-bones and the word POISON shall be used when the pesticide is highly toxic. This warning shall be conspicuous, and the size of type shall be not less than eight point.

(f) When a claim is made for inoculation the label shall also show the month and year beyond which the inoculant is no longer claimed to be effective.

(g) The name and number of restricted noxious weed seeds per pound.

(2) The label for each container of agricultural seed distributed in the state shall contain the information required in subsection (1) of this section and the following:

(a) For each named crop seed the percentage of germination, exclusive of hard seed;

(b) The percentage of hard seed, if present;

(c) The calendar month and year the test was completed to determine such percentages;

(d) A purity statement which shall include a commonly accepted name of kind, or kind and variety, or kind and type of each crop seed component in excess of five percent of the whole and the percentage by weight of each in the order of its predominance. When more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(e) Percentage by weight of all weed seeds, of inert matter, and of other agricultural seeds (percent other crop) other than those required to be named on the label as components in subsection (2) (d) of this section;

(f) Origin - The state (domestic) or country (foreign) where grown, or if origin unknown, that fact shall be stated. Exceptions may be provided by regulations.

(3) The label for each container of vegetable seed distributed in this state shall contain the kind and variety, the information required in subsection (1) (b) through (g) of this section, and the following:

(a) For packages of more than one pound--

(i) The information in subsection (2) (a), (b), (c), and (d) of this section.

(b) For packages of one pound or less (when seed germination is less than the standards established by the department)--

(i) The information in subsection (2) (a), (b), (c) of this section and the words "below standard."

(4) Specific labeling requirements for kinds of seeds may be adopted in regulations because of individual unique requirements, e.g., bulk grain seed.

(5) The provisions of this section shall not apply:

(a) To seed or grain not intended for seeding purposes, except when labeling, advertising, or other representations indicate that it is suitable for seed by the use of such terms as processed, treated, certified, variety designated or other terms of similar implication.

(b) To seed in a cleaning or processing establishment, or being transported or consigned to such establishment for the purpose of cleaning or processing: PROVIDED, That any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this 1969 act.

(c) To seed weighed and packaged, in the presence of the purchaser, from a bulk container which is labeled in accordance with this

1969 act.

(d) To seed transported from one warehouse to another without transfer of title, when each container is plainly marked or identified with a lot number. Upon request of the department, required label information shall be made available.

NEW SECTION. Sec. 33. (1) All screenings, removed in the cleaning or processing of seeds, which contain prohibited or restricted noxious weed seeds shall be removed from the seed processing plant only under permit issued by the department. It shall be unlawful to distribute, give away, or use screenings for feeding purposes unless the screenings have been ground and/or treated in such a way as to destroy the viability of the noxious weed seeds and have met the requirements of the Washington commercial feed act.

(2) Every processing or cleaning establishment desiring to grind and/or treat screenings to destroy the viability of weed seeds as required herein, shall submit evidence satisfactory to the department concerning the effectiveness of the method selected. After investigation, the department may issue a permit of authorization to which shall be attached such conditions governing the destruction of weed seed. Such permit of authorization shall be conspicuously displayed in the place of business for which it is issued.

NEW SECTION. Sec. 34. It shall be unlawful for any person:

(1) To distribute mislabeled seed. Seed shall be deemed to be mislabeled:

(a) If the germination test, required by section 32 of this 1969 act has not been completed within the following time limitations:

(i) Eight months for seeds distributed to a dealer for resale.

(ii) Eighteen months for seeds distributed by a dealer at retail.

(iii) When seeds are packaged under conditions which the department has determined will prolong their viability, the department may designate a longer period than otherwise specified in this section, and may require additional labeling to maintain identification

of seed packaged under such conditions.

(b) If it is not labeled in accordance with section 32 of this 1969 act or regulations adopted thereunder: PROVIDED, That no person shall be subject to the penalties of this 1969 act for having distributed seed which is incorrectly labeled or misrepresented as to kind, type, variety, or origin and which seed cannot be identified by examination thereof, if he possesses, at the time of notification of the violation, an invoice or a declaration from a distributor or grower giving kind, type, variety, or origin, and if he has taken such other precautions necessary to insure the identity to be that stated.

(c) If advertising or labeling is false or misleading in any way.

(d) If composition or quality falls below or differs from that which it is purported or represented to be by its labeling.

(e) If it consists of or contains prohibited noxious weed seeds.

(f) If it consists of or contains restricted noxious weed seeds in excess of the number declared on the label: PROVIDED, That the maximum number of restricted noxious weed seeds per pound shall not exceed that amount established by regulations.

(g) If the total weed seed content is in excess of two percent.

(h) If it contains less than twenty-five percent pure live seed.

(i) If its labeling represents it to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

(j) If a white, purple, or blue colored tag is attached which is of similar size and format to the official certification tag which could be mistaken for the official certification tag.

(2) To detach, alter, deface, or destroy any seed label or alter or substitute seed in a manner that may defeat the purpose of this

1969 act.

(3) To hinder or obstruct the department in the performance of its duties under this 1969 act.

(4) To engage in the cleaning of seeds, entered by growers for certification, without first having obtained a seed processing permit from the department.

(5) To distribute screenings for seeding purposes.

NEW SECTION. Sec. 35. Upon application for a permit to process certified seed, the department shall inspect the seed processing facilities of the applicant to determine that genetic purity and identity of seed processed can be maintained. Upon approval, the department shall issue a seed processing permit, for each regular place of business, which shall be conspicuously displayed in the office of such business. The permit shall remain in effect as long as the facilities comply with the department's requirements for such permit.

NEW SECTION. Sec. 36. The seed labeling registrant whose name appears on the label shall: (1) Keep, for a period of two years after the date of final disposition, complete records of each lot of seed distributed: PROVIDED, That the file sample of each lot of seed distributed need be kept for only one year.

(2) Make available, during regular working hours, such records and samples for inspection by the department.

NEW SECTION. Sec. 37. The department shall have the authority to: (1) Sample, inspect, make analysis of, and test seeds distributed within this state at such time and place and to such extent as it may deem necessary to determine whether such seeds are in compliance with the provisions of this act. The methods of sampling and analysis shall be those adopted by the department from officially recognized sources. The department, in determining for administrative purposes whether seeds are in violation of this 1969 act, shall be guided by records, and by the official sample obtained and analyzed as provided for in this section. Analysis of an official sample, by the department, shall be accepted as prima facie evidence by any court of com-

petent jurisdiction.

(2) Enter any dealer's or seed labeling registrant's premises at all reasonable times in order to have access to seeds and to records. This includes the determination of the weight of packages and bulk shipments.

(3) Adopt and enforce regulations for certifying seeds, and shall fix and collect fees for such service. The director of the department may appoint persons as agents for the purpose of assisting in the certification of seeds.

(4) Adopt and enforce regulations for inspecting, grading, and certifying growing crops of seeds; inspect, grade, and issue certificates upon request; and fix and collect fees for such services.

(5) Make purity, germination and other tests of seed on request, and fix and collect charges for the tests made.

(6) Establish and maintain seed testing facilities, employ qualified persons, and incur such expenses as may be necessary to comply with the intent of this 1969 act.

(7) Adopt a list of the prohibited and restricted noxious weed seeds.

(8) Publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this act, and other seed branch activities which do not reveal confidential information regarding individual company operations or production.

(9) Deny, suspend, or revoke licenses, permits and certificates provided for in this 1969 act subsequent to a hearing, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended, in any case in which the department finds that there has been a failure or refusal to comply with the provisions of this 1969 act or regulations adopted hereunder.

NEW SECTION. Sec. 38. (1) No person shall distribute seeds without having obtained a dealer's license for each regular place of business: PROVIDED, That no license shall be required of a person who distributes seeds only in sealed packages of eight ounces or less,

packed by a seed labeling registrant and bearing the name and address of the registrant: PROVIDED FURTHER, That a license shall not be required of any grower selling seeds of his own production exclusively. Such seed sold by such grower must be properly labeled as provided in this 1969 act. Each dealer's license shall cost ten dollars, shall be issued by the department, shall bear the date of issue, shall expire on January 31st of each year and shall be prominently displayed in each place of business.

(2) Persons custom processing and/or custom treating seeds for others for remuneration shall be considered dealers for the purpose of this 1969 act.

(3) Application for a license to distribute seed shall be on a form prescribed by the department and shall include the name and address of the person applying for the license, the name of a person domiciled in this state authorized to receive and accept service or legal notices of all kinds, and any other reasonable and practical information prescribed by the department necessary to carry out the purposes and provisions of this 1969 act.

NEW SECTION. Sec. 39. If an application for renewal of the dealer's license provided for in section 38 of this 1969 act, is not filed prior to February 1st of any one year, an additional fee of five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not apply if the applicant furnishes an affidavit that he has not acted as a distributor of seed subsequent to the expiration of his prior license.

NEW SECTION. Sec. 40. (1) No person shall label seed for distribution in this state without having obtained a seed labeling permit. The seed labeling registrant shall be responsible for the label and the seed contents. The application for a seed labeling permit shall be submitted to the department on forms furnished by the department, and shall be accompanied by a fee of twenty dollars per applicant. The application form shall include the name and address of the

applicant, a label or label facsimile, and any other reasonable and practical information prescribed by the department. Upon approval, the department shall issue said permit to the applicant. All permits expire on January 31st of each year.

(2) If an application for renewal of the seed labeling permit provided for in this section is not filed prior to February 1st of any one year, an additional fee of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the license shall be issued: PROVIDED, That such additional fee shall not apply if the applicant furnishes an affidavit that he has not labeled seed for distribution in this state subsequent to the expiration of his prior permit.

NEW SECTION. Sec. 41. (1) When the department has determined or has probable cause to suspect that any lot of seed or screenings is mislabeled and/or is being distributed in violation of this 1969 act or regulations adopted hereunder, it may issue and enforce a written or printed "stop sale, use or removal order" warning the distributor not to dispose of the lot of seed or screenings in any manner until written permission is given by the department or a court of competent jurisdiction. The department shall release the lot of seed or screenings so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained, the department may bring proceedings for condemnation.

(2) Any lot of seed or screenings not in compliance with the provisions of this 1969 act shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the locality in which the seed or screenings are located. In the event the court finds the seed or screenings to be in violation of this 1969 act and orders the condemnation of said seed or screenings, such lot of seed or screenings shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this state: PROVIDED, That in no instance shall the court order such disposition of said seed or screenings without first having given the claimant an

opportunity to apply to the court, within twenty days, for the release of said seed or screenings or for permission to process or relabel it to bring it into compliance with this 1969 act.

NEW SECTION. Sec. 42. No state court shall allow the recovery of damages from administrative action taken or for stop sales or seizures under section 41 of this 1969 act if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 43. Any person convicted of violating any of the provisions of this 1969 act, or the regulations adopted hereunder, shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second or subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 44. Nothing in this 1969 act shall be considered as requiring the department to report for prosecution or to stop the sale of seed for violations of this 1969 act, when violations are of a minor character, and/or when the department believes that the public interest will be served and protected by a suitable notice of the violation in writing.

NEW SECTION. Sec. 45. It shall be the duty of each prosecuting attorney to whom any violation of this 1969 act is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the department reports a violation of this 1969 act for such prosecution, an opportunity shall be given the accused distributor or person to present his view, in writing or orally, to the department.

NEW SECTION. Sec. 46. The department is hereby authorized to apply for, and the court authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this 1969 act or any regulations promulgated under this 1969 act, notwithstanding the existence of any other remedy at law. Any such injunction shall be issued without bond.

NEW SECTION. Sec. 47. All fees collected under the provisions

of this 1969 act shall be paid to the state treasurer to be deposited in the seed fund account in the state general fund as provided for in RCW 43.79.330, as is now or hereafter amended, to be used only in the enforcement of this 1969 act. All moneys collected under the provisions of RCW 15.48.010 through 15.48.260 remaining in such account on the effective date of this 1969 act, shall likewise be used only in the enforcement of this 1969 act.

NEW SECTION. Sec. 48. The department may cooperate with and enter into agreements with other governmental agencies, whether of this state, other states, or agencies of the federal government, and with private associations, in order to carry out the purposes and provisions of this 1969 act.

NEW SECTION. Sec. 49. The enactment of this 1969 act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this 1969 act.

NEW SECTION. Sec. 50. All licenses in effect under sections 15.48.010 through 15.48.260 and 15.48.900, chapter 11, Laws of 1961 and RCW 15.48.010 through 15.48.260 and 15.48.900 on the effective date of this 1969 act shall continue in full force and effect until January 31, 1970. Any license that has been paid on the effective date of this 1969 act under the requirements of any prior act shall not be refunded.

NEW SECTION. Sec. 51. The effective date of this 1969 act is July 1, 1969.

NEW SECTION. Sec. 52. The repeal of sections 15.48.010 through 15.48.260 and 15.48.900, chapter 11, Laws of 1961 and RCW 15.48.010 through 15.48.260 and 15.48.900 and the enactment of this 1969 act shall not be deemed to have repealed any regulations adopted under the provisions of sections 15.48.010 through 15.48.260 and 15.48.900, chapter 11, Laws of 1961 and RCW 15.48.010 through 15.48.260 and 15.48.900, and in effect immediately prior to such repeal and not inconsistent with the provisions of this 1969 act. For the purpose of this

1969 act, it shall be deemed that such rules have been adopted under the provisions of this 1969 act pursuant to chapter 34.04 RCW, as enacted or hereafter amended concerning the adoption of rules. Any amendment or repeal of such rules after the effective date of this 1969 act shall be subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended, concerning the adoption of rules.

NEW SECTION. Sec. 53. Sections 2 through 55 of this 1969 act shall be known as the "Washington State Seed Act."

NEW SECTION. Sec. 54. Sections 15.48.010 through 15.48.260 and section 15.48.900, chapter 11, Laws of 1961 and RCW 15.48.010 through 15.48.260 and 15.48.900 are each repealed.

NEW SECTION. Sec. 55. If any section or provision of this 1969 act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

Passed the House March 5, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 64  
 [House Bill No. 277]  
 AGRICULTURAL COOPERATIVE ASSOCIATIONS--  
 DIRECTORS--OFFICERS

AN ACT Relating to agriculture cooperative associations and corporations; amending section 11, chapter 115, Laws of 1921, as last amended by section 5, chapter 16, Laws of 1931, and RCW 24.32.110; and amending section 12, chapter 115, Laws of 1921 and RCW 24.32.150.

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

Section 1. Section 11, chapter 115, Laws of 1921, as last amended by section 5, chapter 16, Laws of 1931, and RCW 24.32.110 are each amended to read as follows:

The affairs of the association shall be managed by a board of not less than five directors (~~(7-a-majority-of-whom-shall-be-residents~~

~~of-the-state-of-Washington-and~~) who shall be elected by the members or stockholders from their own number. The bylaws may provide that the territory in which the association has members shall be divided into districts and that the directors shall be elected according to such districts. In such a case the bylaws shall specify the numbers of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The bylaws shall provide that primary elections shall be held in each district to select the directors apportioned to such districts and the result of all such primary elections must be ratified by the next regular meeting of the association. The bylaws of all associations hereafter organized or hereafter brought under the provisions of this chapter shall, if the director of agriculture so require, provide that one director shall be appointed by the director of agriculture, and no association whose bylaws now provide for the appointment of one or more directors by the director of agriculture, shall amend such bylaws so as to eliminate such appointed director without having first obtained the consent of the director of agriculture. The director so appointed need not be a member or stockholder of the association, but shall have the same powers and rights as other directors, and shall be regarded as representing the interests of the public. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district. When a vacancy on the board of directors occurs, other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the bylaws provide for an election of directors by district. In such a case the board of directors shall immediately call a special meeting of the members or stockholders in that

district to fill the vacancy.

Sec. 2. Section 12, chapter 115, Laws of 1921, and RCW 24.32-.150 are each amended to read as follows:

The directors shall elect (~~from their number~~) a president and one or more vice presidents, who need not be directors: PROVIDED That if said president and vice presidents are not members of the board of directors, the directors shall elect from their number a chairman of the board of directors and one or more vice chairmen. They shall also elect a secretary and treasurer, who need not be directors, and they may combine the two latter offices and designate the combined office as secretary-treasurer. The treasurer may be a bank or any depository, and as such shall not be considered as an officer but as a function of the board of directors. In such case the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as authorized by the board of directors.

Passed the House March 5, 1969  
Passed the Senate March 11, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

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CHAPTER 65  
[Substitute House Bill No. 301]  
CREDIT UNIONS

AN ACT Relating to credit unions; amending section 3, chapter 173, Laws of 1933 as last amended by section 3, chapter 180, Laws of 1967 and RCW 31.12.050; amending section 7, chapter 173, Laws of 1933 as amended by section 6, chapter 131, Laws of 1943 and RCW 31.12.110; amending section 15, chapter 173, Laws of 1933 as last amended by section 7, chapter 180, Laws of 1967 and RCW 31.12.190; amending section 16, chapter 173, Laws of 1933 as last amended by section 4, chapter 138, Laws of 1959 and RCW 31.12.200; amending section 18, chapter 173, Laws of 1933 as last amended by section 8, chapter 180, Laws of 1967 and RCW 31.12.220; amending section 21, chapter 173, Laws of 1933 as last amended by section 7, chapter 23, Laws of 1957 and RCW

31.12.240; amending section 8, chapter 23, Laws of 1957 as last amended by section 10, chapter 180, Laws of 1967 and RCW 31.12-.245; amending section 20, chapter 173, Laws of 1933 as last amended by section 6, chapter 138, Laws of 1959 and RCW 31.12-.260; amending section 11, chapter 23, Laws of 1957 as last amended by section 11, chapter 180, Laws of 1967 and RCW 31.12-.270; amending section 12, chapter 23, Laws of 1957 as last amended by section 12, chapter 180, Laws of 1967 and RCW 31.12-.280.

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

Section 1. Section 3, chapter 173, Laws of 1933 as last amended by section 3, chapter 180, Laws of 1967 and RCW 31.12.050 are each amended to read as follows:

A credit union shall be organized in the following manner:

The applicants shall execute in quadruplicate articles of incorporation and bylaws by the terms of which they agree to be bound, which shall be submitted to and approved by the supervisor.

The articles of incorporation shall state:

- (1) The name and location of the proposed credit union;
- (2) The number of its directors, which shall not be less than five nor more than fifteen;
- (3) The names, occupations and post office address of the subscribers to the articles of incorporation, and a statement of the number of shares which each has agreed to take; and
- (4) The par value of the shares of the credit union, which shall be five dollars.

When articles of incorporation complying with the foregoing requirements, together with duplicate copies of such bylaws, have been filed with the supervisor, he shall ascertain whether such articles of incorporation and bylaws of such credit union are consistent with the purposes of this chapter and whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the purpose of

the proposed credit union will be honestly and efficiently conducted in accordance with the purpose of this chapter, and he shall further determine the economic advisability for such credit union, also taking into consideration all surrounding facts and circumstances pertaining to a successful operation of said credit union, and whether the proposed credit union is being formed for other than the legitimate objects covered by this chapter. After the supervisor shall have satisfied himself of the above facts, and within thirty days after receipt of such certificates and bylaws, he shall endorse upon each of the articles of incorporation his official signature with the word "approved" or the word "refused" with the date thereof. In case of refusal, he shall return one of the quadruplicate certificates so endorsed with a copy of the bylaws to the person from whom the same were received, which refusal shall be conclusive unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of the county in which the credit union is proposed to be located. In case an appeal is taken the supervisor shall prepare, certify and deliver to such credit union a copy of the order of refusal with any documents filed by the applicant, and upon such transcript of proceedings, with any testimony that may be offered by either party, the case shall be tried in the superior court to which the appeal is taken, which shall be heard in the nature of a writ of review and summarily disposed of by the superior court upon such orders and proceedings as the judge may deem best and a judgment rendered, from which an appeal may be taken by either party to the supreme court; all conditioned that the appellant, upon taking the appeal, shall pay the reasonable charges for a transcript of the proceedings. In case of approval of the proposed corporation, the supervisor shall give notice thereof to the proposed incorporators, and shall file one of the quadruplicate articles of incorporation in his own office, and shall transmit another quadruplicate copy to the secretary of state, and shall return two quadruplicate copies and one of the duplicate bylaws of the incorporators.

The incorporators shall file one of the quadruplicate copies with the county auditor of the county in which such credit union is to be located, with a filing fee of twenty-five cents.

Upon receipt from the proposed incorporators of a filing fee of five dollars the secretary of state shall file and record the articles of incorporation. Upon the filing of articles of incorporation, approved as aforesaid by the supervisor, with the secretary of state and county auditor, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this chapter, and whose existence (~~((shall continue for the period not exceeding fifty years))~~) may be perpetual. In order to simplify the organization of credit unions the supervisor shall cause forms of articles of incorporation and bylaws to be prepared consistent with the provisions of this chapter, and upon written application of any seven residents of this state shall supply them without charge with blank forms of articles of incorporation and form of suggested bylaws.

Sec. 2. Section 7, chapter 173, Laws of 1933 as amended by section 6, chapter 131, Laws of 1943 and RCW 31.12.110 are each amended to read as follows:

Subject to RCW 31.12.120 the bylaws may be amended by the board of directors at any (~~(annual)~~) regular meeting or at a special meeting called for the purpose, by a two-thirds vote of all members (~~((present and entitled to vote))~~) of the board: PROVIDED, That a copy of the proposed amendment, together with a written notice of the meeting, shall have been sent to each member of the board to his last known post office address, or handed to him in person, at least seven days before the meeting.

Sec. 3. Section 15, chapter 173, Laws of 1933 as last amended by section 7, chapter 180, Laws of 1967 and RCW 31.12.190 are each amended to read as follows:

The board shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but not

less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, determine the rate of interest on loans subject to the limitations herein, determine the rate of interest to be paid on deposits, which shall not ~~((exceed-four-percent-per-year))~~ be greater than one-half of one percent less than the rate at which dividends have been declared during the immediately preceeding period, determine the types of security which shall be acceptable on loans subject to the limitations herein, and fill vacancies in the board and in such committees for which provision as to filling of vacancies is not made herein, until the next election. ~~((#))~~ The board shall make recommendations to the members relative to ~~((the-need-of-amendments-to-the-by-laws-and-other))~~ matters upon which it deems the members should act at any regular or special meeting. The board from time to time shall set the amount of shares and deposits which any one member may hold in the credit union, and set the amount which may be loaned, secured or unsecured, to any one member, all subject to the limitations contained in this chapter. At each annual, semiannual, or quarterly period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration, and which may be paid to members on shares withdrawn during the period. Shares which become paid up during the year shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full: PROVIDED, That the board may compute such full shares if purchased on or before the tenth day of any month, as of the first day of the month. The board may borrow money in behalf of the credit union, for the purpose of making loans, and the payment of debts or withdrawals. The aggregate amount of such loans shall not exceed thirty-three and one-third percent of the credit union's paid-in and unimpaired capital and surplus except with the approval of the supervisor. It may, by a two-thirds vote, remove from office any officer for cause; or suspend any member of the board, credit committee, or audit committee, for cause, until the next membership meeting, which meeting

shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. The board shall make a written report to the members at each annual meeting.

Sec. 4. Section 16, chapter 173, Laws of 1933 as last amended by section 4, chapter 138, Laws of 1959 and RCW 31.12.200 are each amended to read as follows:

An auditing committee of not less than three members shall be elected at the annual meeting of the credit union and shall hold office for a term of three years, unless sooner removed as herein provided, or until their successors commence the performance of their duties. The auditing committee shall be divided into classes so that an equal number as nearly as may be shall be elected each year. If a member of the auditing committee ceases to be a member of the credit union, his office shall thereupon become vacant.

The auditing committee shall keep fully informed at all times as to the financial condition of the credit union; examine carefully the cash and accounts (~~monthly~~) semiannually; certify the monthly statements submitted by the treasurer, semiannually; make a thorough audit of the books, including income and expense, semiannually; report to the board its findings, together with its recommendations; under regulations prescribed by the supervisor, cause to be verified the passbooks of the credit union, according to such regulations; hold meetings at least (~~once-a-month~~) semiannually and keep records thereof; and make an annual report at the annual meeting.

By unanimous vote the auditing committee may suspend an officer of the corporation or a member of the credit committee or of the board until the next members' meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. By a majority vote of the auditing committee it may call a special meeting of the members to consider any violation of this chapter or of the bylaws, or any practice of the credit union deemed by the committee to be unsafe or unauthorized. The auditing committee shall fill vacancies in its own

membership until successors are elected. It shall also call a special meeting of the membership upon the request of the supervisor.

Sec. 5. Section 18, chapter 173, Laws of 1933 as last amended by section 8, chapter 180, Laws of 1967 and RCW 31.12.220 are each amended to read as follows:

Before the payment of any dividend there shall be set apart as a guaranty fund not less than twenty percent of the net income which has accumulated during the next preceding dividend period, except as hereinafter provided, until such time as said guaranty fund and undivided profits shall equal ten percent of the outstanding loans (~~and investments~~) of the said credit union and thereafter there shall be added to the guaranty fund at the end of each such period such percentage of the net income which has accumulated during that period as will result in at least maintaining such guaranty fund and undivided profits at such amount. All entrance fees shall be added to the guaranty fund at the close of the dividend period, and shall never exceed twenty-five cents for each member. The guaranty fund and the investments thereof shall be held to meet contingencies or losses in the business of the credit union, and shall not be distributed to its members, except in case of dissolution.

Sec. 6. Section 21, chapter 173, Laws of 1933 as last amended by section 7, chapter 23, Laws of 1957 and RCW 31.12.240 are each amended to read as follows:

The credit committee shall hold meetings at least once a month; act on all applications for loans; approve in writing all personal loans granted and any security pledged therefor; and submit to the board all applications for loans other than personal loans, with their recommendations thereon, except as provided in RCW 31.12.245.

No personal loans shall be made unless all the members of the credit committee who are present when the application is considered, which number shall constitute at least two-thirds of the members of the committee, approve such loan, except as provided in RCW 31.12.245. The credit committee may be established in such numbers and at such

places as is necessary to serve member needs, with a minimum of two members needed for loan approval: PROVIDED, That such extension of service is approved by the supervisor. No loan shall be granted unless it promises to be of benefit to the borrower. A borrower shall have not less than one fully paid share.

Sec. 7. Section 8, chapter 23, Laws of 1957 as last amended by section 10, chapter 180, Laws of 1967 and RCW 31.12.245 are each amended to read as follows:

The board of any credit union organized under this chapter whose assets are in excess of two hundred thousand dollars may appoint such loan officers as it deems advisable for the purpose of approving certain types of loans without further authorization from the credit committee. Credit unions with assets of two hundred thousand dollars or less may appoint such loan officers: PROVIDED, That the supervisor has given his prior approval thereto. (~~Such loan officers may be authorized to approve individually only the following types of loans without the approval of the credit committee:-~~

~~{1}--Personal loans to an amount not exceeding one thousand dollars, on the unindorsed or unsecured note of the borrower, and personal loans not exceeding one thousand five hundred dollars which are adequately secured in the judgment of a loan officer;~~

~~{2}--Personal loans in excess of one thousand dollars so long as that amount of the loan exceeding one thousand dollars is secured by the borrower's pledged shares in the credit union;~~

~~{3}--Personal loans refinancing loans previously made where the new loan balance will not exceed the loan balance originally authorized and the actual indebtedness is not increased by more than one thousand dollars.)~~ All loans not approved by a loan officer shall be acted upon by the credit committee. No individual shall have authority to disburse funds of the credit union for any loan which has been approved by him in his capacity as a loan officer.

Sec. 8. Section 20, chapter 173, Laws of 1933 as last amended by section 6, chapter 138, Laws of 1959 and RCW 31.12.260 are each

amended to read as follows:

The capital, deposits, and surplus of a credit union shall be invested in loans to members, with the approval of the credit committee or the loan officer where permitted herein, and also when required herein, of the board of directors, and any capital, deposits, or surplus funds in excess of the amount for which loans may be approved, may be deposited in banks or trust companies or in state or national banks located in this state, or invested in any bond or securities or other investments which are at the time legal investments for savings and loan associations in this state, except first mortgage real estate loans, or in the shares of other credit unions or savings and loan associations organized or authorized to do business under the laws of this state or the United States. No credit union shall carry on a banking business or carry any demand, commercial, or checking accounts, nor issue any time or demand certificates of deposit. (~~At least five percent of the total assets of a credit union shall be carried as cash on hand or as balances due from banks, trust companies, savings and loan associations, central credit unions or mutual savings banks organized or authorized to do business in this state or the United States, or invested in the bonds or notes of the United States, or of any state, or subdivision thereof, which are legal investments for savings and loan associations.~~ Whenever the aforesaid ratio falls below five percent, no further loans shall be made until the ratio has been reestablished.) Investments other than personal loans shall be made only with the approval of the board.

Sec. 9. Section 11, chapter 23, Laws of 1957 as last amended by section 11, chapter 180, Laws of 1967 and RCW 31.12.270 are each amended to read as follows:

A credit union may make:

(1) Personal loans to its members secured by the note of the borrower;

(2) Loans to its members under the act of congress known as the "Higher Education Act of 1965", Nov. 8, 1965, Pub. L. 89-329 (20

USC sections 1001 to 1144 inc.);

(3) Loans to its members secured by a first security interest in a house trailer, as defined by RCW 82.50.010, owned by the member. All such loans must be amortized by weekly, semimonthly, or monthly payments, which payments, including interest, shall be at the rate of not less than fifteen percent per year of the original principal. Such loans shall not exceed seventy-five percent of the purchase price or of the appraised value thereof, whichever is the lesser;

(4) Loans to its members secured by first mortgages or real estate contracts in which members are buyers if such mortgage or contract relates to real estate which is situated within the state; such real estate must be within fifty miles of the principal office of the credit union unless with prior approval of the supervisor; and

(5) Loans to other credit unions upon a two-thirds majority vote of the board: PROVIDED, That the total amount of such loans does not exceed twenty-five percent of the paid-in and unimpaired capital and surplus of the lending credit union.

Personal loans shall be given preference, and in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, further preference shall be given to the smaller loan. Each personal loan shall be payable within ~~((two))~~ four years from the date thereof: PROVIDED, That loans with satisfactory security may be made payable within ~~((five))~~ eight years from the date thereof. ~~((Each endorser of a note given as security for a personal loan shall be a resident of the state at the time the loan is made, unless he is a member of the credit union, and if he leaves the state, a new resident endorser shall be immediately provided or the loan shall be at once collectible.))~~

Sec. 10. Section 12, chapter 23, Laws of 1957 as last amended by section 12, chapter 180, Laws of 1967 and RCW 31.12.280 are each amended to read as follows:

~~((Loans to any one member shall not exceed six thousand dollars without the permission of the supervisor and shall be limited as fol-~~

~~laws--~~

~~(1)--To an amount not exceeding one thousand dollars on the unsecured or unsecured note of the borrower--~~

~~(2)--Loans to an individual or family community in excess of one thousand dollars must be adequately secured--))~~

No loan which is not adequately secured may be made to any member, if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in a aggregate amount which, in the case of a credit union whose unimpaired capital and surplus is less than eight thousand dollars would exceed two hundred dollars, or which, in the case of any other credit union, would exceed two thousand five hundred dollars or two and one-half per centum of its unimpaired capital and surplus, whichever is less. No loan may be made to any member if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in an aggregate amount which would exceed two hundred dollars or ten percent of the credit union's unimpaired capital and surplus, whichever is greater: PROVIDED, That loans to any family community shall not exceed ten thousand dollars without the permission of the supervisor.

Passed the House March 1, 1969

Passed the Senate March 11, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 66

[Engrossed House Bill No. 371]  
1955 AGRICULTURAL ENABLING ACT--  
PRODUCER LISTS--ELECTION COSTS

AN ACT Relating to agriculture; amending section 15.66.060, chapter 11, Laws of 1961 and RCW 15.66.060; amending section 15.66.260, chapter 11, Laws of 1961 and RCW 15.66.260.

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

Section 1. Section 15.66.060, chapter 11, Laws of 1961 and RCW 15.66.060 are each amended to read as follows:

Upon receipt of a petition for the issuance, amendment, or termination of a marketing order, the director shall establish a list of producers of the agricultural commodity affected or make any such ex-

isting list current. In establishing or making current such a list of producers, the director shall publish a notice to producers of the commodity to be affected requiring them to file with the director a certified report showing the producer's name, mailing address, and the yearly average quantity of the affected commodity produced by him in the five years preceding the date of the notice or in such lesser time as the producer has produced the commodity in question. The notice shall be published once a week for four consecutive weeks in such newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected producers on record with the director. All reports shall be filed with the director within twenty days from the last date of publication of the notice or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep such lists at all times as current as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by the director: PROVIDED, That any commission established under the provisions of this chapter may at its discretion prior to any election for members of such commission carry out the above stated mandate to the director for establishing a list of producers, and supply the director with a current list of all producers subject to the provisions of the marketing order under which it was formed.

Such producer list shall be final and conclusive in making determinations relative to the assent by producers upon the issuance, amendment or termination of a marketing order and in elections under the provisions of this chapter.

The director shall then notify affected producers, so listed, by mail that the public hearing affording opportunity for them to be heard upon the proposed issuance, amendment, or termination of the marketing order will be heard at the time and place stated in the notice. Such notice of the hearing shall be given not less than ten days nor more than sixty days prior to the hearing.

Sec. 2. Section 15.66.260, chapter 11, Laws of 1961 and RCW 15.66.260 are each amended to read as follows:

All general administrative expenses of the director in carrying out the provisions of this chapter shall be borne by the state; PROVIDED, That the department shall be reimbursed for actual costs incurred in conducting nominations and elections for members of any commodity board established under the provisions of this chapter. Such reimbursement shall be made from the funds of the commission for which the nominations and elections were conducted by the director.

Passed the House February 27, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 67  
 [Engrossed House Bill No. 17]  
 WEIGHTS AND MEASURES

AN ACT Relating to weights and measures; repealing sections 1 through 39, chapter 291, Laws of 1959, and RCW 19.93.010 through 19.93-.380 and RCW 19.93.900; defining crimes; and providing penalties.  
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Terms used in this act shall have the meaning given to them in section 2 through 13 of this act unless where used the context shall clearly indicate to the contrary.

NEW SECTION. Sec. 2. "Department" means the department of agriculture of the state of Washington.

NEW SECTION. Sec. 3. "Director" means the director of the department or his duly appointed representative.

NEW SECTION. Sec. 4. "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof.

NEW SECTION. Sec. 5. "Weights and measures" means weights and measures of every kind, instruments and devices for weighing and measuring, and every appliance and accessory associated with any or all such instruments and devices.

NEW SECTION. Sec. 6. "City" means a city of the first class

with a population of over fifty thousand persons.

NEW SECTION. Sec. 7. "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred and twenty-eight cubic feet, when the wood is ranked and well stowed.

NEW SECTION. Sec. 8. "City sealer" means the sealer of weights and measures of a city.

NEW SECTION. Sec. 9. "Ton" means a unit of two thousand pounds avoirdupois weight.

NEW SECTION. Sec. 10. The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this act. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form.

NEW SECTION. Sec. 11. "Meat" shall mean and include all animal flesh, carcasses or parts of animals, and shall include fish, shell fish, game, poultry and meat food products of every kind and character, whether fresh, frozen, cooked, cured or processed.

NEW SECTION. Sec. 12. "Poultry" shall mean all fowl, domestic or wild, which is prepared, processed, sold or intended or offered for sale.

NEW SECTION. Sec. 13. "Fish" shall mean any water-breathing animal, including shell fish such as, but not limited to, lobster, clam, crab or other mollusca which is prepared, processed, sold, or intended or offered for sale.

NEW SECTION. Sec. 14. In any rule or regulation adopted pursuant to this act, the following definitions shall apply:

(1) A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form

other than a consumer package, and particularly a package designed solely for industrial or institutional use or for whole sale distribution only.

(2) A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

NEW SECTION. Sec. 15. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in this state. The definitions of basic units of weight and measure and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in the state.

NEW SECTION. Sec. 16. Weights and measures in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state standards, shall, when the same shall have been certified as such by the national bureau of standards, be the state standards of weight and measure. The state standards shall be kept in a place designated by the director and shall not be removed from the said place except for repairs or for certification: PROVIDED, That they shall be submitted at least once in ten years to the national bureau of standards for certification.

NEW SECTION. Sec. 17. In addition to the state standards provided for in section 16 of this act, there shall be supplied by the state such "field standards" and such equipment as may be found necessary to carry out the provisions of this act. The field standards shall be verified upon their initial receipt and at least once

each year thereafter, by comparison with the state standards.

NEW SECTION. Sec. 18. The director shall be the state sealer of weights and measures, which shall include all towns and all cities with a population of less than fifty thousand persons, and he shall have the custody of the state standards of weights and measures and of the other standards and equipment provided for in this act. The director shall have general supervision over city sealers of weights and measures and over the weights and measures offered for sale, sold, or in use in the state.

NEW SECTION. Sec. 19. The director shall enforce the provisions of this act and shall issue from time to time reasonable rules and regulations for enforcing and carrying out the purposes of this act. Such rules and regulations shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) rules governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) rules providing that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of section 25 of this act with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) exemptions from the requirements of section 20 and 21 of this act for testing, with respect to classes of weights and measures found to be of such character

that periodic retesting is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in section 21 of this act, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, third edition as published at the time of the enactment of this act shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. The director may, at his discretion, adopt by regulation any supplement to the national bureau of standards Handbook 44, third edition or any subsequent similar publication by such bureau. For the purpose of this act, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

NEW SECTION. Sec. 20. The director shall test the standards of weight and measure procured by any city for which the appointment of a sealer of weights and measures is provided by this act, at least once every five years, and shall approve the same when found to be correct, and he shall inspect such standards at least once every two years. He shall test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report his findings, in writing, to the executive officer of the institution concerned.

NEW SECTION. Sec. 21. If not otherwise provided by law, the director shall have the power to inspect and test to ascertain if they

are correct, all weights and measures kept, offered, or exposed for sale. A representative sample may be used as the basis to determine whether any lot is incorrect. It shall be the duty of the director, except in cities for which city sealers of weights and measures have been appointed as provided for in this act, as often as he may deem necessary, to inspect and test to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure or of count, (2) in computing the basic charge or payment for services rendered on the basis of weight or of measure or of count, or (3) in determining weight or measurement or count when a charge is made for such determination: PROVIDED, That with respect to single-service devices, that is, devices designed to be used commercially only once and to be then discarded, and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this section will be satisfied when inspections and tests are made on representative sample lots of such devices; and the larger lot of which such sample lots are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such sample lots.

NEW SECTION. Sec. 22. The director shall investigate complaints made to him concerning violations of the provisions of this act, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this act and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

NEW SECTION. Sec. 23. The director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, exposed for sale, sold or in the process of delivery to determine whether the same contain the amounts represented and whether they be kept,

offered, exposed for sale or sold in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented or are found to be kept, offered or exposed for sale in violation of law, the director may order them off sale and may mark, tag, or stamp them in a manner prescribed by him. In carrying out the provisions of this section, the director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of a result obtained on a sample selected from and representative of such lot. No person shall (1) sell, keep, offer or expose for sale any package or amount of commodity that has been ordered off sale as provided in this section unless and until such package or amount of commodity has been brought into full compliance with legal requirements or (2) dispose of any package or amount of commodity that has been ordered off sale and that has not been brought into compliance with legal requirements in any manner except with the specific approval of the director.

NEW SECTION. Sec. 24. The director shall have the power to issue stop-use orders, stop-removal orders and removal orders with respect to weights and measures being, or susceptible or being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, exposed for sale, sold or in process of delivery, whenever in the course of his enforcement of the provisions of this act and/or rules and regulations adopted hereunder he deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified or fail to remove from any premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order or removal order issued under the authority of this section.

NEW SECTION. Sec. 25. The director shall reject and mark or tag as "rejected" such weights and measures as he finds upon inspection or test to be "incorrect" as defined in section 19 of this act, but which in his best judgment are susceptible of satisfactory re-

pair: PROVIDED, That such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by a regulation of the director issued under the authority of section 19 of this act. The director may reject or seize any weights and measures found to be incorrect that, in his best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the director if not corrected as required by section 33 of this act or if used or disposed of contrary to the requirements of said section.

NEW SECTION. Sec. 26. (1) With respect to the enforcement of this act and any other acts dealing with weights and measures that he is, or may be empowered to enforce, the director is authorized to arrest any violator of the said act, and to seize for use as evidence incorrect or unsealed weights and measures or amounts or packages of commodities to be used, retained, offered, exposed for sale or sold in violation of the law.

(2) In the performance of his official duties the director is authorized at reasonable times during the normal business hours of the person using the weights and measures to enter into or upon any structure or premises where weights and measures are used or kept for commercial purposes. Should the director be denied access to any premises or establishment where such access was sought for the purposes set forth in this section, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises or establishment for said purposes. The court may, upon such application, issue the search warrant for the purposes requested.

NEW SECTION. Sec. 27. The powers and duties given to and imposed upon the director by the provisions in sections 20, 21, 22, 23, 24, 25, 26 and 35 of this act may be performed by any of his duly authorized representatives acting under the instructions and at the direction of the director.

NEW SECTION. Sec. 28. There shall be a sealer of weights and measures in every city and such deputies as may be required by ordi-

nance of each such city governed by this act. Such sealer and such deputies shall in any such city be appointed by, and they shall hold office subject to applicable local civil service laws and regulations; otherwise they shall be appointed by the mayor, or other chief executive officer of such city, by and with the advice and consent of the governing body of such city, and they may be removed for cause in the same matter.

NEW SECTION. Sec. 29. A bond with sureties, to be approved by the appointing power, and conditioned upon the faithful performance of his duties and the safekeeping of any standards or equipment entrusted to his care, shall forthwith, upon his appointment, be given by each city sealer and deputy sealer in the penal sum of one thousand dollars; the premium on such bond shall be paid by the city for which the officer in question is appointed.

NEW SECTION. Sec. 30. The city sealer and his deputy sealers when acting under his instructions and at his direction shall have the same powers and shall perform the same duties within the city for which appointed as are granted to and imposed upon the director by sections 21, 22, 23, 24, and 25 of this act.

NEW SECTION. Sec. 31. The council or other governing body of each city for which a city sealer has been appointed as provided for by section 28 of this act shall (1) procure at the expense of the city such standards of weight and measure and such additional equipment, to be used for the enforcement of the provisions of this act in such city, as may be prescribed by the director; (2) provide a suitable office for the city sealer; and (3) make provision for the necessary clerical services, supplies, transportation and for defraying contingent expenses incidental to the official activities of the city sealer in carrying out the provisions of this act. When the standards of weight and measure required by this section to be provided by a city shall have been examined and approved by the director, they shall be the official standards for such city. It shall be the duty of the city sealer to make, or to arrange to have made, at least as

frequently as once a year, comparisons between his field standards and appropriate standards of a higher order belonging to his city or to the state, in order to maintain such field standards in accurate condition.

NEW SECTION. Sec. 32. In cities for which city sealers of weights and measures have been appointed as provided for in this act, the director shall have concurrent authority to carry out the provisions of this act. The powers and duties relative to weights and measures contained in this act shall be in addition to the powers granted to any city by law or charter.

NEW SECTION. Sec. 33. Weights and measures that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such a manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially reexamined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

NEW SECTION. Sec. 34. Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this act, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count: PROVIDED, That liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold: AND PROVIDED FURTHER, That the provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to com-

modities in containers standardized by a law of this state or by federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The director may issue such reasonable regulations as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented to be accurate and informative to all interested parties.

NEW SECTION. Sec. 35. Except as otherwise provided in this act, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, offered or exposed for sale or sold in intrastate commerce, shall bear on the outside of the package such definite, plain, and conspicuous declaration of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (2) the net quantity of the contents in terms of weight, measure or count; and (3) in the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer, or distributor, as may be prescribed by regulation issued by the director: PROVIDED, That in connection with the declaration required under subdivision (2) of this section, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", "or over", and the like) that tends to exaggerate the amount of commodity in a package, shall be used: AND PROVIDED FURTHER, That under clause (2) the director shall by regulation establish (a) reasonable variations to be allowed, (b) exemptions as to small packages and (c) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

NEW SECTION. Sec. 36. In addition to the declarations required by section 35 of this act, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

NEW SECTION. Sec. 37. No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed or filled as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standards of fill as may have been prescribed for the commodity in question by the director.

NEW SECTION. Sec. 38. The word "weight" as used in this act in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

NEW SECTION. Sec. 39. Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

NEW SECTION. Sec 40. Except for immediate consumption on the premises where sold or as one of several elements comprising a meal sold as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products, fish and poultry offered or ex-

posed for sale or sold as food, unless otherwise provided for by the laws of the state of Washington, shall be offered or exposed for sale and sold by weight.

NEW SECTION. Sec. 41. Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight and only in units of one-quarter pound, one-half pound, one pound or multiples of one pound, avoirdupois weight.

NEW SECTION. Sec. 42. All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream and buttermilk and all fluid imitation and fluid substitute dairy products shall be packaged for retail sale only in units of one gill, one-half liquid pint, 10 fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons or multiples of one gallon: PROVIDED, That the director may by regulation provide for other sizes under one quart.

NEW SECTION. Sec. 43. When in package form and when packed, kept, offered, exposed for sale or sold, flour such as, but not limited to, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromatad flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal and hominy grits shall be packaged only in units of five, ten, twenty-five, fifty and one hundred pounds avoirdupois weight: PROVIDED, That packages in units of less than five pounds or more than one hundred pounds shall be permitted.

NEW SECTION. Sec. 44. When a vehicle delivers to an individual purchaser a commodity in bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or other indelible marking equipment and, in clarity, equal to type or printing: (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery expressed in pounds, and, if the net weight is derived from determin-

ations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered on demand to the director or the deputy director or the inspector, or the sealer or deputy sealer, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: PROVIDED, That if the purchaser himself carries away his purchase, the vendor shall be required only to give the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him.

NEW SECTION. Sec. 45. All solid fuels such as, but not limited to, coal, coke, charcoal, broiler chips, pressed fuels and briquets shall be sold by weight: PROVIDED, That solid fuels such as hogged fuel, sawdust and similar industrial fuels may be sold or purchased by cubic measure. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated (1) the name and address of the vendor; (2) the name and address of the purchaser; and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered, on demand, to the director or his deputy or inspector or a city sealer or deputy sealer who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: PROVIDED, That if the purchaser carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him.

NEW SECTION. Sec. 46. All stove and furnace oil shall be sold by liquid measure or by net weight in accordance with the provi-

sions of section 34 of this act. In the case of each delivery of such liquid fuel not in package form, and in an amount greater than ten gallons in the case of sale by liquid measure or one hundred pounds in the case of sale by weight, there shall be rendered to the purchaser, either (a) at the time of delivery or (b) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or other indelible substance, there shall be clearly and legibly stated (1) the name and address of the vendor; (2) the name and address of the purchaser; (3) the identity of the type of fuel comprising the delivery; (4) the unit price (that is, price per gallon or per pound, as the case may be), of the fuel delivered; (5) in the case of sale by liquid measure, the liquid volume of the delivery together with any meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions; and (6) in the case of sale by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

NEW SECTION. Sec. 47. Berries and small fruit shall be offered and exposed for sale and sold by weight, or be measure in open containers having capacities of one-half dry pint, one dry pint or one dry quart: PROVIDED, That the marking provisions of section 34 of this act shall not apply to such dry volume containers.

NEW SECTION. Sec. 48. Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in sections 7, 9 and 15 of this act, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

NEW SECTION. Sec. 49. Any person who shall hinder or obstruct in any way the director, a city sealer or deputy sealer, in the performance of his official duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of

not less than twenty dollars or more than two hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

NEW SECTION. Sec. 50. Any person who shall impersonate in any way the director, or a city sealer or a deputy sealer, by the use of his seal or a counterfeit of his seal, or in any other manner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or not less than one hundred dollars or more than five hundred dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

NEW SECTION. Sec. 51. Any person who, by himself, by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subsections (1) through (9) below, shall be guilty of a misdemeanor and upon a second or subsequent conviction thereof he shall be guilty of a gross misdemeanor.

(1) Use or have in possession for the purpose of using for any commercial purpose specified in section 21 of this act, sell, offer, expose for sale or hire or have in possession for the purpose of selling or hiring an incorrect weight or measure or any device or instrument used or calculated to falsify any weight or measure.

(2) Use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for such determination, any incorrect weight or measure.

(3) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(4) Remove from any weight or measure, contrary to law or regulation, any tag, seal, stamp or mark placed thereon by the director, or a city sealer or deputy sealer.

(5) Sell, offer or expose for sale less than the quantity he represents of any commodity, thing or service.

(6) Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined.

(7) Keep for the purpose of sale, advertise, offer or expose for sale or sell any commodity, thing or service in a condition or manner contrary to law or regulation.

(8) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(9) Violate any provision of this act or of the rules and/or regulations promulgated under the provisions of this act for which a specific penalty has not been prescribed.

NEW SECTION. Sec. 52. The director is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this act.

NEW SECTION. Sec. 53. For the purposes of this act, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle.

NEW SECTION. Sec. 54. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy available at law.

NEW SECTION. Sec. 55. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudi-

cation shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

NEW SECTION. Sec. 56. Section 1 through 39, chapter 291, Laws of 1959 and RCW 19.93.010 through 19.93.380 and 19.93.900 are each repealed.

Passed the House March 12, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 68  
 [House Bill No. 18]  
 FOOD PROCESSING

AN ACT Relating to food processing; amending section 2, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.020; amending section 4, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.040; amending section 8, chapter 121, Laws of 1967 ex. sess. and RCW 69.07-.080; adding a new section to chapter 121, Laws of 1967 ex. sess. and to chapter 69.07 RCW; and repealing section 3, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.030.

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

Section 1. Section 2, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.020 are each amended to read as follows:

(1) The department shall enforce and carry out the provisions of this chapter, and may adopt the necessary rules to carry out its purposes.

(2) Such rules may include ~~((but are not limited to))~~:

(a) ~~((Standards of sanitation in the handling, storing, or holding of raw food products prior to processing in a food processing plant.~~

~~(b) Standards of sanitation in and throughout a food processing plant and its appurtenances, including the facilities used for the personal comfort and convenience of employees and their location in a food processing plant.~~

~~(c) Standards of sanitation for any contrivance or equipment~~

~~used in (i) the handling of either raw feed products or processed feed products being transported or moved into a food processing plant, (ii) the handling and processing of said raw feed products or processed feed products within the food processing plant and (iii) the preparation for and shipment of processed feeds and their by-products from the food processing plant.~~

~~(d) Standards for the materials used in the construction of these areas where feeds are actually processed in a food processing plant.~~

~~(e) Standards for the types of materials used in equipment used to handle and process feeds in a food processing plant.~~

~~(f)) Standards for temperature controls in the storage of foods, so as to provide proper refrigeration.~~

~~((g)) (b) Standards for temperatures at which low acid foods must be processed and the length of time such temperatures must be applied and at what pressure in the processing of such low acid foods.~~

~~((h)) (c) Standards and types of recording devices that must be used in providing records of the processing of low acid foods, and how they shall be made available to the department of agriculture for inspection.~~

~~((i)) (d) Requirements for the keeping of records of the temperatures, times and pressures at which foods were processed, or for the temperatures at which refrigerated products were stored by the licensee and the furnishing of such records to the department.~~

~~(e) Standards that must be used to establish the temperature and purity of water used in the processing of foods.~~

Sec. 2. Section 4, chapter 121, Laws of 1967 ex. sess. and RCW 69-.07.040 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods without first having obtained an annual license from the department, which shall expire on the 31st day of March following issuance. A separate license shall be required for each food processing plant. Application for a license shall be on a form prescribed by the director and accompanied by a ten dollar annual license fee. Such application shall include the full name of the applicant for the license and the loca-

tion of the food processing plant he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. (~~The provisions of this section shall not apply to food processing plants or food processors subject to and being inspected by the federal department of health, education and welfare.~~)

Sec. 3. Section 8, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.080 are each amended to read as follows:

For purpose of determining whether the rules adopted pursuant to RCW 69.07.020, as now or hereafter amended are complied with, the department shall have access for inspection purposes to any part, portion or area of a food processing plant, and any records required to be kept under the provisions of this chapter or rules and regulations adopted hereunder. Such inspection shall, when possible, be made during regular business hours or during any working shift of said food processing plant. The department may, however, inspect such food processing plant at any time when it has received information that an emergency affecting the public health has arisen and such food processing plant is or may be involved in the matters causing such emergency (~~(+--PROVIDED,--HOWEVER,--That the inspections authorized by this chapter do not apply to a food processing plant that is subject to and is being inspected by a federal agency)~~).

NEW SECTION. Sec. 4. There is added to chapter 121, Laws of 1967 ex. sess. and to chapter 69.07 RCW a new section to read as fol-

lows:

The authority granted to the director and to the department under the provisions of the Uniform Washington Food, Drug and Cosmetic Act (chapter 69.04 RCW), as now or hereafter amended, shall not be deemed to be reduced or otherwise impaired as a result of any provision or provisions of the Washington Food Processing Act (chapter 69.07 RCW).

NEW SECTION. Sec. 5. Section 3, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.030 are each repealed.

Passed the House March 12, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

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CHAPTER 69  
 [House Bill No. 53]  
 MOBILE HOMES AND TRAVEL TRAILERS EXCISE

AN ACT Relating to mobile homes and travel trailers; amending section 82.50.020, chapter 15, Laws of 1961, as amended by section 45, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.020; and amending section 82.50.070, chapter 15, Laws of 1961, as amended by section 49, chapter 149, Laws of 1967 ex. sess., and RCW 82.50.070.

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

Section 1. Section 82.50.020, chapter 15, Laws of 1961, as amended by section 45, chapter 149, Laws of 1967 es. sess., and RCW 82.50.020 are each amended to read as follows:

An annual excise tax is imposed on the owner of any mobile home or travel trailer for the privilege of using such mobile home or travel trailer in this state. The tax shall be collected for each calendar year by the department of motor vehicles or the county auditor of the county in which the mobile home or travel trailer is located at the time payment is made and shall be due on and after January 1st or on the date the mobile home or travel trailer is first purchased or brought into this state, and paid on or before (~~March 31st~~) January 31st of each calendar year or thirty days after the mobile home or

travel trailer is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any mobile home or travel trailer upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such mobile home or travel trailer has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

Sec. 2. Section 82.50.070, chapter 15, Laws of 1961, as amended by section 49, chapter 149, Laws of 1967 ex.sess., and RCW 82.50.070 are each amended to read as follows:

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer, a description of the mobile home or travel trailer, and in the case of a mobile home its location at the time of payment of the tax which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of mobile home or travel trailer, listed alphabetically.

In addition thereto the county auditor or the director shall issue a license plate and register the mobile home or travel trailer as if they were "house trailers" under the provisions of chapter 46-.16 and shall collect the additional fees therein provided. Such license plate shall be displayed in the manner prescribed in RCW 46-.16.240: PROVIDED, That when the mobile home or travel trailer is not using the public highways the license plate shall be displayed pursuant to rules or orders promulgated by the department.

Passed the House March 5, 1969.  
Passed the Senate March 12, 1969.  
Approved by the Governor March 24, 1969.  
Filed in office of Secretary of State March 24, 1969.

CHAPTER 70  
[Substitute House Bill No. 95]  
PROBATE

AN ACT Relating to probate; amending section 11.28.237, chapter 145, Laws of 1965 and RCW 11.28.237; amending section 11.76.040, chapter 145, Laws of 1965 and RCW 11.76.040; amending section 11.76.080, chapter 145, Laws of 1965 and RCW 11.76.080; amending section 11.88.040, chapter 145, Laws of 1965 and RCW 11.88.040; and repealing section 11.16.081, chapter 145, Laws of 1965 and RCW 11.16.081.

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

Section 1. Section 11.88.040, chapter 145, Laws of 1965 and RCW 11.88.040 are each amended to read as follows:

Before appointing a guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee only, or by personal service in the manner provided for services of summons, to the following:

- (1) The incompetent or minor, if over fourteen years of age;
  - (2) A parent, if the incompetent is a minor, and the spouse of the incompetent if any;
  - (3) Any other person who has been appointed as guardian, or the person having the care and custody of the incompetent, if any.
- No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or have waived notice of the hearing. If the petition is by a parent asking for his appointment as guardian of a minor child under the age of fourteen years, or if the petition be accompanied by the written consent of a minor of the age of fourteen years or upward, consenting to the appointment of the guardian asked for, or if the petition be by a nonresident guardian of any minor or incompetent, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days' notice shall

be given. It shall not be necessary that the person for whom guardianship is sought shall be represented by a guardian ad litem in the proceedings.

Sec. 2. Section 11.28.237, chapter 145, Laws of 1965 and RCW 11.28.237 are each amended to read as follows:

Within twenty days after ((his)) appointment, the personal representative of the estate of a decedent shall cause written notice of his said appointment, and of the pendency of said probate proceedings, to be mailed to each heir (~~((7-distributee, and, in addition, in the case of a will, to each person named therein))~~) , legatee and devisee of the estate whose names and addresses are known to him, and proof of such mailing shall be made by affidavit and filed in the cause.

Sec. 3. Section 11. 76.040, chapter 145, Laws of 1965 and RCW 11.76.040 are each amended to read as follows:

When such final report and petition for distribution, or either, has been filed, the court, or the clerk of the court, shall fix a day for hearing it which must be at least twenty days subsequent to the day of the publication as hereinafter provided. Notice of the time and place fixed for the hearing shall be given by the personal representative by publishing a notice thereof in a legal newspaper published in the county for one publication at least twenty days preceding the time fixed for the hearing. It shall state in substance that a final report and petition for distribution have, or either thereof has, been filed with the clerk of the court and that the court is asked to settle such report, distribute the property to the heirs or persons entitled thereto, and discharge the personal representative, and it shall give the time and place fixed for the hearing of such final report and petition and shall be signed by the personal representative or the clerk of the court.

Whenever a final report and petition for distribution, or either, shall have been filed in the estate of a decedent and a day fixed for the hearing of the same, the personal representative of such es-

tate shall, not less than twenty days before the hearing, cause to be mailed a copy of the notice of the time and place fixed for hearing to each heir, legatee, devisee and distributee (~~((, and, in addition, in the case of a will, to each person named therein,))~~) whose name (~~((s))~~) and address (~~((es))~~) are known to him, and proof of such mailing shall be made by affidavit and filed at or before the hearing.

Sec. 4. Section 11.76.080, chapter 145, Laws of 1965 and RCW 11.76.080 are each amended to read as follows:

If there be any incompetent (~~((or person under disability))~~) as defined in RCW 11.88.010 interested in the estate who has no legally appointed guardian, the court:

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

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

appoint some disinterested person (~~((,))~~) as guardian ad litem (~~((,))~~) to represent such incompetent (~~((or person under disability,))~~) with reference to any petition, (~~((or))~~) proceeding or report in which the incompetent (~~((or person under disability))~~) may have an interest, who, on behalf of the incompetent (~~((or person under disability))~~), may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his services:

PROVIDED, HOWEVER, That where a surviving spouse is the sole beneficiary under the terms of a will, the court may grant a motion by the personal representative to waive the appointment of a guardian ad litem for a person who is the minor child of such surviving spouse and the decedent and who is incompetent solely for the reason of his being under twenty-one years of age.

NEW SECTION. Sec. 5. Section 11.16.081, chapter 145, Laws of 1965 and RCW 11.16.081 are each hereby repealed.

Passed the House March 12, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 71  
[House Bill No. 153]  
COMMON SCHOOLS--CURRICULUM--  
TEACHING IN THE ENGLISH LANGUAGE

AN ACT Relating to education; amending section 2, chapter 97, page 262, Laws of 1909 and RCW 28.05.010; amending section 28A.05.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.05.010; adding a new section to chapter 28.05 RCW; adding a new section to chapter 28A.05 RCW of the proposed 1969 education code; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 2, chapter 97, page 262, Laws of 1909 and RCW 28.05.010 are each amended to read as follows:

All common schools shall (~~be taught in the English language, and~~) give instruction (~~shall be given~~) in the following branches, viz.: Reading, penmanship, orthography, written arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, history of the United States, and such other studies as may be prescribed by the state board of education. Attention must be given during the entire course to the cultivation of manners, and the fundamental principles of honesty, honor, industry and economy, to the laws of health, physical exercise, ventilation and temperature of the school room, and not less than ten minutes each week must be devoted to the systematic teaching of kindness to not only our domestic animals, but to all living creatures.

NEW SECTION. Sec. 2. There is added to chapter 28.05 RCW a new section to read as follows:

All students in the common schools of the state of Washington shall be taught in the English language: PROVIDED, That nothing in

this section shall preclude the teaching of students in a language other than English when such instruction will aid the educational advancement of the student.

Part II. Sections affecting proposed 1969 education code.

Sec. 3. Section 28A.05.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.05.010 are each amended to read as follows:

All common schools shall (~~be-taught-in-the-English-language and~~) give instruction (~~shall-be-given~~) in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures.

NEW SECTION. Sec. 4. There is added to chapter 28A.05 RCW a new section to read as follows:

All students in the common schools of the state of Washington shall be taught in the English language: PROVIDED, That nothing in this section shall preclude the teaching of students in a language other than English when such instruction will aid the educational advancement of the student.

Part III. Construction.

NEW SECTION. Sec. 5. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the pro-

visions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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 House March 12, 1969  
Passed the Senate March 11, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

CHAPTER 72  
[Engrossed House Bill No. 189]  
DOGS--LICENSING--  
DOG CONTROL ZONES

AN ACT Relating to the licensing of dogs.

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

NEW SECTION. Section 1. The purpose of this act is to provide for the licensing of dogs within specific areas of particular counties.

NEW SECTION. Sec. 2. County commissioners may, if the situation so requires, establish dog control zones within high density population districts, or other specified areas, of a county outside the corporate limits of any city, and outside the corporate limits of any organized township. For such zones, licensing regulations may be established which shall not necessarily be operative in sparsely settled rural districts, or in other portions of the county where they

may not be needed. In determining the need for such zones, and in drawing their boundaries, county commissioners shall take into consideration the following factors:

- (1) The density of population in the area proposed to be zoned;
- (2) Zoning regulations, if any, in force in the area proposed to be zoned;
- (3) The public health, safety and welfare within the area proposed to be zoned.

If the commissioners shall find that the area proposed to be zoned is heavily populated, or that the purposes for which the land is being used therein require that dogs be controlled, or that the health, safety, and welfare of the people in the area require such control, they may propose the establishment of a dog control zone.

NEW SECTION. Sec. 3. In determining whether a dog control zone should be established, the county commissioners shall call a public hearing, notice of which shall be published once a week for each of four consecutive weeks prior thereto in a newspaper of general circulation within the proposed zone. At such a hearing, proponents and opponents of the proposed dog control zone may appear and present their views. The final decision of the commissioners with respect to the establishment of such a zone shall not be made until the conclusion of the hearing.

NEW SECTION. Sec. 4. The county commissioners shall by ordinance promulgate the regulations to be enforced within a dog control zone. These shall include provisions for the control of unlicensed dogs and the establishment of license fees. The county sheriff and/or other agencies designated by the county commissioners shall be responsible for the enforcement of the act, including the collection of license fees. Fees collected shall be transferred to the current expense fund of each county.

Passed the House March 12, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

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CHAPTER 73  
[House Bill No. 192]  
INHERITANCE TAX--ESCHEATS--  
REFUNDS, INTEREST

AN ACT Relating to tax and revenue; and amending section 83.44.080, chapter 15, Laws of 1961 and RCW 83.44.080.

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

Section 1. Section 83.44.080, chapter 15, Laws of 1961 and RCW 83.44.080 are each amended to read as follows:

Where refunds are allowed in inheritance tax and escheat cases (~~((by-relief-bills-of-the-legislature))~~), 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 (~~((two))~~) eight percent per annum from the time of the receipt by the state treasurer of said money until the refund thereof (~~((pursuant-to-the-relief-bills-of-the-legislature))~~): 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.

Passed the House March 12, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

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CHAPTER 74  
[House Bill No. 264]  
LOCAL GOVERNMENT--  
TRAVEL EXPENSES--ADVANCES

AN ACT Relating to the advancement of travel expenses to officials of municipal corporations and other political subdivisions; defining crime; and adding new sections to chapter 116, Laws of 1965 and to chapter 42.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 116, Laws of 1965 and to chapter 42.24 RCW a new section to read as follows:

Whenever it becomes necessary for an elected or appointed official or employee of the municipal corporation or political subdivision to travel and incur expenses, the legislative body of such municipal corporation or political subdivision may provide, in the manner that local legislation is officially enacted, reasonable allowances to such officers and employees in advance of expenditure. Such advance shall be made under appropriate rules and regulations to be prescribed by the state auditor.

NEW SECTION. Sec. 2. There is added to chapter 116, Laws of 1965 and to chapter 42.24 RCW, a new section to read as follows:

The legislative body of a municipal corporation or political subdivision wishing to make advance payments of travel expenses to officials and employees, as provided in sections 1 through 5 of this act, will establish, in the manner that local legislation is officially enacted, a revolving fund to be used solely for the purpose of making advance payments of travel expenses. The revolving fund will be maintained in a bank as a checking account and advances to officials or employees will be by check. The fund will be replenished by warrant.

NEW SECTION. Sec. 3. There is added to chapter 116, Laws of 1965, and to chapter 42.24 RCW a new section to read as follows:

To protect the municipal corporation or political subdivision from any losses on account of advances made as provided in sections 1 through 5 of this act, the municipal corporation or political subdivision shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the municipal corporation or political subdivision to such officer or employee to whom such advance has been given, as provided in sections 1 through 5 of this act, 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 sections 1 through 5 of this act at any time when he is delinquent in accounting for or repaying a prior advance under sections 1 through 5 of this act.

NEW SECTION. Sec. 4. There is added to chapter 116, Laws of 1965 and to chapter 42.24 RCW a new section to read as follows:

On or before the tenth day following the close of the authorized travel period for which expenses have been advanced to any officer or employee, he shall submit to the appropriate official a fully itemized travel expense voucher, for all reimbursable items legally expended, accompanied by the unexpended portion of such advance, if any.

Any advance made for this purpose, or any portion thereof, not repaid or accounted for in the time and manner specified herein, shall bear interest at the rate of ten percent per annum from the date of default until paid.

NEW SECTION. Sec. 5. There is added to chapter 116, Laws of 1965 and to chapter 42.24 RCW a new section to read as follows:

An advance made under sections 1 through 5 of this act shall be considered as having been made to such officer or employee to be expended by him as an agent of the municipal corporation or political subdivision for the municipal corporation's or political subdivision's purposes only, and specifically to defray necessary costs while performing his official duties.

No such advance shall be considered as a personal loan to such officer or employee and any expenditure thereof, other than for official business purposes, shall be considered a misappropriation of public funds.

Passed the House March 12, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

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CHAPTER 75  
 [House Bill No. 350]  
 JUSTICE COURT PROCEDURE--  
 PROBATION--SUSPENSION OF SENTENCE

AN ACT Relating to justice courts; and adding new sections to chapter 299, Laws of 1961 and to chapter 3.66 RCW.

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

NEW SECTION. Section 1. There is added to chapter 299, Laws of 1961 and to chapter 3.66 RCW a new section to read as follows:

After a conviction, the court may defer sentencing the defendant and place him on probation and prescribe the conditions thereof, but in no case shall it extend for more than one year from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

NEW SECTION. Sec. 2. There is added to chapter 299, Laws of 1961, and to chapter 3.66 RCW a new section to read as follows:

For a period not to exceed one year after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines.

NEW SECTION. Sec. 3. There is added to chapter 299, Laws of 1961, and to chapter 3.66 RCW a new section to read as follows:

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court may impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

Passed the House March 12, 1969

Passed the Senate March 10, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

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CHAPTER 76  
[House Bill No. 385]  
HIGHWAYS--RULES OF THE ROAD--  
PERSONS WORKING ON RIGHTS-OF-WAY

AN ACT Relating to highways; and amending section 5, chapter 155, Laws of 1965 ex. sess., and RCW 46.61.030.

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

Section 1. Section 5, chapter 155, Laws of 1965 ex. sess. and

RCW 46.61.030 are each amended to read as follows:

Unless specifically made applicable, the provisions of this chapter except those contained in RCW 46.61.500 through 46.61.520 shall not apply to persons, ~~((teams,))~~ motor vehicles and other equipment while ~~((actually))~~ engaged in work ~~((upon))~~ within the ~~((surface-of-a))~~ right of way of any highway but shall apply to such persons and vehicles when traveling to or from such work.

Passed the House March 12, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 77

[Engrossed House Bill No. 722]

COMMON SCHOOL PLANT FACILITIES--BONDS

AN ACT Relating to the common schools and the support thereof; amending section 1, chapter 56, Laws of 1967 ex. sess. and RCW 28.47.784; amending section 4, chapter 56, Laws of 1967 ex. sess. and RCW 28.47.787; amending section 5, chapter 56, Laws of 1967 ex. sess. and RCW 28.47.788; amending sections 28A.47.784, 28A.47.787 and 28A.47.788, chapter ..., Laws of 1969 (HB 58) and RCW 28A.47.784, 28A.47.787 and 28A.47.788; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I Sections affecting current law.

Section 1. Section 1, chapter 56, Laws of 1967 ex. sess. and RCW 28.47.784 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-two million dollars to be paid and discharged ~~((not-more-than-twenty-years after-the-date-of-issuance))~~ in accordance with terms to be established by the finance committee. The issuance, sale and retirement of said bonds

shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of the twenty-two million dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW 28.47.784 through 28.47.791 as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. The covenants of said bonds may include but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of 1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW 28.47.784 through 28.47.791 upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW 28.47.784 through 28.47.791 and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale

of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Sec. 2. Section 4, chapter 56, Laws of 1967 ex. sess. and RCW 28.47.787 are each amended to read as follows:

The common school building bond redemption fund of 1967 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW 28.47.784 through 28.47.791 and to the retirement of and payment of interest on any additional bonds which may be issued on a parity therewith. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet reserve account payments, interest payments on and retirement of bonds (~~(authorized by RCW 28.47.784 through 28.47.791)~~) payable out of such common school building bond redemption fund of 1967. On July first of each year the state treasurer shall transfer such amount to the common school building bond redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 3. Section 5, chapter 56, Laws of 1967 ex. sess. and RCW 28.47.788 are each amended to read as follows:

The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by RCW 28.47.784 through 28.47.791 from any source or sources not prohibited by the state constitution and RCW 28.47.784 through 28.47.791 shall not be deemed to provide an exclusive method of payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit of the state of Washington.

Part II Sections affecting proposed 1969 education code.

Sec. 4. Section 28A.47.784, chapter..., Laws of 1967 (HB 58) and RCW 28A.47.784 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-two million dollars to be paid and discharged not more than twenty years after the date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of the twenty-two million dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW 28A.47.784 through 28A.47.791 as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. The covenants of said bonds may include but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of

1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW 28A.47.784 through 28A.47-.791 upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW 28A.47.784 through 28A.47.791 and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Sec. 5. Section 28A.47.787, chapter ..., Laws of 1969 (HB 58) and RCW 28A.47.787 are each amended to read as follows:

The common school building bond redemption fund of 1967 is hereby created in the state treasury which fund shall be exclusively

devoted to the retirement of the bonds and interest authorized by RCW 28A.47.784 through 28A.47.791 and to the retirement of and payment of interest on any additional bonds which may be issued on a parity therewith. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet reserve account payments, interest payments on and retirement of bonds (~~authorized by RCW 28A-47-784 through 28A-47-791~~) payable out of such common school building bond redemption fund of 1967. On July first of each year the state treasurer shall transfer such amount to the common school building bond redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 6. Section 28A.47.788, chapter ..., Laws of 1969 (HB 58) and RCW 28A.47.788 are each amended to read as follows:

The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by RCW 28A.47.784 through 28A.47.791 from any source or sources not prohibited by the state constitution and RCW 28A.47.784 through 28A.47.791 shall not be deemed to provide an exclusive method of payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit of the state of Washington.

#### Part III Construction.

NEW SECTION. Sec. 7. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this

state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 8. 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 House March 6, 1969  
 Passed the Senate March 12, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 78  
 [Substitute Senate Bill No. 117]  
 REAL ESTATE BROKERS AND SALESMEN--  
 MULTIPLE LISTING ASSOCIATIONS

AN ACT Relating to real estate brokers and salemen; amending section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 235, Laws of 1953 and RCW 18.85.010; and adding a new section.

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

Section 1. Section 2, chapter 252, Laws of 1941 as last amend-

ed by section 1, chapter 235, Laws of 1953 and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a natural or artificial person, acting independently, who for commissions or other compensation, engages in the purchase, sale, exchange, rental, or negotiation therefor, of real estate, or interests therein, and for business opportunities or interest therein, belonging to others, or holds himself out to the public as being so engaged;

(2) "Real estate salesman" or "salesman" means any natural person who represents a real estate broker in any of his activities;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a designated broker and whose license states that he is associated with a designated broker;

(4) The word "person" as used in this chapter, shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of (~~licenses~~) motor vehicles;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between

the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller.

NEW SECTION. Sec. 2. Each real estate multiple listing association shall submit to the real estate commission for approval or disapproval its entrance requirements. No later than sixty days after receipt of the real estate multiple listing associations entrance requirements the commission shall, with the directors approval, approve or disapprove the said entrance requirements. In no event shall the real estate commission approve any entrance requirements which shall be more restrictive on the person applying to join a real estate multiple listing association than the following:

(1) Require the applicant at the time of application and admission to be a licensed broker under chapter 18.85 RCW;

(2) Require the applicant, if all members of the real estate multiple listing association are so required, to obtain and maintain a policy of insurance, containing specified coverage within designated limits protecting members from claims by sellers who have made keys to their premises available to members for access to their properties, against losses arising from damage to or theft of contents of such properties;

(3) Require the applicant to pay an initiation fee computed by dividing an amount equal to five times the book value of the real estate multiple listing association concerned (exclusive of any value for listings and exclusive of all investments not related to the operation of the real estate multiple listing association and exclusive of all real estate), by the number of real estate broker members of said organization: PROVIDED, That in no event shall the initiation fee exceed twenty-five hundred dollars;

(4) Require the applicant for membership to have been:

(a) A broker in the territory of the real estate multiple listing association for a period of one year; or

(b) An associate broker with one year's experience in the

area of the real estate multiple listing association, who in addition has had one year's experience as a broker in any other area of the state.

(5) Require the applicant to follow any other rules of the association which apply to all the members of such association: PROVIDED, That such other rules do not violate federal or state law: PROVIDED, That nothing in this 1969 amendatory act shall be construed to limit the authority of any real estate multiple listing association to engage in any activities which are not otherwise prohibited by law.

Passed the Senate February 18, 1969.

Passed the House March 7, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 79  
[Senate Bill No. 51]  
PUBLIC PRINTER--WORK, SUPPLIES--  
PROCUREMENT FROM PRIVATE SOURCES

AN ACT Relating to the public printer; and amending section 43.78.110, chapter 8, Laws of 1965 and RCW 43.78.110.

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

Section 1. Section 43.78.110, chapter 8, Laws of 1965 and RCW 43.78.110 are each amended to read as follows:

Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, he may obtain such work or supplies from such private sources.

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies.

Passed the Senate February 13, 1969

Passed the House March 10, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 80  
[Engrossed Senate Bill No. 57]  
UNIFORM ANATOMICAL GIFT ACT

AN ACT Authorizing the gift of all or part of a human body, after death for specified purposes; adding new sections to chapter 68.08 RCW; repealing section 2, chapter 90, Laws of 1961 and RCW 68.08.250; repealing section 3, chapter 90, Laws of 1961 and RCW 68.08.260; repealing section 4, chapter 90, Laws of 1961 and RCW 68.08.270; and repealing section 5, chapter 90, Laws of 1961 and RCW 68.08.280.

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

NEW SECTION. Section 1. There is added to chapter 68.08 RCW ten new sections to read as set forth in sections 2 through 11 of this act.

NEW SECTION. Sec. 2. (1) "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof.

(2) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(3) "Donor" means an individual who makes a gift of all or part of his body.

(4) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(5) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

(6) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(7) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

(8) "State" includes any state, district, commonwealth, terri-

tory, insular possession, and any other area subject to the legislative authority of the United States of America.

NEW SECTION. Sec. 3. (1) Any individual of sound mind and eighteen years of age or more may give all or any part of his body for any purpose specified in section 4 or this 1969 act, the gift to take effect upon death.

(2) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 4 or this 1969 act:

- (a) the spouse,
- (b) an adult son or daughter,
- (c) either parent,
- (d) an adult brother or sister,
- (e) a guardian of the person of the decedent at the time of his death,
- (f) any other person authorized or under obligation to dispose of the body.

(3) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (2) may make the gift after death or during the terminal illness.

(4) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(5) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 8, subsection (4) of this 1969 act.

NEW SECTION. Sec. 4. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation;

(2) Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy;

(3) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) Any specified individual for therapy or transplantation needed by him.

NEW SECTION. Sec. 5. (1) A gift of all or part of the body under section 3 (1) of this 1969 act, may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) A gift of all or part of the body under section 3 (1) of this 1969 act, may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(3) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired other-

wise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(4) Notwithstanding section 8 (2) of this 1969 act, the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(5) Any gift by a person designated in section 3 (2) of this 1969 act, shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

NEW SECTION. Sec 6. If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

NEW SECTION. Sec. 7. (1) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(a) the execution and delivery to the donee of a signed statement;

(b) an oral statement made in the presence of two persons and communicated to the donee;

(c) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee;

(d) a signed card or document found on his person or in his effects.

(2) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (1) above, or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(3) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (1) above.

NEW SECTION. Sec. 8. (1) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

(2) The time of death shall be determined by a physician who tends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(3) A person who acts in good faith in accord with the terms of this 1969 act or with the anatomical gift laws of another state (or a foreign country) is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(4) The provisions of this 1969 act are subject to the laws of this state prescribing powers and duties with respect to autopsies.

NEW SECTION. Sec. 9. This 1969 act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

NEW SECTION. Sec. 10. The following acts or parts thereof are hereby repealed:

(1) Section 2, chapter 90, Laws of 1961 and RCW 68.08.250;

(2) Section 3, chapter 90, Laws of 1961 and RCW 68.08.260;

- (3) Section 4, chapter 90, Laws of 1961 and RCW 68.08.270; and  
 (4) Section 5, chapter 90, Laws of 1961 and RCW 68.08.280.

NEW SECTION. Sec. 11. This 1969 act may be cited as the  
 "Uniform Anatomical Gift Act".

Passed the Senate January 29, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1968

CHAPTER 81  
 [Engrossed Senate Bill No. 66]  
 CITIES AND TOWNS--L. I. D. BONDS

AN ACT Relating to cities and towns; and amending section 35.45.020,  
 chapter 7, Laws of 1965 and RCW 35.45.020.

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

Section 1. Section 35.45.020, chapter 7, Laws of 1965 and  
 RCW 35.45.020 are each amended to read as follows:

Local improvement bonds shall be issued pursuant to ordinance  
 and shall be made payable on or before a date not to exceed twelve  
 years from and after the date of issue, which latter date may be  
 fixed by resolution of the council, and bear interest not to exceed  
 eight percent per annum, payable annually or semiannually: PROVIDED,  
 That they may be made payable on or before a date not to exceed  
 ((~~twenty-two~~)) thirty years from and after the date of issue:

(1) If the improvement lies wholly or partly within the  
 boundaries of a commercial waterway district; or

(2) If the city or town council having determined by unani-  
 mous vote that the period during which the bonds are payable will not  
 exceed the life of the improvement, by unanimous vote adopts an ordi-  
 nance which provides for their issuance payable on or before a date  
 not to exceed ((~~twenty-two~~)) thirty years from and after their date  
 and also provides that the interest on the bonds issued for a period  
 in excess of ((~~twelve~~)) twenty years shall not exceed ((~~six~~)) ten  
 percent per annum and must be sold at not less than par.

NEW SECTION. Sec. 2. No phrase, clause, subdivision or  
 section of this 1969 amendatory act shall be construed to impair the

rights of bondholders as to any bonds issued prior to the effective date of this 1969 amendatory act.

Passed the Senate February 26, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 82  
 [Senate Bill No. 91]  
 LIEN FORECLOSURE--PROCEDURE

AN ACT Relating to liens; providing a uniform procedure for foreclosing statutory liens; adding a new section to chapter 61.12 RCW; adding a new chapter to Title 60; amending section 13, chapter 117, Laws of 1943 and RCW 19.32.170; amending section 4, chapter 72, Laws of 1905, as amended by section 4, chapter 68, Laws of 1917, and RCW 60.08.040; amending section 4, chapter 205, Laws of 1953, as amended by section 1, chapter 173, Laws of 1959, and RCW 60.34.040; amending section 3, chapter 75, Laws of 1901 and RCW 60.36.050; amending section 4, page 452, Laws of 1890 and RCW 60.52.040; amending section 2, chapter 165, Laws of 1917 and RCW 60.72.040; amending section 3, chapter 82, Laws of 1905 and RCW 76.24.030; amending section 4, page 471, Laws of 1890, as amended by section 1, chapter 123, Laws of 1953, and RCW 76.28.040; amending section 5, chapter 72, Laws of 1895, as last amended by section 1, chapter 124, Laws of 1953, and RCW 76.32.050; and amending section 2, page 216, Laws of 1877, as amended by section 1940, Code of 1881, and RCW 60.36.020.

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

NEW SECTION. Section 1. There is added to chapter 61.12 RCW a new section to read as follows:

The provisions of chapter 61.12 RCW, as now or hereafter amended, so far as the same shall be applicable, shall govern in actions for the judicial foreclosure of liens on personal property excluded by RCW 62A.9.104 from the provision of the Uniform Commercial Code, Title 62A. The lien holder may proceed upon his lien:

and if there be a separate obligation in writing to pay the same, secured by said lien, he may bring suit upon such separate promise. When he proceeds on the promise, if there be a specific agreement therein contained, for the payment of a certain sum, or there is a separate obligation for the said sum in addition to a decree of sale of lien property, judgment shall be rendered for the amount due upon said promise or other instrument, the payment of which is thereby secured; the decree shall direct the sale of the lien property and if the proceeds of said sale be insufficient under the execution, the sheriff is authorized to levy upon and sell other property of the lien debtor, not exempt from execution, for the sum remaining unsatisfied.

NEW SECTION. Sec. 2. As used in sections 2 through 8 of this 1969 act:

(1) The term "lien debtor" means the person who is obligated, owes payment or other performance. Where the lien debtor and the owner of the collateral are not the same person, the term "lien debtor" means the owner of the collateral.

(2) "Collateral" means the property subject to a statutory lien.

(3) "Lien holder" means a person who, by statute, has acquired a lien on the property of the lien debtor, or such person's successor in interest.

(4) "Secured party" has the same meaning as used in Article 9 of the Uniform Commercial Code (Title 62A).

NEW SECTION. Sec. 3. Any lien upon personal property, excluded by RCW 62A.9.104 from the provisions of the Uniform Commercial Code (Title 62A), may be foreclosed by an action in the superior court having jurisdiction in the county in which the property is situated in accordance with section 1 of this 1969 act, or it may be foreclosed by summary procedure as provided in sections 2 through 8 of this 1969 act.

NEW SECTION. Sec. 4. (1) A lien foreclosure authorized by

section 3 of this 1969 act may be summarily foreclosed by notice and sale as provided herein. The lien holder may sell, or otherwise dispose of the collateral in its then condition or following any commercially reasonable preparation or processing. The proceeds of disposition shall be applied in the order following to

(a) the reasonable expenses of retaking, holding, preparing for sale, selling and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) the satisfaction of indebtedness secured by the lien under which the disposition is made;

(c) the satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the lien holder, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the lien holder need not comply with his demand.

(2) The lien holder must account to the lien debtor for any surplus, and, unless otherwise agreed, the lien debtor is not liable for any deficiency.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable which shall be construed as provided in section 8 of this 1969 act. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the lien holder to the lien debtor, and except in

the case of consumer goods to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the lien debtor in this state or who is known by the lien holder to have a security interest in the collateral. The lien holder may buy at any public sale and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations he may buy at private sale.

NEW SECTION. Sec. 5. When a lien is foreclosed in accordance with the provisions of sections 1 through 8 of this 1969 act, the disposition transfers to a purchaser for value all of the lien debtor's rights therein, discharges the lien under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the lien holder fails to comply with the requirements of sections 2 through 8 of this 1969 act or of any judicial proceedings under section 1 of this 1969 act:

(a) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the lien holder, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith.

NEW SECTION. Sec. 6. At any time before the lien holder has disposed of collateral or entered into a contract for its disposition under sections 1 through 8 of this 1969 act, the lien debtor or any other secured party may redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the lien holder, holding and preparing the collateral for disposition, in arranging for the sale, and his reasonable attorneys' fees and legal expenses.

NEW SECTION. Sec. 7. If it is established that the lien holder is not proceeding in accordance with the provisions of sections 2 through 8 of this 1969 act disposition may be ordered or

restrained on appropriate terms and conditions. If the disposition has occurred the lien debtor or any person entitled to notification or whose security interest has been made known to the lien holder prior to the disposition has a right to recover from the lien holder any loss caused by a failure to comply with the provisions of sections 2 through 8 of this 1969 act. The lien debtor has a right to recover in any event an amount not less than ten percent of the original lien claimed.

NEW SECTION. Sec. 8. As used in sections 2 through 8 of this 1969 act, "commercially reasonable" shall be construed in a manner consistent with the following:

The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the lien holder is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the lien holder either sells the collateral in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold he has sold in a commercially reasonable manner. A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this sentence does not indicate that any such approval must be obtained in any case nor does it indicate that any disposition not so approved is not commercially reasonable.

NEW SECTION. Sec. 9. There is hereby added to Title 60 RCW a new chapter to consist of sections 2 through 8 of this 1969 act.

Sec. 10. Section 13, chapter 117, Laws of 1943 and RCW 19-.32.170 are each amended to read as follows:

Every operator of a locker shall have a lien upon all the property of every kind in his possession for all lockers' rentals, processing, handling or other charges due. Such lien may be fore-

closed under the procedures as provided (~~(or chattel mortgages)~~) in sections 1 through 8 of this 1969 act.

(1) Locker owners and operators shall not be responsible for liability for violations of game or other laws by renters unless the contents of the locker are under the control of the locker plant operator.

Sec. 11. Section 4, chapter 72, Laws of 1905, as amended by section 4, chapter 68, Laws of 1917, and RCW 60.08.040 are each amended to read as follows:

The lien herein provided for may be enforced against all persons having a junior or subsequent interest in any such chattel, (~~(by notice and sale in the same manner that a chattel mortgage is foreclosed or by decree of any court in this state exercising original equity jurisdiction in the county wherein such chattel may be in an action commenced)~~) by judicial procedure or by summary procedure as set forth in sections 1 through 8 of this 1969 act within nine months after the filing of such lien notice, and if no such action shall be commenced within such time such lien shall cease.

Sec 12. Section 4, chapter 205, Laws of 1953, as amended by section 1, chapter 173, Laws of 1959, and RCW 60.34.040 are each amended to read as follows:

The lien may be enforced within the same time and in the same manner as mechanics' liens are foreclosed, when said lien is upon real property, or in the same manner as (~~(chattel liens are enforced)~~) provided in sections 1 through 8 of this 1969 act when the lien is upon personal property. The court may allow as part of the costs of the action the money paid for filing or recording the claim and a reasonable attorney fee.

Sec. 13. Section 3, chapter 75, Laws of 1901 and RCW 60.36-.050 are each amended to read as follows:

The liens hereby created may be (~~(enforced by a suit in rem, and the law regulating like proceedings shall govern in all such~~

~~uite)~~ foreclosed as provided in section 1 of this 1969 act.

Sec. 14. Section 4, page 452, Laws of 1890 and RCW 60.52.040 are each amended to read as follows:

Liens under this chapter ~~((~~te~~))~~ may be foreclosed ~~((~~in-the-same-manner-as-liens-upon-ether-personal-property-are-foreclosed~~))~~ as provided in sections 1 through 8 of this 1969 act.

Sec. 15. Section 2, chapter 165, Laws of 1917 and RCW 60-.72.040 are each amended to read as follows:

Said lien may be ~~((~~enforced-in-the-same-manner-as-the-foreclosure-of-a-chattel-mortgage-in-the-superior-court-of-the-county-in-which-the-property-or-any-portion-thereof-is-situated~~))~~ foreclosed as provided in sections 1 through 8 of this 1969 act.

Sec. 16. Section 3, chapter 82, Laws of 1905 and RCW 76.24-.030 are each amended to read as follows:

After any such logging road, way, chute, flume or artificial water course or other improvements shall have been constructed, such company shall transport all timber products offered to it for carriage as its means of transportation are adapted to carry, and such company shall have the right to charge reasonable tolls for the use thereof, which tolls shall be uniform, having due regard to the portion or length of any such logging road, way, chute, flume, or artificial water course or other improvements used by any person. Such company shall have a lien for the amount of its reasonable tolls and charges upon any and all logs or other timber products transported by it over its logging road, way, chute, flume or artificial water course. Notice of such lien shall be filed, and the same shall be ~~((~~enforced,-in-the-same-manner-as-is-now-or-may-hereafter-be-provided-for-the-filing-and-enforcement-of-liens-on-logs-by-beom~~~~ ~~companies))~~ foreclosed as provided by sections 1 through 8 of this 1969 act.

Sec. 17. Section 4, page 471, Laws of 1890, as amended by section 1, chapter 123, Laws of 1953, and RCW 76.28.040 are each amended to read as follows:

After such works have been constructed, the corporation shall catch, hold, and assort the logs and timber products of all persons requesting such service, upon the same terms and without discrimination. It shall have the right, in consideration of the convenience and security afforded to the public in the handling of logs and timber products, to charge and collect tolls on all logs or other timber products caught within its works and upon the order or request of the owner or owners thereof, and there assorted, boomed, or rafted. The tolls (~~(should)~~) shall not exceed one dollar and fifty cents per thousand feet on logs, spars, or other large timber, and reasonable rates on all other timber products. A corporation operating a boom at the mouth of any river, shall catch and hold, assort, boom, and raft all logs and timber products, except such as may be already in charge of the owner or his agents, without request of the owner, and it shall have the right to charge and collect tolls not to exceed one dollar and fifty cents per thousand feet for such service. The amount of logs or timber is to be board measure, to be ascertained by the usual legal method of scaling. The corporation shall have a lien upon the logs and timber products for the driving, floating, booming, sorting, and rafting thereof, and the right to (~~(enforce)~~) foreclose such lien (~~(in-any-manner-provided-by-law-for-the-enforcement-of-liens-upon-personal-property)~~) as provided in sections 1 through 8 of this 1969 act. The corporation shall, as soon as practicable, deliver logs or other timber products caught within its booms, sorted and rafted ready for towing, to the owner thereof, and if required to hold such property for more than thirty days, shall have the right to charge a reasonable rate for such storage for the excess period.

Sec. 18. Section 5, chapter 72, Laws of 1895, as last amended by section 1, chapter 124, Laws of 1953, and RCW 76.32.050 are each amended to read as follows:

After such corporation has entered upon its duties, which shall be within three months of the filing of its maps of location,

it shall operate in streams theretofore navigable, upon the request of the owners, and in the case of logs and other timber products which are commingled, or lying in such a position as to obstruct or impede the drive, without such request. When a navigable stream upon which it was not previously practicable to float logs or other timber products is improved by clearing out rocks, straightening the channel, or constructing wing dams and sheers, thereby aiding and assisting the floating of logs and other timber products, the corporation shall be entitled to driving charges on all logs or other timber products placed in the stream without a request to drive them, and in streams not navigable before such improvements were made, it shall without request, sluice, sack, and drive all logs and other timber products of suitable length that may be placed in the stream so improved, or that may be delivered into its ponds.

It shall handle all such logs and other timber products of all persons upon the same terms, without discrimination as to time of sluicing, sacking, and driving.

It shall be entitled to charge and collect reasonable and uniform tolls for such services and improvements, on all logs and other timber products handled, or sheered out of sloughs or off the bars by means of the improvements. Such tolls shall not exceed two dollars per thousand feet, board measure, on logs, spars or other large timber, and reasonable compensation on all other timber products, such charges to be fixed by the board of trustees of the corporation in proportion to the distance the timber is to be driven and the number of dams through which it is necessarily sluiced or sheered. In case the corporation is also engaged in the booming and rafting of logs and other timber so sluiced, sacked, and driven, an additional sum not to exceed one dollar and twenty cents per thousand feet for logs, spars and other large timber, and reasonable compensation on all other timber products may be charged for the booming and rafting.

The amount of such logs and other products shall be deter-

mined by the usual method of scaling, and the corporation shall have a lien upon all logs and other timber products handled for sluicing, sacking, and driving, and for booming and rafting to be ~~((enforced-in the-manner-provided-by-law-for-the-enforcement-of-liens-for-labor on-logs))~~ foreclosed as provided in sections 1 through 8 of this 1969 act.

Sec. 19. Section 2, page 216, Laws of 1877, as amended by section 1940, Code of 1881, and RCW 60.36.020 are each amended to read as follows:

Such liens may be enforced, in all cases of maritime contracts or service, by a suit in admiralty, in rem, and the law regulating proceedings in admiralty shall govern in all such suits; and in all cases of contracts or service not maritime, by a civil action in any ~~((district-court-in-this-territory))~~ superior court of this state as provided in section 1 of this 1969 act.

Passed the Senate February 3, 1969

Passed the House March 10, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 83  
[Senate Bill No. 163]  
SEARCH WARRANTS

AN ACT Relating to search warrants; and amending section 2, page 101, Laws of 1854 as last amended by section 1, chapter 86, Laws of 1949 and RCW 10.79.015.

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

Section 1. Section 2, page 101, Laws of 1854 as last amended by section 1, chapter 86, Laws of 1949 and RCW 10.79.015 are each amended to read as follows:

Any such magistrate, when satisfied that there is reasonable cause, may also, upon like complaint made on oath, issue search warrant in the following cases, to wit:

(1) To search for and seize any counterfeit or spurious coin, or forged instruments, or tools, machines or materials, prepared or provided for making either of them.

(2) To search for and seize any gaming apparatus used or kept, and to be used in any unlawful gaming house, or in any building, apartment or place, resorted to for the purpose of unlawful gaming.

(3) To search for and seize any evidence material to the investigation or prosecution of any homicide or any felony.

Passed the Senate February 21, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

CHAPTER 84  
[Senate Bill No. 167]  
MUNICIPAL COURTS--PRISONERS--  
WORKING OUT FINES AND COSTS

AN ACT Relating to executing sentences; and amending section 79, chapter 299, Laws of 1961 and RCW 3.50.300.

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

Section 1. Section 79, chapter 299, Laws of 1961 and RCW 3.50.300 are each amended to read as follows:

In all cases of conviction, unless otherwise provided in chapters 3.30 through 3.74 as now or hereafter amended, where a jail sentence is given to the defendant, execution shall issue accordingly and where the judgment of the court is that the defendant pay a fine and costs, he may be committed to jail to be placed at hard labor until the judgment is paid in full (~~(,--but-the-defendant-shall-not-be imprisoned-for-a-longer-aggregate-time-than-one-day-for-each-six-dollars-of-fine-and-costs)~~).

A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and (~~(six dollars-for-every-day-he-has-been-imprisoned-upon-commitment)~~) after deducting the amount allowed for each day of imprisonment, which amount shall be the same and computed in the same manner as provided for superior court cases in RCW 10.82.030 and 10.82.040, as now or hereafter amended. In addition, all other proceedings in respect of such fine and costs shall be the same as in like cases in the superior

court.

Passed the Senate February 25, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 85  
 [Engrossed Senate Bill No. 263]  
 AGRICULTURAL FAIRS

AN ACT Relating to agricultural fairs; and adding a new section to chapter 61, Laws of 1961 and to chapter 15.76 RCW.

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

NEW SECTION. Section 1. There is added to chapter 61, Laws of 1961 and to chapter 15.76 RCW, a new section to read as follows:

Any county which owns and provides property for area or county and district agricultural fair purposes may apply to the director for special assistance in carrying out necessary capital improvements to such property and maintenance of the appurtenances thereto.

Passed the Senate February 11, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 86  
 [Senate Bill No. 268]  
 UNIFORM FACSIMILE SIGNATURE  
 OF PUBLIC OFFICIALS ACT

AN ACT Relating to facsimile signatures of public officials on public securities and instruments of payment; permitting the use of facsimile signatures and facsimile seals on certain public documents; and providing penalties.

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

NEW SECTION. Section 1. As used in this act:

(1) "Public security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies, counties, cities, towns, municipal corporations, junior taxing districts, school districts, or other instrumentalities or by any of its political subdivisions.

(2) "Instrument of payment" means a check, draft, warrant, or

order for the payment, delivery, or transfer of funds.

(3) "Authorized officer" means any official of this state or any of its departments, agencies, counties, cities, towns, municipal corporations, junior taxing districts, school districts, or other instrumentalities or any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted.

(4) "Facsimile signature" means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

NEW SECTION. Sec. 2. Any authorized officer, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

(1) Any public security: PROVIDED, That at least one signature required or permitted to be placed thereon shall be manually subscribed, and

(2) Any instrument of payment.

Upon compliance with this act by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

NEW SECTION. Sec. 3. When the seal of this state or any of its departments, agencies, counties, cities, towns, municipal corporations, junior taxing districts, school districts, or other instrumentalities or of any of its political subdivisions is required in the execution of a public security or instrument of payment, the authorized officer may cause the seal to be printed, engraved, stamped or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal.

NEW SECTION. Sec. 4. Any person who with intent to defraud uses on a public security or an instrument of payment:

(1) A facsimile signature, or any reproduction of it, of any authorized officer, or

(2) Any facsimile seal, or any reproduction of it, of this

state or any of its departments, agencies, counties, cities, towns, municipal corporations, junior taxing districts, school districts, or other instrumentalities or of any of its political subdivisions is guilty of a felony.

NEW SECTION. Sec. 5. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

NEW SECTION. Sec. 6. This act may be cited as the uniform facsimile signature of public officials act.

NEW SECTION. Sec. 7. If any provision of this 1969 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 1, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 87  
 [Senate Bill No. 312]  
 IRISH SEED POTATOES

AN ACT Relating to Irish seed potatoes; repealing section 15.50.010, chapter 11, Laws of 1961 and RCW 15.50.010; repealing section 15.50.020, chapter 11, Laws of 1961, as amended by section 1, chapter 179, Laws of 1967, and RCW 15.50.020; repealing section 15.50.030, chapter 11, Laws of 1961 and RCW 15.50-.030; repealing section 15.50.040, chapter 11, Laws of 1961 and RCW 15.50.040; repealing section 15.50.050, chapter 11, Laws of 1961 and RCW 15.50.050; repealing section 15.50.060, chapter 11, Laws of 1961 and RCW 15.50.060; repealing section 15.50.070, chapter 11, Laws of 1961 and RCW 15.50.070; and repealing section 15.50.080, chapter 11, Laws of 1961 and RCW 15.50.080.

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

NEW SECTION. Section 1. The following acts or parts thereof are hereby repealed:

- (1) Section 15.50.010, chapter 11, Laws of 1961 and RCW 15.50.010;
- (2) Section 15.50.020, chapter 11, Laws of 1961, as amended by section 1, chapter 179, Laws of 1967 and RCW 15.50.020;
- (3) Section 15.50.030, chapter 11, Laws of 1961 and RCW 15.50.030;
- (4) Section 15.50.040, chapter 11, Laws of 1961 and RCW 15.50.040;
- (5) Section 15.50.050, chapter 11, Laws of 1961 and RCW 15.50.050;
- (6) Section 15.50.060, chapter 11, Laws of 1961 and RCW 15.50.060;
- (7) Section 15.50.070, chapter 11, Laws of 1961 and RCW 15.50-.070; and
- (8) Section 15.50.080, chapter 11, Laws of 1961 and RCW 15.50-.080.

Passed the Senate February 18, 1969

Passed the House March 10, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 88

[Engrossed Senate Bill No. 351]

INTERLOCAL COOPERATION--SCHOOL DISTRICTS--  
FIRE DISTRICTS--FIREMAN INJURED OUTSIDE DISTRICT

AN ACT Relating to interlocal cooperation, school districts and fire protection districts; amending section 3, chapter 239, Laws of 1967 and RCW 39.34.020; adding new sections to chapter 34, Laws of 1939 and to chapter 52.36 RCW; and repealing section 47, chapter 34, Laws of 1939 and RCW 52.36.030.

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

Section 1. Section 3, chapter 239, Laws of 1967 and RCW 39-.34.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, port district, fire protection district, school district, or metropolitan municipal corporation of this state; any agency of the state govern-

ment or of the United States; and any political subdivision of another state.

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

NEW SECTION. Sec. 2. There is added to chapter 34, Laws of 1939 and to chapter 52.36 RCW a new section to read as follows:

Every fire protection district may permit, under conditions prescribed by the fire commissioners of such district, such designated equipment and the personnel operating the same to go outside of the boundaries of such district, for the purpose of extinguishing or aiding in the extinguishing or control of fires. Any use made of such equipment or personnel under the authority of this section shall be deemed an exercise of a governmental function of such district.

NEW SECTION. Sec. 3. There is added to chapter 34, Laws of 1939 and to chapter 52.36 RCW a new section to read as follows:

Whenever a fireman engages in any duty outside the boundaries of such district such duty shall be considered as part of his duty as fireman for the district, and a fireman who is injured while engaged in such duties outside the boundaries of such district shall be entitled to the same benefits that he or his dependants would be entitled to receive had he been injured within the district.

NEW SECTION. Sec. 4. Section 47, chapter 34, Laws of 1939 and RCW 52.36.030 are each repealed: PROVIDED, That such repeal shall not affect any obligation, contract or agreement in existence on the effective date of this act.

Passed the Senate February 12, 1969

Passed the House March 10, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 89  
[Senate Bill No. 429]  
IRRIGATION DISTRICTS--  
CROP DAMAGE--NOTICE

AN ACT Relating to preliminary notices in connection with the filing of crop damage claims against irrigation districts; and amending section 2, chapter 276, Laws of 1961 as amended by section 15, chapter 164, Laws of 1967 and RCW 87.03.440.

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

Section 1. Section 2, chapter 276, Laws of 1961 amended by section 15, chapter 164, Laws of 1967 and RCW 87.03.440, are each amended to read as follows:

The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in RCW 4.96-.020 and upon allowance it shall be attached to a voucher verified by

the claimant and approved by the chairman and signed by the secretary and directed to the auditor for payment: PROVIDED, That in the event claimant's claim is for crop damage the claimant in addition to filing his claim within the one hundred twenty day limit and in the manner specified in RCW 4.96.020 must file with the secretary of the district, or in his absence one of the directors, not less than three days prior to the severance of the crop alleged to be damaged, a written preliminary notice pertaining to the crop alleged to be damaged. Such preliminary notice, so far as claimant is able, shall advise the district; that the claimant has filed a claim or intends to file a claim against the district for alleged crop damage; shall give the name and present residence of the claimant; shall state the cause of the damage to the crop alleged to be damaged and the estimated amount of damage; and shall accurately locate and describe where the crop alleged to be damaged is located. Such preliminary notice may be given by claimant or by anyone acting in his behalf and need not be verified. No action may be commenced against an irrigation district for crop damages unless claimant has complied with the provisions of RCW 4.96-.020 and also with the preliminary notice requirements of this section.

Passed the Senate March 1, 1969.

Passed the House March 10, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 90

[Engrossed Substitute Senate Bill No. 147]

FOOD FISH AND SHELLFISH--

CHARTER BOATS

AN ACT Relating to food fish and shellfish; adding a new section to chapter 12, Laws of 1955, and to chapter 75.28 RCW; repealing section 75.28.090, chapter 12, Laws of 1955 as amended by section 4, chapter 212, Laws of 1955 and RCW 75.28.090; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1955, and to chapter 75.28 RCW a new section to read as follows:

Every owner of a vessel used as a charter boat from which food

fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be fifty dollars per annum for residents and one hundred dollars per annum for nonresidents. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington into state ports.

No vessel shall be licensed as a charter boat and hold a commercial salmon fishing license or vessel delivery permit at one and the same time.

A vessel may be transferred from charter boat fishing to commercial salmon fishing or vice versa by depositing the appropriate license and vessel delivery permit at the nearest office of the department of fisheries, provided that RCW 75.28.014 has been complied with.

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment shall be included under the provisions of this act.

NEW SECTION. Sec. 2. Section 75.28.090, chapter 12, Laws of 1955 as amended by section 4, chapter 212, Laws of 1955 and RCW 75-.28.090 are each repealed.

NEW SECTION. Sec. 3. The effective date of this act shall be January 1, 1970.

Passed the Senate February 26, 1969  
 Passed the House March 11, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 91  
 [Engrossed Senate Bill No. 292]  
 HIGHWAYS--LEASE, SALE, OF UNUSED LANDS

AN ACT Relating to highways; amending section 47.12.120, chapter 13, Laws of 1961 and RCW 47.12.120; amending section 47.12.070, chapter 13, Laws of 1961 and RCW 47.12.070; repealing section

47.54.010, chapter 13, Laws of 1961, as amended by section 33, chapter 145, Laws of 1967 ex. sess. and RCW 47.54.010; repealing section 47.54.020, chapter 13, Laws of 1961, as amended by section 34, chapter 145, Laws of 1967 ex. sess. and RCW 47.54-.020; and repealing sections 47.54.030 through 47.54.900, chapter 13, Laws of 1961 and RCW 47.54.030 through RCW 47.54-.900.

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

Section 1. Section 47.12.120, chapter 13, Laws of 1961 and RCW 47.12.120 are each amended to read as follows:

The highway commission is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, ~~((including))~~ improvements ~~((thereon))~~, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for ~~((state))~~ highway purposes ~~((and))~~ but are not presently needed ~~((therefor))~~, upon such terms and conditions as the highway commission may determine ~~((;-and-to-maintain-and-care-for such-property-in-order-to-secure-rent-therefrom))~~.

Sec. 2. Section 47.12.070, chapter 13, Laws of 1961 and RCW 47.12.070 are each amended to read as follows:

If the Washington state highway commission deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, said highway commission may negotiate for the sale of the land to a city or county of the state. The state highway commission shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale, and the governor may execute and the secretary of the state shall attest the deed and deliver it to the grantee.

~~((If-the-state-highway-commission-deems-it-in-the-public-interest,-said-commission-may-on-application-therefor-issue-a-permit;-lease-or-license-to-any-city-or-county-of-the-state;-for-the-use-of-any state-highway-land;-upon-such-terms-and-conditions-as-the-state-high-~~

~~way-commission-may-prescribe,-but-not-longer-than-four-years-))~~

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 3. Section 47.54.010, chapter 13, Laws of 1961, as amended by section 33, chapter 145, Laws of 1967 ex. sess. and RCW 47.54.010; section 47.54.020, chapter 13, Laws of 1961, as amended by section 34, chapter 145, Laws of 1967 ex. sess. and RCW 47.54.020; sections 47.54.030 through 47.54.900, chapter 13, Laws of 1961 and RCW 47.54.030 through RCW 47.54.900, are each repealed.

Sec. 4. The repeals contained in section 3 of this 1969 amendatory act shall not be construed to alter or to terminate any existing contracts which were made pursuant to such statutes, nor shall such repeals affect any existing rights acquired under the statutes repealed.

Passed the Senate February 27, 1969  
 Passed the House March 11, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 92  
 [Engrossed Senate Bill No. 29]  
 OBSCENITY

AN ACT Relating to crimes; and amending section 118, page 96, Laws of 1854, as last amended by section 1, chapter 146, Laws of 1961, and RCW 9.68.010.

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

Section 1. Section 118, page 96, Laws of 1854, as last amended by section 1, chapter 146, Laws of 1961, and RCW 9.68.010 are each amended to read as follows:

Every person who--

(1) Having knowledge of the contents thereof shall exhibit, sell, distribute, display for sale or distribution, or having knowledge of the contents thereof shall have in his possession with the intent to sell or distribute any book, magazine, pamphlet, comic book, newspaper, writing, photograph, motion picture film, phonograph record, tape or wire recording, picture, drawing, figure, image, or any object

or thing which is obscene; or

(2) Having knowledge of the contents thereof shall cause to be performed or exhibited, or shall engage in the performance or exhibition of any show, act, play, dance or motion picture which is obscene; Shall be guilty of a gross misdemeanor.

The provisions of this section shall not apply to acts done in the scope of his employment by a motion picture operator or projectionist employed by the owner or manager of a theatre or other place for the showing of motion pictures, unless the motion picture operator or projectionist has a financial interest in such theatre or place wherein he is so employed or unless he caused to be performed or exhibited such performance or motion picture without the knowledge and consent of the manager or owner of the theatre or other place of showing.

Passed the Senate February 21, 1969

Passed the House March 11, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 93  
[Engrossed Senate Bill No. 32]  
ADMINISTRATOR FOR THE COURTS

AN ACT Relating to the office of administrator for the courts; and amending section 1, chapter 259, Laws of 1957 and RCW 2.56-.010.

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

Section 1. Section 1, chapter 259, Laws of 1957 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 ~~((be-a-resident-of-this state-and-have-been-such-for-at-least-three-years-prior-to-his appointment-and))~~ not be over the age of sixty years at the time of his appointment. He shall receive a salary not to exceed ~~((fifteen))~~

twenty thousand dollars per year, to be fixed by the supreme court.

Passed the Senate February 10, 1969

Passed the House March 10, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 94  
[Engrossed Senate Bill No. 92]  
PUBLIC DEFENDER

AN ACT Relating to criminal procedure; and authorizing the establishment of an office of public defender in the various counties of this state.

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

NEW SECTION. Section 1. As used in this act:

(1) "County commissioners" or "board of county commissioners" means and includes:

(a) Any single board of county commissioners, county council, or other governing body of any county which has neither a board of county commissioners nor a county council denominated as such; and

(b) The governing bodies, including any combination or mixture of more than one board of county commissioners, county council, or otherwise denominated governing body of a county, of any two or more contiguous counties electing to participate jointly in the support of any intercounty public defender.

(2) "District" or "public defender district" means any one or more entire counties electing to employ a public defender; and no county shall be divided in the creation of any public defender district.

NEW SECTION. Sec. 2. The board of county commissioners of any single county or of any two or more territorially contiguous counties or acting in cooperation with the governing authority of any city located within the county or counties may, by resolution or by ordinance, or by concurrent resolutions or concurrent ordinances, constitute such county or counties or counties and cities as a public defender district, and may establish an office of public defender for such district.

NEW SECTION. Sec. 3. The board of county commissioners of

every county electing to become or to join in a public defender district shall appoint a selection committee for the purpose of selecting a full or part time public defender for the public defender district. Such selection committee shall consist of one member of each board of county commissioners, one member of the superior court from each county, and one practicing attorney from each county within the district.

NEW SECTION. Sec. 4. Every public defender and every assistant public defender must be a qualified attorney licensed to practice law in this state; and the term of the public defender shall coincide with the elected term of the prosecuting attorney.

NEW SECTION. Sec. 5. The public defender shall make an annual report to each board of county commissioners within his district. If any public defender district embraces more than one county or a cooperating city, the public defender shall maintain records of expenses allocable to each county or city within the district, and shall charge such expenses only against the county or city for which the services were rendered or the costs incurred. The boards of county commissioners of counties and the governing authority of any city participating jointly in a public defender district are authorized to provide for the sharing of the costs of the district by mutual agreement, for any costs which cannot be specifically apportioned to any particular county or city within the district.

Expenditures by the public defender shall be subject to the provisions of Chapter 36.40 RCW and other statutes relating to expenditures by counties or cities.

NEW SECTION. Sec. 6. (1) The board of county commissioners shall:

(a) Fix the compensation of the public defender and of any staff appointed to assist him in the discharge of his duties: PROVIDED, That the compensation of the public defender shall not exceed that of the county prosecutor in those districts which comprise only one county;

(b) Provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of his office in the discharge of his duties, or provide an allowance in lieu of facilities and supplies.

(2) The public defender may appoint as many assistant attorney public defenders, clerks, investigators, stenographers and other employees as the board of county commissioners considers necessary in the discharge of his duties as a public defender.

NEW SECTION. Sec. 7. The public defender must represent, without charge to any accused, every indigent person who is or has been arrested or charged with a crime for which court appointed counsel for indigent defendants is required either under the Constitution of the United States or under the Constitution and laws of the state of Washington:

(1) If such arrested person or accused, having been apprised of his constitutional and statutory rights to counsel, requests the appointment of counsel to represent him; and

(2) If a court, on its own motion or otherwise, does not appoint counsel to represent the accused under the provisions of RCW 10.01.110; and

(3) Unless the arrested person or accused, having been apprised of his right to counsel in open court, affirmatively rejects or intelligently repudiates his constitutional and statutory rights to be represented by counsel.

NEW SECTION. Sec. 8. Whenever the public defender represents any indigent person held in custody without commitment or charged with any criminal offense, he must (1) counsel and defend such person, and (2) prosecute any appeals and other remedies, whether before or after conviction, which he considers to be in the interests of justice.

NEW SECTION. Sec. 9. For good cause shown, or in any case involving a crime of widespread notoriety, the court may, upon its own motion or upon application of either the public defender or of the indigent accused, appoint an attorney other than the public

defender to represent the accused at any stage of the proceedings or on appeal: PROVIDED, That the public defender may represent an accused, not an indigent, in any case of public notoriety where the court may find that adequate retained counsel is not available. The court shall award, and the county in which the offense is alleged to have been committed shall pay, such attorney reasonable compensation and reimbursement for any expenses reasonably and necessarily incurred in the presentation of the accused's defense or appeal, in accordance with the provisions of RCW 10.01.110 and 10.01.112.

NEW SECTION. Sec. 10. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy, particularly in counties electing not to create the office of public defender: PROVIDED, That nothing herein shall be construed to prevent the appointment of a full time or part time assigned-counsel administrator for the purpose of maintaining a centrally administered system for the assignment of counsel to represent indigent persons.

Passed the Senate February 18, 1969

Passed the House March 11, 1969

Approved by the Governor March 24, 1969

Filed in office of Secretary of State March 24, 1969

CHAPTER 95  
[Engrossed Senate Bill No. 108]  
COURT REPORTERS--COMPENSATION

AN ACT Relating to court reporters; and amending section 1, chapter 210, Laws of 1951, as last amended by section 1, chapter 20, Laws of 1967, and RCW 2.32.210.

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

Section 1. Section 1, chapter 210, Laws of 1951, as last amended by section 1, chapter 20, Laws of 1967, and RCW 2.32.210 are each amended to read as follows:

Each official reporter shall be paid compensation as follows:

(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;

(2) In all judicial districts having a total population of one hundred thousand or over, excluding class AA counties, (~~nine thousand-five-hundred~~) eleven thousand dollars per annum; in the judicial district containing the state capitol, (~~nine-thousand-five hundred~~) eleven thousand dollars per annum regardless of population;

(3) In judicial districts having a total population of forty thousand or more and less than one hundred thousand, (~~nine-thousand~~) ten thousand five hundred dollars per annum ((-));

(4) In judicial districts having a total population of twenty-five thousand and under forty thousand, six thousand six hundred dollars per annum ((-));

Said compensation shall be paid out of the current expense fund of the county where court is held.

In judicial districts comprising more than one county the judge or judges thereof shall, on the first day of January of each year, or as soon thereafter as may be convenient, apportion the amount of the salary to be paid to the reporter by each county according and in proportion to the number of criminal and civil actions entered and commenced in superior court of the constituent counties in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expenses of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expense to be paid by the county to which he travels. If one trip includes two or more counties, the expense may be apportioned between the counties visited in proportion to the amount of time spent in each county on the trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge pre-

siding, shall be a sufficient voucher upon which the county auditor shall draw his warrant upon the treasurer of the county in favor of the official reporter.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Passed the Senate February 13, 1969  
Passed the House March 11, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

CHAPTER 96  
[Engrossed Senate Bill No. 135]  
MOSQUITO CONTROL DISTRICTS

AN ACT Relating to weeds, rodents and pests; authorizing the formation of mosquito control districts in Chelan county; and amending section 2, chapter 153, Laws of 1957 and RCW 17.28-.020.

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

Section 1. Section 2, chapter 153, Laws of 1957 and RCW 17-.28.020 are each amended to read as follows:

Any number of units of a territory within the state of Washington in Adams, Benton, Franklin, Grant, Kittitas, Walla Walla and Yakima counties or any other county may be organized as a mosquito control district under the provisions of this chapter.

A petition to form a district may consist of any number of separate instruments which shall be presented at a regular meeting of the county commissioners of the county in which the greater area of the proposed district is located. Petitions shall be signed by registered voters of each unit of the proposed district, equal in number to not less than ten percent of the votes cast in each unit respectively for the office of governor at the last gubernatorial election prior to the time of presenting the petition.

Passed the Senate February 6, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

CHAPTER 97  
[Engrossed Senate Bill No. 280]  
EDUCATIONAL EMPLOYEES--  
TAX DEFERRED ANNUITIES

AN ACT Relating to the purchase of tax deferred annuities for employees of the state educational institutions or school districts; amending section 1, chapter 54, Laws of 1965 and RCW 28.02.120; amending section 28A.58.560, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.560; providing sections to effect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 1, chapter 54, Laws of 1965 and RCW 28.02-.120 are each amended to read as follows:

The regents, trustees, or board of directors of any of the state educational institutions or school districts, the Washington state teachers' retirement system, the superintendent of public instruction, and county and intermediate district superintendents are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C., section 403 (b), as amended by Public Law 87-370, 75 Stat. 796 as now or hereafter amended. The superintendent of public instruction and county and intermediate district superintendents, if eligible, may also be provided with such annuities.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.58.560, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.560 are each amended to read as follows:

The board of directors of any school district (~~(is)~~) , the Washington state teachers' retirement system, the superintendent of public instruction, and county and intermediate district superinten-

dents are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. The superintendent of public instruction and county and intermediate district superintendents, if eligible, may also be provided with such annuities.

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. Part II 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 on the date upon which the 1969 education code becomes effective.

Passed the Senate February 19, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

CHAPTER 98  
[Engrossed Senate Bill No. 346]  
PRISON TERMS AND PAROLES

AN ACT Relating to prison terms and paroles; providing procedures for the arrest, detention and fair hearings on the revocation of parole of alleged parole violators; adding two new members to the board of prison terms and paroles; amending section 13, chapter 133, Laws of 1955, as amended by section 2, chapter 106, Laws of 1961 and RCW 9.95.120; amending section 11, chapter 134, Laws of 1967 and RCW 72.04A.090; amending section 9, chapter 340, Laws of 1955, as amended by section 1, chapter 32, Laws of 1959 and RCW 9.95.003; and providing an effective date.

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

Section 1. Section 11, chapter 134, Laws of 1967 and RCW 72-.04A.090 are each amended to read as follows:

Whenever a parolee breaches a condition or conditions under which he was granted parole or violates any law of the state or rules and regulations of the board of prison terms and paroles, any probation and parole officer may arrest, or cause the arrest and suspension of parole of, such parolee without a warrant, pending a determination by the board. The facts and circumstances of such conduct of the parolee shall be reported by the probation and parole officer, with recommendations, to the board of prison terms and paroles, who may order the revocation or suspension of parole, revise or modify the conditions of parole or take such other action as may be deemed appropriate in accordance with RCW 9.95.120. The board of prison terms and paroles, after consultation with the director of the department of institutions, shall make all rules and regulations concerning procedural matters, which shall include the time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board of prison terms and paroles to perform its functions under this section.

The probation and parole officers shall have like authority

and power regarding the arrest and detention of a probationer who has breached a condition or conditions under which he was granted probation by the superior court, or violates any law of the state, pending a determination by the superior court.

In the event a probation and parole officer shall arrest or cause the arrest and suspension of parole of a parolee or probationer in accordance with the provisions of this section, such parolee or probationer shall be confined and detained in the county jail of the county in which the parolee or probationer was taken into custody, and the sheriff of such county shall receive and keep in the county jail, where room is available, all prisoners delivered thereto by the probation and parole officer, ~~((until-discharged-according-to-law))~~ and such parolees shall not be released from custody on bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

Sec. 2. Section 13, chapter 133, Laws of 1955 as amended by section 2, chapter 106, Laws of 1961 and RCW 9.95.120 are each amended to read as follows:

Whenever the board of prison terms and paroles or a probation and parole officer of this state has reason to believe a convicted person has breached a condition of his parole or violated the law of any state where he may then be or the rules and regulations of the board of prison terms and paroles, any probation and parole officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board of prison terms and paroles by the probation and parole officer, with recommendations. The board of prison terms and paroles, after consultation with the director of the department of institutions, shall make all rules and regulations concerning procedural matters, which shall include the

time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the probation and parole officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board of prison terms and paroles for his return to ~~((the institution from which he was paroled))~~ a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state probation and parole officer, or upon the written order of the board of prison terms and paroles, shall not be released from custody on bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he may then be, he shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he ~~((was returned to the institution from which he was paroled))~~ is served with charges of the violation of conditions of his parole after his arrest

and detention. The hearing shall be held before ((at-least-two)) one or more members of the parole board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole. ((Upon-such-hearing-such-paroled-prisoner-shall-be-allowed to-be-heard-and-may-defend-himself,-and-may-be-represented-by-an-attorney-and-he-shall-have-the-right-to-present-evidence-and-witnesses in-his-behalf,-After-such-hearing-the-board-of-prison-terms-and-paroles-shall-make-an-order-either-(1)-revoking-the-parole-of-such-convicted-person,-or-(2)-reinstating-the-parole-previously-granted,-In-the-event-the-parole-is-revoked,-the-board-of-prison-terms-and-paroles shall-make-an-order-determining-a-new-minimum-sentence,-not-exceeding the-maximum-penalty-provided-by-law-for-the-crime-for-which-he-was originally-convicted,-or-the-maximum-fixed-by-the-court.))

In the event that the board of prison terms and paroles suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board of prison terms and paroles shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board of prison terms and paroles may determine advisable. Before the board of prison terms and paroles shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

NEW SECTION. Sec. 3. Within fifteen days from the date of notice to the division of probation and parole of the department of institutions of the arrest and detention of the alleged parole violator, he shall be personally served by a state probation and parole officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his right to an on-site parole revocation hearing and of his rights and privileges as provided in this 1969 amendatory act. The alleged parole violator, after service of the allegations of violations of the

conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided in RCW 9.95.120, and admit one or more of the alleged violations of the conditions of parole. If the board accepts the waiver it shall either, (1) reinstate the parolee on parole under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody. A determination of a new minimum sentence shall be made within thirty days of return to state custody which shall not exceed the maximum sentence as provided by law for the crime of which the parolee was originally convicted or the maximum fixed by the court.

If the waiver made by the parolee is rejected by the board it shall hold an on-site parole revocation hearing under the provisions of this 1969 amendatory act.

NEW SECTION. Sec. 4. At any on-site parole revocation hearing the alleged parole violator shall be entitled to be represented by an attorney of his own choosing and at his own expense, except, upon the presentation of satisfactory evidence of indigency and the request for the appointment of an attorney by the alleged parole violator, the board may cause the appointment of an attorney to represent the alleged parole violator to be paid for at state expense, and, in addition, the board may assume all or such other expenses in the presentation of evidence on behalf of the alleged parole violator as it may have authorized; PROVIDED, That funds are available for the payment of attorneys' fees and expenses. Attorneys for the representation of alleged parole violators in on-site hearings shall be appointed by the superior courts for the counties wherein the on-site parole revocation hearing is to be held and such attorneys shall be compensated in such manner and in such amount as shall be fixed in a schedule of fees adopted by rule of the board of prison terms and paroles.

NEW SECTION. Sec. 5. In conducting on-site parole revocation hearings, the board of prison terms and paroles shall have the authority to administer oaths and affirmations, examine witnesses, re-

ceive evidence and issue subpoenas for the compulsory attendance of witnesses and the production of evidence for presentation at such hearings. Subpoenas issued by the board shall be effective throughout the state. Witnesses in attendance at any on-site parole revocation hearing shall be paid the same fees and allowances, in the same manner and under the same conditions as provided for witnesses in the courts of the state in accordance with chapter 2.40 RCW as now or hereafter amended. If any person fails or refuses to obey a subpoena issued by the board, or obeys the subpoena but refuses to testify concerning any matter under examination at the hearing, the board of prison terms and paroles may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena: PROVIDED, That an offer to pay statutory fees and mileage has been made to the witness at the time of the service 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 board. 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.

NEW SECTION. Sec. 6. At all on-site parole revocation hearings the probation and parole officers of the department of institutions, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. Only such

persons as are reasonably necessary to the conducting of such hearings shall be permitted to be present: PROVIDED, That other persons may be admitted to such hearings at the discretion of the board and with the consent of the alleged parole violator. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him in any criminal prosecution. The board of prison terms and paroles shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

NEW SECTION. Sec. 7. After the on-site parole revocation hearing has been concluded, the members of the board having heard the matter shall enter their decision of record within ten days, and make findings and conclusions upon the allegations of the violations of the conditions of parole. If the member, or members having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or, those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole. If the member or members having heard the matter should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and constitute sufficient cause for the revocation of parole, then such member or members shall enter an order of parole revocation and return the parole violator to state custody. Within thirty days of the return of such parole violator to a state correctional institution for convicted felons the board of prison terms and paroles shall enter an order determining a new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the court.

NEW SECTION. Sec. 8. All officers and employees of the state ,

counties, cities and political subdivisions of this state shall cooperate with the board of prison terms and paroles in making available suitable facilities for conducting parole revocation hearings.

Sec. 9. Section 9, chapter 340, Laws of 1955 as amended by section 1, chapter 32, Laws of 1959 and RCW 9.95.003 are each amended to read as follows:

The board of prison terms and paroles shall consist of a chairman and ~~((four))~~ six other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his successor is appointed and qualified: PROVIDED, That the two additional members to be appointed to the board shall serve initial terms ending April 15, 1972 and 1974 respectively. The terms shall ~~((be staggered so that the term of one member will))~~ expire on April 15th of ~~((each year + PROVIDED, That the terms of board members serving on the day next preceding the effective date of this amendatory act (1959 e-32) shall expire on April 15th six years following their commencement and the first terms of the two positions added by this amendatory act (1959 e-32) shall expire one on April 15, 1960 and the other on April 15, 1962))~~ the expiration year. Vacancies in the membership of the board shall be filled in the same manner in which the original appointments are made. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman ~~((during his term of office ))~~ at the governor's pleasure.

The members of the board of prison terms and paroles and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or

other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board of prison terms and paroles shall each severally receive salaries, payable in monthly installments, as may be fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition thereto, their necessary expenses actually incurred in the discharge of their official duties.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act shall take effect on July 1, 1969.

Passed the Senate March 3, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 24, 1969  
Filed in office of Secretary of State March 24, 1969

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CHAPTER 99  
[Senate Bill No. 287]  
MOTOR VEHICLES--FEES--FUNDS

AN ACT Relating to an increase of motor vehicle driver's license fees; disposition of motor vehicle driver's license fees, fines and forfeitures, and state park fees and moneys; increasing vehicle license fees; disposition of the vehicle license fees; use of funds from the highway safety fund; abolishing the parks and parkways account and providing for disposition of funds therein and moneys payable thereto; amending section 43.51.060, chapter 8, Laws of 1965 and RCW 43.51.060; amending section 43.51.090, chapter 8, Laws of 1965 and RCW 43.51.090; amending section 43.51.210, chapter 8, Laws of 1965 and RCW 43.51.210; amending section 46.16.060, chapter 12, Laws of 1961 as last amended by

section 1, chapter 25, Laws of 1965, and RCW 46.16.060; amending section 11, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.161; amending section 17, chapter 121, Laws of 1965 ex. sess. as amended by section 46, chapter 170, Laws of 1965 ex. sess. and RCW 46.20.181; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 25, Laws of 1965, and RCW 46.68.030; amending section 4, chapter 25, Laws of 1965 as amended by section 3, chapter 174, Laws of 1967, and RCW 46.68.041; amending section 46.68.050, chapter 12, Laws of 1961 and RCW 46.68.050; amending section 46.68.060, chapter 12, Laws of 1961 as last amended by section 4, chapter 174, Laws of 1967 and RCW 46.68.060; creating a new section; and providing an effective date.

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

Section 1. Section 43.51.060, chapter 8, Laws of 1965 and RCW 43.51.060 are each amended to read as follows:

- The commission may:
- (1) Make rules and regulations for the proper administration of its duties;
  - (2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;
  - (3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;
  - (4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;
  - (5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state (~~(parks-and-parkway-account)~~) general fund;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof;

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Sec. 2. Section 43.51.090, chapter 8, Laws of 1965 and RCW 43.51.090 are each amended to read as follows:

The commission may receive in trust any money donated or bequeathed to it, and carry out the terms of such donation or bequest, or, in the absence of such terms, expend the same as it may deem advisable for park or parkway purposes.

Money so received shall be deposited (~~(in-the-state-treasury-to-the-credit-of-the-state-parks-and-parkways-account)~~) in the state general fund.

Sec. 3. Section 43.51.210, chapter 8, Laws of 1965 and RCW 43.51.210 are each amended to read as follows:

Whenever the state parks and recreation commission finds that any land under its control cannot advantageously be used for park pur-

poses, it is authorized to dispose of such land. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission with the approval of the department of natural resources, and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least in three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. All proceeds derived from the sale of such park property shall be paid into the (~~(parks-and-parkway)~~) state general fund. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by appraisals to the satisfaction of the department of natural resources: PROVIDED, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission.

NEW SECTION. Sec. 4. The state parks and parkways account created under section 43.79.330 (15), chapter 8, Laws of 1965, is hereby abolished and all funds remaining therein at August 1, 1969, transferred to the state general fund.

Sec. 5. Section 46.16.060, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1965, and RCW 46.16.060 are each amended to read as follows:

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of (~~(eight)~~) nine dollars and forty cents: PROVIDED, HOWEVER, That the fee for licensing each house moving dolly

which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44, shall be twenty-five dollars.

Sec. 6. Section 11, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.161 are each amended to read as follows:

The department shall upon receipt of a fee of (~~four~~) five dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Sec. 7. Section 17, chapter 121, Laws of 1965 ex. sess. as amended by section 46, chapter 170, Laws of 1965 ex. sess., and RCW 46.20.181 are each amended to read as follows:

Every driver's license shall expire on the second anniversary of the licensee's birthdate following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of (~~four~~) five dollars.

Sec. 8. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 25, Laws of 1965, and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle license fee of (~~eight~~) nine dollars and forty cents as provided for in RCW 46.16.060, the state treasurer shall deposit (~~four~~) six dollars (~~and sixty cents~~) to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten

percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

Sec. 9. Section 4, chapter 25, Laws of 1965 as amended by section 3, chapter 174, Laws of 1967, and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

~~(3) ((Out of each fee of four dollars collected for a driver's license, the sum of two dollars and twenty cents shall be deposited in the parks and parkways account in the general fund to be used for carrying out the provisions of chapter 43.51 RCW except that not to exceed fifty thousand dollars in a biennium as by appropriation provided shall be paid from the parks and parkways account for use in the carrying out the provisions of law relating to the drivers' licenses.~~

~~(4))~~ Out of each fee of ~~((four))~~ five dollars collected for a driver's license, the sum of ~~((one))~~ three dollars and ~~((twenty))~~ ten cents shall be deposited in the highway safety fund, and one dollar and ~~((sixty))~~ ninety cents shall be deposited in the state patrol highway account.

Sec. 10. Section 46.68.050, chapter 12, Laws of 1961 and RCW 46.68.050 are each amended to read as follows:

All fines and forfeitures collected for violation of any of the provisions of this title when the violation occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into

the county road fund of the county in which the violation occurred (~~(one-fourth into the state fund for the support of state parks and parkways)~~) and one- (~~(fourth)~~) half into the highway safety fund.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund for the construction and maintenance of city streets; (~~(one-fourth into the state fund for the support of state parks and parkways)~~) and one- (~~(fourth)~~) half into the highway safety fund.

Sec. 11. Section 46.68.060, chapter 12, Laws of 1961 as last amended by section 4, chapter 174, Laws of 1967, and RCW 46.68.060 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility (~~and~~) cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010.

NEW SECTION. Sec. 12. This 1969 amendatory act shall take effect July 1, 1969.

Passed the Senate March 7, 1969  
 Passed the House March 12, 1969  
 Approved by the Governor March 24, 1969  
 Filed in office of Secretary of State March 24, 1969

CHAPTER 100  
 [Engrossed Senate Bill No. 313]  
 LIVESTOCK DISEASES--  
 DIAGNOSTIC SERVICE PROGRAM

AN ACT Relating to livestock diseases; and establishing a diagnostic service program.

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

NEW SECTION. Section 1. The production of livestock is one

of the largest industries in this state; and whereas livestock disease constitutes a constant threat to the public health and the production of livestock in this state; and whereas the prevention and control of such livestock diseases by the state may be best carried on by the establishment of a diagnostic service program for livestock diseases; therefore it is in the public interest and for the purpose of protecting health and general welfare that a livestock diagnostic service program be established.

NEW SECTION. Sec. 2. The director of agriculture is hereby authorized to carry on a diagnostic service program for the purpose of diagnosing any livestock disease which affects or may affect any livestock which is or may be produced in this state or otherwise handled in any manner for public distribution or consumption.

NEW SECTION. Sec. 3. In carrying out such diagnostic service program the director of agriculture may employ, subject to the state civil service act, chapter 41.06 RCW, the necessary personnel to properly effectuate such diagnostic service program.

NEW SECTION. Sec. 4. In carrying out such diagnostic service program the director of agriculture may enter into agreements and/or contracts with any other governmental agencies whether state or federal or public institution such as Washington State University or private institutions and/or research organizations.

NEW SECTION. Sec. 5. In carrying out such diagnostic service program, the director of agriculture may accept public or private funds, gifts or equipment or any other necessary properties.

NEW SECTION. Sec. 6. The director may, following a public hearing, establish a schedule of fees for services performed in carrying out such diagnostic service program.

Passed the Senate March 4, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 24, 1969.

Filed in office of Secretary of State March 24, 1969.

CHAPTER 101  
[House Bill No. 16]  
CITIES AND TOWNS--  
OFFICE OF MAYOR

AN ACT Relating to cities and towns; amending section 35.18.190, chapter 7, Laws of 1965, and RCW 35.18.190; amending section 35.18.210, chapter 7, Laws of 1965, and RCW 35.18.210; and amending section 35.24.190, chapter 7, Laws of 1965, and RCW 35.24.190.

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

Section 1. Section 35.18.190, chapter 7, Laws of 1965, and RCW 35.18.190 are each amended to read as follows:

Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number who shall have the title of mayor. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges and immunities of a member of the council. If a vacancy occurs in the office of mayor, the members of the council at their next regular meeting shall select a mayor from among their number for the unexpired term.

Sec. 2. Section 35.18.210, chapter 7, Laws of 1965, and RCW 35.18.210 are each amended to read as follows:

~~((if-a-vacancy-occurs-in-the-office-of-mayor,-or))~~ In case of the ~~((incumbent+s))~~ mayor's absence ~~((or-disability))~~, a mayor pro tempore selected by the members of the council from among their number shall act as mayor ~~((for-the-unexpired-term-or))~~ during the continuance of the absence ~~((or-disability))~~.

Sec. 3. Section 35.24.190, chapter 7, Laws of 1965, and RCW 35.24.190 are each amended to read as follows:

The members of the city council at their first meeting after each general municipal election and thereafter whenever a vacancy occurs, shall elect from among their number a mayor pro tempore, who shall hold office at the pleasure of the council and in case of the absence ~~((,-death,-or-disability))~~ of the mayor, perform the duties of mayor except that he shall not have the power to appoint or remove any officer or to veto any ordinance. If a vacancy occurs in the office of mayor, the city council at their next regular meeting shall elect from among their number a mayor, who shall serve until a mayor is elected and certified at the next municipal election.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the seal of the city.

Passed the House February 4, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 102  
 [Engrossed House Bill No. 671]  
 ELECTRICAL UTILITIES--  
 DUPLICATION--SERVICE AREAS

AN ACT Relating to public utilities engaged in the electrical business; declaring a legislative policy against the duplication of electric lines and service; and authorizing agreements establishing service boundaries between utilities.

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

NEW SECTION. Section 1. When used in this act:

(1) "Public utility" means any privately owned public utility company engaged in rendering electric service to the public for hire, any public utility district engaged in rendering service to residential customers and any city or town engaged in the electric business.

(2) "Cooperative" means any cooperative having authority to engage in the electric business.

NEW SECTION. Sec. 2. The legislature hereby declares that the duplication of the electric lines and service of public utilities and cooperatives is uneconomical, may create unnecessary hazards to the public safety, discourages investment in permanent underground facilities, and is unattractive, and thus is contrary to the public interest and further declares that it is in the public interest for public utilities and cooperatives to enter into agreements for the purpose of avoiding or eliminating such duplication.

NEW SECTION. Sec. 3. In aid of the foregoing declaration of policy, any public utility and any cooperative is hereby authorized to enter into agreements with any one or more other public utility or

one or more other cooperative for the designation of the boundaries of adjoining service areas which each such public utility or each such cooperative shall observe, for the establishment of procedures for orderly extension of service in adjoining areas not currently served by any such public utility or any such cooperative and for the acquisition or disposal by purchase or sale by any such public utility or any such cooperative of duplicating utility facilities, which agreements shall be for a reasonable period of time not in excess of twenty-five years: PROVIDED, That the participation in such agreement of any public utility which is an electrical company under RCW 80.04.010, excepting cities and towns, shall be approved by the Washington utilities and transportation commission.

NEW SECTION. Sec. 4. Nothing herein shall be construed to classify a cooperative having authority to engage in the electric business as a public utility or to include cooperatives under the authority of the Washington utilities and transportation commission.

Passed the House March 7, 1969.  
 Passed the Senate March 10, 1969.  
 Approved by the Governor March 25, 1969.  
 Filed in office of Secretary of State March 25, 1969.

CHAPTER 103  
 [House Bill No. 124]  
 PRISONERS--TIME AND  
 CUSTODY PENDING APPEAL

AN ACT Relating to the custody of prisoners; amending section 2, chapter 42, Laws of 1955 and RCW 9.95.062; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.63 RCW.  
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 2, chapter 42, Laws of 1955 and RCW 9-.95.062 are each amended to read as follows:

An appeal by a defendant in a criminal action shall stay the execution of the judgment of conviction.

In case the defendant has been convicted of a felony, and has been unable to furnish ((the)) a bail bond ((required-by-RCW 10-73-040)) pending the appeal, the time ((during-which-he-remains in-the-jail-of-the-county-from-which-the-appeal-is-taken)) he has

been imprisoned pending the appeal shall be deducted from the term for which he was theretofore sentenced to the penitentiary, if the judgment against him be affirmed.

NEW SECTION. Sec. 2. There is added to chapter 4, Laws of 1963 and to chapter 36.63 RCW a new section to read as follows:

Any person imprisoned in a county jail pending the appeal of his conviction of a felony and who has not obtained bail bond pending his appeal shall be transferred after thirty days but within forty days from the date judgment was entered against him to a state institution for felons designated by the director of the department of institutions: PROVIDED, That when good cause is shown, a superior court judge may order the prisoner detained in the county jail beyond said forty days for an additional period not to exceed ten days.

Passed the House March 3, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 104  
 [Engrossed House Bill No. 208]  
 INSURANCE--VARIABLE  
 CONTRACT ACT

AN ACT Relating to variable contracts; adding a new chapter to Title 48 RCW; repealing sections 14 through 18, chapter 70, Laws of 1965 ex. sess. and RCW 48.13.370 through 48.13.410; and providing an effective date.

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

NEW SECTION. Section 1. This act shall be known as the "Variable Contract Act" and is intended to authorize the sale of both individual and group variable contracts.

NEW SECTION. Sec. 2. A domestic life insurer may, by or pursuant to resolution of its board of directors, establish one or more separate accounts, and may allocate thereto amounts to provide for annuities and other benefits payable in fixed or variable amounts or both, subject to the following:

- (1) The income, gains and losses, realized or unrealized, from

assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains or losses of the insurer.

(2) (a) Except as hereinafter provided, amounts allocated to any separate account and accumulation thereon may be invested and re-invested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurance companies: PROVIDED, That to the extent that the company's reserve liability with regard to (i) benefits guaranteed as to dollar amount and duration, and (ii) funds guaranteed as to principal amount or stated rate of interest is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be, except as the commissioner may otherwise approve, invested in accordance with the laws of this state governing the investments of life insurance companies. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to the investments of the company.

(b) With respect to seventy-five percent of the market value of the total assets in a separate account no company shall purchase or otherwise acquire the securities of any issuer, other than securities issued or guaranteed as to principal or interest by the United States, if immediately after such purchase or acquisition the market value of such investment, together with prior investments of such separate account in such security taken at market value, would exceed ten percent of the market value of the assets of said separate account: PROVIDED, That the commissioner may waive such limitation if, in his opinion, such waiver will not render the operation of such separate account hazardous to the public or the policyholders in this state.

(c) No separate account shall be invested in the voting securities of a single issuer if such investment would result in the insurer owning an amount in excess of ten percent of the total issued and outstanding voting securities of such issuer: PROVIDED, That the

foregoing shall not apply with respect to securities held in separate accounts, the voting rights in which are exercisable only in accordance with instructions from persons having interests in such accounts.

(d) The limitations provided in paragraphs (b) and (c) of this subsection shall not apply to the investment with respect to a separate account in the securities of an investment company registered under the United States Investment Company Act of 1940: PROVIDED, That the investments of such investment company shall comply in substance therewith.

(3) Unless otherwise approved by the commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account: PROVIDED, That unless otherwise approved by the commissioner, a portion of the assets of such separate account equal to the insurer's reserve liability with regard to the guaranteed benefits and funds referred to in subsection (2) of this section, if any, shall be valued in accordance with the rules otherwise applicable to the insurer's assets.

(4) Amounts allocated to a separate account in the exercise of the power granted by this act shall be owned by the insurer and the insurer shall not be, nor hold itself out to be, a trustee with respect to such amounts. That portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the insurer may conduct.

(5) No sale, exchange or other transfer of assets may be made by an insurer between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a

separate account, is made (a) by a transfer of cash, or (b) by a transfer of securities having a readily determinable market value: PROVIDED, That such transfer of securities is approved by the commissioner. The commissioner may approve other transfers among such accounts, if, in his opinion, such transfers would not be inequitable.

(6) To the extent such insurer deems it necessary to comply with any applicable federal or state law, such insurer, with respect to any separate account, including without limitation any separate account which is a management investment company or a unit investment trust, may provide for persons having interest therein, as may be appropriate, voting and other rights and special procedures for the conduct of the business of such account, including without limitation, special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with such insurer, to manage the business of such account.

NEW SECTION. Sec. 3. (1) Every variable contract providing benefits payable in variable amounts delivered or issued for delivery in this state shall contain a statement of the essential features of the procedures to be followed by the insurer in determining the dollar amount of such variable benefits. Any such variable contract, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will vary to reflect investment experience and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

(2) Variable contracts delivered or issued for delivery in this state may include as an incidental benefit provision for payment on death during the deferred period of an amount not in excess of the greater of the sum of the premiums or stipulated payments under the contract or the value of the contract at time of death. For this purpose such benefit shall not be deemed to be life insurance and

therefore not subject to any statutory provisions governing life insurance contracts. Provision for any other benefits on death during the deferred period will be subject to such insurance provisions.

NEW SECTION. Sec. 4. No insurer shall deliver or issue, for delivery within this state, contracts under this act unless it is licensed or organized to do a life insurance or annuity business in this state, and unless the commissioner is satisfied that its condition or method of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this state. In this connection, the commissioner shall consider among other things:

- (1) The history and financial condition of the insurer;
- (2) The character, responsibility and fitness of the officers and directors of the insurer; and
- (3) The law and regulation under which the insurer is authorized in the state of domicile to issue variable contracts.

An insurer which issues variable contracts and which is a subsidiary of, or affiliated through common management or ownership with, another life insurer authorized to do business in this state may be deemed to have met the provisions of this section if either it or the parent or affiliated company meets the requirements hereof: PROVIDED, That no insurer may provide variable benefits in its contracts unless it is an admitted insurer having and continually maintaining a combined capital and surplus of at least one million dollars.

NEW SECTION. Sec. 5. The provisions of RCW 48.23.140 through 48.23.240, 48.23.360, and the provisions of chapter 48.24 RCW shall be inapplicable to variable contracts; nor shall any provision in the code requiring contracts to be participating be deemed applicable to variable contracts. Except as otherwise provided in this act, all pertinent provisions of the insurance code shall apply to separate accounts and contracts relating thereto. The reserve liability for variable annuities shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provid-

ed and any mortality guarantees.

NEW SECTION. Sec. 6. No person shall be or act as an agent for the solicitation or sale of such policies or contracts except while duly appointed and licensed under the insurance code as a life insurance agent with respect to the insurer, and while duly licensed as a security salesman or securities broker under a license issued by the Administrator of Securities pursuant to the Securities Act of this state.

NEW SECTION. Sec. 7. Notwithstanding any other provision of law, the commissioner shall have sole and exclusive authority to regulate the issuance and sale of variable contracts; except for the examination, issuance or renewal, suspension or revocation, of a security salesman's license issued to persons selling variable contracts. To carry out the purposes and provisions of this act he may independently, and in concert with the state securities administrator, issue such reasonable rules and regulations as may be appropriate.

NEW SECTION. Sec. 8. Sections 1 through 7 of this 1969 act are each added to Title 48 RCW as a new chapter.

NEW SECTION. Sec. 9. Sections 14 through 18, chapter 70, Laws of 1965 ex. sess. and RCW 48.13.370 through 48.13.410 are each repealed.

NEW SECTION. Sec. 10. This 1969 act shall take effect July 1, 1969.

Passed the House March 5, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 25, 1969.

Filed in office of Secretary of State March 25, 1969.

CHAPTER 105

[Engrossed House Bill No. 13]

VOCATIONAL REHABILITATION--RETARDED,  
HANDICAPPED, DISADVANTAGED, PERSONS

AN ACT Relating to vocational rehabilitation; amending section 8, chapter 118, Laws of 1967, as amended by section 46, chapter 8, Laws of 1967 ex. sess. and RCW 28.10.080; adding a new section to chapter 8, Laws of 1967 ex. sess. and to chapter 28.10 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The purpose of this act is to encourage the development, improvement, and expansion of sheltered employment and supervised work programs for mentally retarded, severely handicapped and disadvantaged individuals to enable them to become contributing and self-supporting members of society as an alternative to dependency.

The condition of the mentally retarded, severely handicapped and disadvantaged is such that after laborious training in the schools and otherwise, they reach the point in their lives where they can and should, under proper and continued guidance, engage in sheltered employment and/or supervised work to help them become contributing members of society instead of being dependent. For such persons, retention in sheltered employment or supervised work may constitute satisfactory placement. Such training and placement is often a suitable alternative to institutionalization or idleness and its consequences. By keeping these individuals within their communities and in touch with their families, a worthwhile dimension is added to their lives and they are thus spared the anxieties naturally attached to separation. All of these factors have also been shown to reflect tangible benefits upon the mentally retarded, severely handicapped or disadvantaged person by improving his overall well-being.

Sec. 2. Section 8, chapter 118, Laws of 1967, as amended by section 46, chapter 8, Laws of 1967 ex. sess. and RCW 28.10.080 are each amended to read as follows:

(1) The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the budget director. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of this 1969 amendatory act, when the division determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered em-

ployment or supervised work furnished by an approved nonprofit organization, the division is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. The division is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative to dependency.

(3) The determination of eligibility for such service shall be made for each individual by the division. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of the term as used in the state Constitution.

(4) The division shall maintain a register of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the division.

(5) The division of vocational rehabilitation, with the approval of the coordinating council for occupational education, is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

NEW SECTION. Sec. 3. There is added to chapter 8, Laws of 1967 ex. sess. and to chapter 28.10 RCW a new section to read as follows:

"A disadvantaged person" as used in chapter 28.10 RCW shall mean a person who is disadvantaged in his ability to secure or maintain appropriate employment by reason of physical or mental disability, youth, advanced age, low educational attainment, ethnic or cultural factors, prison or delinquency records or any other condition,

especially in association with poverty and deprivation which constitutes a barrier to such employment.

NEW SECTION. Sec. 4. It is further provided that any federal funds available may be used to supplement this act.

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 March 12, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 106  
 [Substitute House Bill No. 140]  
 PUBLIC UTILITY DISTRICTS

AN ACT Relating to public utility districts; amending section 4, chapter 1, Laws of 1931 as last amended by section 9, chapter 265, Laws of 1959 and RCW 54.12.010; adding new sections to chapter 1, Laws of 1931 and to chapter 54.08 RCW; amending section 4, chapter 207, Laws of 1951 as last amended by section 1, chapter 161, Laws of 1967 and RCW 54.12.080; amending section 2, chapter 390, Laws of 1955 and RCW 54.16.010; amending section 10, chapter 390, Laws of 1955 and RCW 54.16.090; and declaring an emergency.

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

Section 1. Section 4, chapter 1, Laws of 1931 as last amended by section 9, chapter 265, Laws of 1959 and RCW 54.12.010 are each amended to read as follows:

Within (~~five~~) 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 upon such proposition shall vote in favor of the formation of such district, the election 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 dis-

trict 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 districts of the  
 second class, and five members in districts of the first class. (~~in~~  
~~all-public-utility-districts~~) When the public utility district is  
coextensive with the limits of such county; then, at the first elec-  
tion 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 (~~(7-when-the-public-utility-dis-~~  
~~trict-is-coextensive-with-the-limits-of-such-county)~~). When the pub-  
 lic utility district comprises only a portion of the county, with  
boundaries established in accordance with chapter 54.08 RCW, three  
public utility district commissioner districts, numbered consecutive-  
 ly, 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 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 districts of  
 the first class an additional commissioner at large shall be chosen  
 from each of the two at large districts. No person shall be eligible  
 to (~~hold~~) be elected to the office of public utility district com-  
 missioner for a particular district commissioner district unless he  
 is a freeholder within the boundaries of such public utility district,  
and a qualified voter (~~(and-a-free-holder-within-such-public-utility~~  
~~district,-except-as-hereinafter-provided,-of-the-public-utility-dis-~~  
~~trict-and)~~) 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 following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each biennial general election for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

~~((In any))~~ When a public utility district ((hereafter)) 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. 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. The ((terms of all)) commissioners first to be elected as above provided shall ((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)) hold office from the first day of the month following the commissioners' election. Each term shall be computed from the first day of December following the commissioners' election.

~~((No election of the commissioners in any public utility district, except to fill vacancies, shall be held until the biennial general election on the first Tuesday following the first Monday in November, 1942, at which time and thereafter such elections shall be held as herein provided. At said general election, there shall be elected two public utility district commissioners in each public utility district, one for a term of four years commencing December 1, 1942, in such commissioner district where the public utility district commissioner resides whose successor, but for this act {1941-c-245}, would be elected on the second Saturday in December, 1941, and one for~~

~~a term commencing on the second Monday in January, 1943, and expiring December 17, 1948, in such commissioner district where the utility district commissioner resides whose successor, but for this act (1941 c-245), would be elected on the second Saturday in December, 1942, and at the general election to be held on the first Tuesday following the first Monday in November, 1944, there shall be elected one public utility district commissioner for a term of six years commencing December 17, 1944, in such commissioner district of each such utility district where the commissioner resides whose successor, but for this act (1941 c-245), would be elected on the second Saturday in December, 1943.))~~

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified.

~~(All expenses of elections for the formation of such public utility districts shall be paid by the county holding such election, 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 public utility district, if formed. Nominations))~~ A nomin  
ination for public utility district commissioner((s)) shall be by a petition signed by one hundred qualified electors of the public utility district to be filed in the office of the county auditor not more than sixty days, and not less than ~~((forty-five))~~ forty-six days prior to the day of such election ~~((:--PROVIDED, HOWEVER, That in any public utility district having a population of less than four thousand, such nominating petition shall be signed by a number of qualified electors equaling ten percent or more of the qualified electors of the public utility district))~~. 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, 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 district of the second class, or more than two in a district of the first class, a special election shall be called by the county election 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((s)) 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. (~~(--PROVIDED;--That--any)~~) The proposed change of the boundaries of the public utility district commissioners' district (~~(the~~~~rein)~~) 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. (~~(--AND--PROVIDED--FURTHER;--That)~~) Upon a referendum petition signed by (~~(six)~~) ten percent of the qualified

voters of the public utility district being filed with the ~~((clerk))~~ county auditor, the ~~((commission))~~ board of county commissioners 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 ~~((checking))~~ validity of said petition ~~((as-to-its-sufficiency-or-insufficiency))~~ shall be governed by the provisions ~~((in-this-act-relating-thereto))~~ of chapter 54.08 RCW.

NEW SECTION. Sec. 2. There is added to chapter 1, Laws of 1931 and to chapter 54.08 RCW a new section to read as follows:

All expenses of elections for the formation of such public utility districts shall be paid by the county holding such election, 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 public utility district, if formed.

NEW SECTION. Sec. 3. There is added to chapter 1, Laws of 1931 and to chapter 54.08 RCW a new section to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on the effective date of this act, 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 such proposal to 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.

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 commission or in the same manner as provided for the creation of a district under RCW 54.08.010.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the fol-

lowing 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.

NEW SECTION. Sec. 4. There is added to chapter 1, Laws of 1931 and to chapter 54.08 RCW a new section to read as follows:

Any district now or hereafter created under the laws of this state may be dissolved, as hereinafter provided, by a majority vote of the qualified electors of such district at any general election upon a resolution of the district commission, or upon petition being filed and such proposition for dissolution submitted to said electors in the same manner provided by chapter 54.08 RCW for the creation of public utility districts. The returns of the election on such proposition for dissolution shall be canvassed and the results declared in the same manner as is provided by RCW 54.08.010: PROVIDED, HOWEVER, That any such proposition to dissolve a district shall not be submitted to the electors if within five years prior to the filing of such petition or resolution such district has undertaken any material studies or material action relating to the construction or acquisition of any utility properties or if such district at the time of the submission of such proposition is actually engaged in the operation of any utility properties.

If a majority of the votes cast at the election favor dissolution, the commission of the district shall petition, without any filing fee, the superior court of the county in which such district is located for an order authorizing the payment of all indebtedness of

the district and directing the transfer of any surplus funds or property to the general fund of the county in which such district is organized.

Sec. 5. Section 4, chapter 207, Laws of 1951 as last amended by section 1, chapter 161, Laws of 1967 and RCW 54.12.080 are each amended to read as follows:

~~(District commissioners shall serve without compensation, except that a district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his own district or meetings attended by one or more commissioners of two or more districts called to consider business common to them;--PROVIDED, That the total of such per diem compensation paid to such commissioner during any one year shall not exceed three thousand five hundred dollars;--PROVIDED, FURTHER, that any district may provide by resolution for the additional payment of a salary to each of its commissioners not exceeding one hundred fifty dollars per month;--Also, any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioners with the same coverage;--PROVIDED, FURTHER, that commissioners may not be compensated for services performed of ministerial or professional nature;)~~

Each district commissioner of a district operating utility properties serving more than two thousand customers shall receive a salary of one hundred fifty dollars per month. Commissioners of other districts shall serve without salary unless the district provides by resolution for the payment thereof, which however shall not exceed one hundred fifty dollars per month for each commissioner. In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding thirty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he at-

tends meetings of the commission of his district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such per diem compensation paid during any one year to a commissioner shall not exceed five thousand dollars. Per diem compensation shall not be paid for services of a ministerial or professional nature.

Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence.

Any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioner with the same coverage.

Sec. 6. Section 2, chapter 390, Laws of 1955 and RCW 54.16.010 are each amended to read as follows:

A district may make (~~(a survey of hydroelectric power, irrigation)~~) surveys, plans, investigations or studies for generating electric energy by water power, steam, or other methods, and for systems and facilities for the generation, transmission or distribution thereof, and for domestic and industrial water supply ((resources)) and irrigation, and for matters and purposes reasonably incidental thereto, within or without the district, and compile comprehensive maps and plans showing the territory that can be most economically served by the various resources and utilities, the natural order in which they should be developed, and how they may be joined and coordinated to make a complete and systematic whole.

Sec. 7. Section 10, chapter 390, Laws of 1955 and RCW 54.16-.090 are each amended to read as follows:

A district may enter into any contract or agreement with the United States, or any state, municipality, or other utility district, or any department of those entities, or with any cooperative, mutual, consumer-owned utility, or with any investor-owned utility or with an association of any of such utilities, for carrying out any of the

powers authorized by this title.

It may acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for its purposes, or for any local district therein,

It may make contracts, employ engineers, attorneys, and other technical or professional assistance; print and publish information or literature; advertise or promote the sale and distribution of electricity or water and do all other things necessary to carry out the provisions of this title.

It may advance funds, jointly fund or jointly advance funds for surveys, plans, investigations, or studies as set forth in RCW 54.16.010, including costs of investigations, design and licensing of properties and rights of the type described in RCW 54.16.020, including the cost of technical and professional assistance, and for the advertising and promotion of the sale and distribution of electricity or water.

NEW SECTION. Sec. 8. The rule of strict construction shall have no application to this act. The act shall be liberally construed, in order to carry out the purposes and objectives for which this act is intended.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance, is held invalid, the remainder of this act, or the application 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 House March 12, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 107  
[Engrossed House Bill No. 282]  
SAVINGS AND LOAN ASSOCIATIONS

AN ACT Relating to savings and loan associations; amending section 7, chapter 235, Laws of 1945 as amended by section 1, chapter 246, Laws of 1963 and RCW 33.08.060; amending section 7, chapter 280, Laws of 1959 and RCW 33.08.110; amending section 29, chapter 235, Laws of 1945 as amended by section 2, chapter 246, Laws of 1963 and RCW 33.12.010; amending section 12, chapter 235, Laws of 1945 as amended by section 2, chapter 20, Laws of 1949 and RCW 33.20.010; amending section 67, chapter 235, Laws of 1945, as amended by section 6, chapter 20, Laws of 1949 and RCW 33.24.100; amending section 77, chapter 235, Laws of 1945 as amended by section 4, chapter 222, Laws of 1961 and RCW 33.28.020; amending section 4, chapter 122, Laws of 1955 as amended by section 9, chapter 246, Laws of 1963 and RCW 33.48.030; amending section 9, chapter 122, Laws of 1955 as amended by section 6, chapter 49, Laws of 1967 and RCW 33.48.080; adding new sections to chapter 235, Laws of 1945 and to Title 33 RCW.

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

Section 1. Section 7, chapter 235, Laws of 1945 as amended by section 1, chapter 246, Laws of 1963 and RCW 33.08.060 are each amended to read as follows:

Upon receipt of such articles of incorporation and bylaws, the supervisor shall proceed to determine, from all sources of information and by such investigation as he may deem necessary, whether the proposed articles and bylaws comply with all requirements of law, and whether the incorporators and directors possess the qualifications required by this title, and whether the incorporators have available for the operation of such business at the specified location sufficient cash assets, exclusive of the contingent fund, and whether the general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the busi-

ness of the proposed association will be honestly and efficiently conducted in accordance with the intent and purposes of this title, and whether the public convenience and advantage will be promoted by allowing such association to be incorporated and engage in business in the community indicated, and whether the population and industry of the neighborhood and the surrounding country afford reasonable promise of adequate support for the proposed association. For the purpose of this investigation and determination, the incorporators, when delivering the articles and bylaws to the supervisor, shall deliver to the supervisor the sum of (~~three-hundred~~) one thousand dollars, by certified check payable to the state treasurer, to cover the expense of such investigation and determination.

Sec. 2. Section 7, chapter 280, Laws of 1959 and RCW 33.08.110 are each amended to read as follows:

An association with the written approval of the supervisor, may establish and operate branches in any county of the state.

An association desiring to establish a branch shall file a written application therefor with the supervisor, who shall approve or disapprove the application within six months after receipt.

A branch shall not be established at a place in which the supervisor would not permit a proposed new association to engage in business, by reason of any consideration contemplated by RCW 33.03.060 as now or hereafter amended. A branch shall not be established or permitted if the contingent fund, loss reserves and guaranty stock are less than the aggregate paid-in capital which would be required by law as a prerequisite to the establishment and operation of an equal number of branches in like locations by a bank. If the application for a branch is not approved, the association shall have the right to appeal in the same manner and within the same time as provided by RCW 33.08.070 as now or hereafter amended. The association when delivering said application to the supervisor shall transmit to him a check for (~~one~~) five hundred dollars to cover the expense of the investigation. An association shall not move any office from its im-

mediate vicinity without prior approval of the supervisor.

Sec. 3. Section 29, chapter 235, Laws of 1945 as amended by section 2, chapter 246, Laws of 1963 and RCW 33.12.010 are each amended to read as follows:

An association shall have the same capacity to act as possessed by natural persons, but shall have authority to perform only such acts as are necessary or proper to accomplish its purposes and which are not repugnant to law.

Subject to the restrictions and limitations of this title, every such association shall have authority:

- (1) To have a corporate seal and to alter the same at pleasure;
- (2) To continue as an association for the time limited in its articles of incorporation or, if no such time limit is specified, then perpetually;
- (3) To sue or be sued in its corporate name;
- (4) To acquire, hold, sell, dispose of, pledge, mortgage, or encumber property, as its interests and purposes may require;
- (5) To conduct business in this state and elsewhere as may be permitted by law and, to this end, to comply with any law, regulation, or other requirements incident thereto;
- (6) ~~((To receive savings and to repay or invest the same))~~ To acquire capital in the form of savings deposits, shares, or other accounts for fixed, minimum or indefinite periods of time (all of which are referred to in this section as savings accounts and all of which shall have the same priority upon liquidation) as are authorized by its bylaws, and may issue such passbooks, time certificates of deposit, or other evidence of savings accounts;
- (7) To declare and pay dividends or interest;
- (8) To borrow money and to pledge, mortgage, or hypothecate its properties and securities in connection therewith;
- (9) To collect or protest promissory notes or bills of exchange owned or held as collateral by the association;

(10) To let vaults, safes, boxes, or other receptacles for the safekeeping or storage of personal property, subject to the laws and regulations applicable to and with the powers possessed by safe deposit companies; and to act as escrow holder;

(11) To act as fiscal agent for the United State of America; to purchase, own, vote, or sell stock in, or act as fiscal agent for any federal home loan bank, the federal housing administration, home owners' loan corporation, or other state or federal agency, organized under the authority of the United State or of the state of Washington and authorized to loan to or act as fiscal agent for savings and loan associations or to insure savings accounts or mortgages; and in the exercise of these powers, to comply with any requirements of law or rules or regulations or orders promulgated by such federal or state agency and to execute any contracts and pay any charges in connection therewith;

(12) To procure insurance of its mortgages and of its savings accounts from any state or federal corporation or agency authorized to write such insurance and, in the exercise of these powers, to comply with any requirements of law or rules or regulations or orders promulgated and to execute any contracts and pay any premiums required in connection therewith;

(13) To loan money and to sell any of its notes or other evidences of indebtedness, together with the collateral securing the same;

(14) To make, adopt, and amend bylaws for the management of its property and the conduct of its business;

(15) To deposit moneys and securities in any bank or other like depository;

(16) To dissolve and wind up its business;

(17) To collect or compromise debts due to it and, in so doing, to apply to the indebtedness the savings accounts of the member debtors, and to receive, as collateral or otherwise, other securities, property or property rights of any kind or nature;

(18) To become a member of, deal with, or make reasonable payments or contribution to any organization to the extent that such organization assists in furthering or facilitating the association's purposes, powers or community responsibilities, and to comply with any reasonable conditions of eligibility;

(19) To sell money orders, travelers checks and similar instruments as agent for any organization empowered to sell such instruments through agents within this state and to receive money for transmission through a federal home loan bank;

(20) To service loans and investments for others: PROVIDED, That the loans or investments were sold by the association;

(21) To sell without recourse and to purchase mortgages or other loans authorized by Title 33 RCW as now or hereafter amended, including participating interests therein;

(22) To use abbreviations, words or symbols in connection with any document of any nature and on checks, proxies, notices and other instruments which abbreviations, words, or symbols shall have the same force and legal effect as though the respective words and phrases for which they stand were set forth in full for the purposes of all statutes of the state and all other purposes;

(23) The powers granted in this section shall not be construed as limiting or enlarging any grant of authority made elsewhere by this title, or as a limitation on the purposes for which an association may be incorporated;

(24) To exercise, by and through its board of directors and duly authorized officers and agents, all such incidental powers as may be necessary to carry on the business of the association.

Sec. 4. Section 12, chapter 235, Laws of 1945 as amended by section 2, chapter 20, Laws of 1949 and RCW 33.20.010 are each amended to read as follows:

Each member having savings or deposits in an association shall have a proportionate proprietary interest in its assets or net earnings subordinate to the claims of its other creditors. Each borrower

and each contract purchaser indebted to an association shall also be a member thereof but, as such, shall have no interest in its assets. At any meeting of the members of an association, each member shall be entitled to at least one vote. An association, by its bylaws, may provide that each savings member shall be entitled to one vote for each one hundred dollars of his savings account. At any meeting of the members, voting may be in person or by proxy. Proxies shall be in writing and signed by the member and, when filed with the secretary, shall continue in force until revoked or superseded by subsequent proxies. Written notice of the time and place of the holding of special meetings (other than the regular annual meeting) shall be mailed to each member at his last known address not more than thirty days, nor less than ten days prior to the meeting. The regular annual meeting of the association shall be announced by publication of a notice thereof in a newspaper published in the city or town, or, if the association is not in a city or town, in the county in which the association is located at least ten days prior to the date of such meeting, or by ten days' written notice to the members mailed to the last known address of each member.

Sec. 5. Section 67, chapter 235, Laws of 1945 as amended by section 6, chapter 20, Laws of 1949 and RCW 33.24.100 are each amended to read as follows:

An association may invest its funds in loans secured by first mortgages on improved real estate, subject to the following conditions and restrictions:

(1) No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of the principal and interest in annual, semiannual, quarterly or monthly payments, at a rate which if continued would repay the loan in full in not more than (~~twenty-five~~) thirty years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security as then determined upon a reappraisalment. No loan upon which payments in reduction of prin-

cipal are not being made at least annually shall continue for more than five years, unless, at the expiration of each five year period, it shall be reappraised and the loan reduced to an amount not in excess of fifty percent of the new appraised value.

(2) Notwithstanding any other provision of this title, an association may make any loan which is insured or guaranteed in whole or in part by the federal housing administrator, the veterans' administration, or any other state or federal agency, or for which said administrator, administration, or agency has issued commitment to insure or guarantee such loan.

(3) (~~Loans not so insured or guaranteed~~) Other loans shall not be in excess of:

(a) (~~Eighty~~) Ninety percent of the appraised value if secured by a first mortgage lien on property on which is situated a dwelling (~~not over-thirty-months-old~~).

(~~(b) Sixty-six-and-two-thirds-percent-of-the-appraised-value, if secured by a first mortgage lien on property on which is situated a dwelling not over-fifteen-years-old or which is fully-repaired-and-modernized at-the-time-the-loan-is-made.~~

(~~e) Sixty-percent-of-the-appraised-value, if secured by a first mortgage lien on property improved with a dwelling or apartment building other than as above-described.~~

(~~d) Fifty~~) (b) Seventy-five percent of the appraised value, if secured by a first mortgage lien on property improved with a building or buildings other than as above described.

(4) Notwithstanding the provisions of this section, an association may make any loan which is permitted to a federal savings and loan association doing business in this state.

Sec. 6. Section 77, chapter 235, Laws of 1945 as amended by section 4, chapter 222, Laws of 1961 and RCW 33.28.020 are each amended to read as follows:

Every savings and loan association organized under the laws of this state shall on or before the 31st day of July in each year, pay to the

supervisor a license fee, for the ensuing fiscal year commencing July 1st, of fifty dollars. An additional fee of fifty dollars shall also be paid for each branch office (~~(operating-and-open-to-the-public-as-of-June-30th-of-the-year-in-which-the-fee-is-payable)~~).

The supervisor shall also collect from each association the actual cost for each examination of its condition charging a per diem rate not more than the rate charged federal savings and loan associations by the examining division of the federal home loan bank board.

Sec. 7. Section 4, chapter 122, Laws of 1955 as amended by section 9, chapter 246, Laws of 1963 and RCW 33.48.030 are each amended to read as follows:

Associations chartered under this chapter 33.48 RCW shall be known as guaranty stock savings and loan associations, and shall have a permanent nonwithdrawable stock of the par value of not less than (~~ten~~) one dollar(~~s~~) per share. The minimum amount of such stock shall be twenty-five thousand dollars in the case of associations outside of incorporated cities, or in cities of less than twenty-five thousand population. Associations located in cities of greater population shall have as a minimum, fifty thousand dollars of such stock. The board of such association is authorized and directed to issue and maintain the guaranty stock in the following percentages: Three percent upon the first five million dollars; two percent upon the next three million dollars, and one percent upon all additional withdrawable savings: PROVIDED, That associations whose savings are insured by the Federal Savings and Loan Insurance Corporation shall not be required to maintain stock in excess of three hundred thousand dollars.

Sec. 8. Section 9, chapter 122, Laws of 1955 as amended by section 6, chapter 49, Laws of 1967 and RCW 33.48.080 are each amended to read as follows:

Each member having guaranty stock in an association shall have a proportionate proprietary interest in its assets and net earnings subordinate to the claims of its (~~other~~) creditors with priorities as established by this chapter 33.48 RCW; but no other member as de-

defined in RCW 33.48.010 shall have any such interest except as provided in RCW 33.48.120 as now or hereafter amended.

NEW SECTION. Sec. 9. Every savings and loan association may classify its savers or depositors according to the character, amount, frequency or duration of their dealings with the association and may regulate the earnings in such manner that each saver or depositor shall receive the same returnable portion of dividends as all others of his class.

NEW SECTION. Sec. 10. A savings and loan association may, on instruction from a saver or depositor, effect withdrawals from his account by the association's drafts payable to parties and on terms as so instructed: PROVIDED, HOWEVER, That no account or deposit in a savings and loan association shall be subject to a check or to withdrawal or transfer on negotiable or transferable order or authorization to the savings and loan association. To the extent of the subjection of accounts to such withdrawal instructions, such accounts may be specifically classified under section 9 of this 1969 amendatory act and ineligible to receive interest or eligible only for limited interest.

NEW SECTION. Sec. 11. An association may invest its funds in loans secured by the pledge of policies of life insurance, the assignment of which is properly acknowledged by the insurer, but not exceeding the cash value of such policies.

NEW SECTION. Sec. 12. An association may invest its funds in loans secured by the pledge of loans or investments, the assignment of which need not be recorded, or a type in which the association is authorized to invest: PROVIDED, That the loans and investments so pledged shall be subject to all restrictions and requirements which would be applicable were the association to invest directly in such loans or investments.

NEW SECTION. Sec. 13. A savings and loan association may purchase and hold for its own investment accounts stock in small business investment companies licensed and regulated by the United States as authorized by the small business act, Public Law 85-536, as amended

and now in force, in an amount not to exceed one percent of its paid in capital surplus.

NEW SECTION. Sec. 14. An association may invest in equity securities issued by any corporation organized under the laws of the United States or any state, subject to the further limitations and conditions that at the time of such investment the aggregate of the reserves, surplus, undivided profits and guaranty stock, if any, of the association is at least equal to five percent of the assets of the association and that immediately upon the making of any investment in any equity security under authority of this paragraph, the aggregate amount of all equity securities then held by the association under authority of this paragraph does not exceed fifty percent of its reserves, surplus, and undivided profits.

NEW SECTION. Sec. 15. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit (all of which are hereinafter referred to in this section as "loans") for the payment of expenses of college or university education: PROVIDED, That no association shall have loans under this section, exclusive of any loan which is or which at the time of its making was otherwise authorized, aggregating at any one time more than five percent of its total assets. An association making a loan under this section may require a comaker or comakers, insurance, guaranty under a government student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a full time student solely for the payment of expenses of college or university education. For the purpose of this section the term "college or university education" means education at an institution which provides an education program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit towards such a degree. Any person under the age of twenty-one years securing an educational loan under this section or an educational loan made by a federal association shall be deemed to have full legal ca-

capacity to contract and shall have all the rights, powers, privileges and obligations of a person of full age with respect thereto.

NEW SECTION. Sec. 16. Sections 9 through 16 are each added to chapter 235, Laws of 1945 and to Title 33 RCW.

Passed the House March 12, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 108  
 [Engrossed House Bill No. 510]  
 MUNICIPAL RESEARCH COUNCIL

AN ACT Relating to the excise tax on motor vehicles and trailers; creating a municipal research council for the purpose of allocating revenues therefrom; amending section 82.44.160, chapter 15, Laws of 1961, as amended by section 1, chapter 115, Laws of 1961 and RCW 82.44.160; and providing an effective date.

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

Section 1. Section 82.44.160, chapter 15, Laws of 1961 as amended by section 1, chapter 115, Laws of 1961, and RCW 82.44.160 are each amended to read as follows:

Before distributing moneys to the cities and towns from the motor vehicle excise fund, as provided in RCW 82.44.150, the state treasurer shall, on the first day of July of each year, make an annual deduction therefrom of a sum equal to one-half of the biennial appropriation made pursuant to this section, which amount shall be at least seven cents per capita of the population of all cities or towns as legally certified on that date, determined as provided in said section, which sum shall be apportioned and transmitted to ((the-University-of-Washington-for-use-by-its-bureau-of-governmental-research-and-services,-and)) the municipal research council, herein created. The municipal research council may contract with and allocate moneys to any state agency, educational institution, or private consulting firm, which in its judgment is qualified to carry on a municipal research and service program. Moneys may be utilized to match federal funds available for technical research and service programs to cities and

towns. Moneys allocated shall be used for studies and research in municipal government, publications, educational conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The programs shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its ~~((executive-committee))~~ board of directors which is hereby recognized as their official agency or instrumentality.

Funds appropriated to the municipal research council shall be kept in the treasury in the motor vehicle excise fund, and shall be disbursed by warrant or check to contracting parties on invoices or vouchers certified by the chairman of the municipal research council or his designee. Payments to public agencies may be made in advance of actual work contracted for, in the discretion of the council.

Any moneys remaining unexpended or uncontracted for by the ~~((bureau))~~ municipal research council at the end of any fiscal biennium shall be returned to the motor vehicle excise fund and be paid to cities and towns under the provisions of RCW 82.44.150.

NEW SECTION. Sec. 2. There shall be a state agency which shall be known as the municipal research council. The council shall be composed of twelve members. Two members shall be appointed by the president of the senate, one from each of the two major political parties; two members shall be appointed by the speaker of the house of representatives, one from each of the two major political parties; one member shall be appointed by the governor, and the other seven members, who shall be city officials, shall be appointed by the board of directors of the Association of Washington Cities. Of the members appointed by the association, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to

twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.

No members shall be appointed by the speaker of the house of representatives until the second Monday in January, 1971, and no members shall be appointed by the president of the senate until the second Monday in January, 1973. In the meantime the governor shall appoint two additional members, one from each of the two major political parties, and the municipal research council shall consist of ten members only during such interim period until January, 1971.

The terms of members shall be for two years and shall not be dependent upon continuance in legislative or city office. Vacancies shall be filled in the same manner as original appointments were made. The first members shall be appointed on or before July 31, 1969, and shall take office August 1, 1969. The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year. The terms of the two interim members appointed by the governor shall expire on the third Monday of January in each odd-numbered year until January, 1973, when they shall not be renewed. Certificates of appointment of all members shall be filed in the offices of the association within ten days after the appointments are made. The initial meeting of the council shall be held on or before September 1, 1969, and shall be called by the member who is an official of a city having a population of at least twenty thousand who shall act as a temporary chairman. At such first meeting, the council shall elect a chairman and a vice chairman and appoint a secretary.

Council members shall receive no compensation but shall be reimbursed from the municipal research account for travel expense and subsistence at rates provided by law for state officials generally:

PROVIDED, That members of the council who are also members of the legislature shall be reimbursed from such account at the rates provided by RCW 44.04.120. None of the funds derived herein from motor vehicle excise taxes shall be used for any other expenses of the council.

NEW SECTION. Sec. 3. If any amendment or provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the amendment or provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. The effective date of this 1969 amendatory act is July 1, 1969.

Passed the House March 12, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 109  
 [House Bill No. 536]  
 WORK RELEASE PRISONERS--HOUSING

AN ACT Relating to work release prisoners of state correctional institutions; and amending section 8, chapter 17, Laws of 1967 and RCW 72.65.080; and providing an effective date.

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

Section 1. Section 8, chapter 17, Laws of 1967 and RCW 72.65.080 are each amended to read as follows:

The director may enter (~~in to~~) into contracts with the appropriate authorities for the payment of the cost of feeding and lodging and other expenses of housing work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program. In addition the director is authorized to acquire, by lease, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Such work release participants placed in leased facilities shall be required to reimburse the department of institutions the per capita cost of subsistence and lodging in accordance with the provisions and in the priority established by RCW 72.65.050(2). The location of such

facilities shall be subject to the zoning laws of the city or county in which they may be situated.

NEW SECTION. Sec. 2. This act shall become effective on July 1, 1969.

Passed the House March 12, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 25, 1969.

Filed in office of Secretary of State March 25, 1969.

CHAPTER 110  
[House Bill No. 8]  
COUNTY DEEDED STATE FOREST LANDS--  
DISPOSITION OF PROCEEDS

AN ACT Relating to certain state forest lands; and amending section 3-b, chapter 154, Laws of 1923 as created by section 3, chapter 288, Laws of 1927 and as last amended by section 1, chapter 167, Laws of 1957, and RCW 76.12.030.

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

Section 1. Section 3-b, chapter 154, Laws of 1923 as created by section 3, chapter 288, Laws of 1927 and as last amended by section 1, chapter 167, Laws of 1957, and RCW 76.12.030, are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the board deems such land necessary for the purposes of this chapter, the county shall, upon demand by the board, deed such land to the board and the land shall become a part of the state forest lands, and upon such deed being made the commissioner of public lands shall be notified and enter and note it upon the records of his office.

Such land shall be held in trust and administered and protected by the board as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed ten percent, shall be

returned to the forest development (~~((fund-of-the-state-treasury))~~) account in the state general fund.

(2) Ten percent thereof shall be placed in the forest development (~~((fund-of-the-state-treasury))~~) account in the state general fund.

(3) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county of the seventh, eighth, or ninth class shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

Passed the House February 6, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 111  
 [House Bill No. 170]  
 JUSTICE COURTS--  
 QUARTERLY DISBURSEMENTS

AN ACT Relating to district courts; and amending section 109, chapter 299, Laws of 1961 as amended by section 2, chapter 213, Laws of 1963 and RCW 3.62.050.

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

Section 1. Section 109, chapter 299, Laws of 1961 as amended by section 2, chapter 213, Laws of 1963 and RCW 3.62.050, are each amended to read as follows:

Quarterly, the county treasurer shall determine the difference between the amount deposited to the current expense or salary fund by all of the justice courts of the county and the total expenditures of such justice courts, including the cost of providing courtroom and office space and including the cost of probation and parole services and any personnel employment therefor. The treasurer shall then charge each governmental unit fund entitled to share in the receipts of the courts its proportionate share of such unreimbursed difference

of expenditures incurred during the quarter and make the appropriate treasurer's remittance to the current expense or salary fund. The proportionate share charged against each fund shall be determined by the relationship between the unreimbursed expenditures and the total credits of the courts to each fund as required by RCW 3.62.020. Balances remaining in governmental funds shall then be remitted as provided by law.

Passed the House February 4, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 25, 1969.

Filed in office of Secretary of State March 25, 1969.

CHAPTER 112  
[House Bill No. 146]  
MOTOR VEHICLE SALES PRACTICES--  
ODOMETERS--PRIOR OWNERS

AN ACT Relating to motor vehicles; amending section 16, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.180; adding new sections to chapter 46.37 RCW; and prescribing penalties.

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

Section 1. Section 16, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a motor vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a motor vehicle when a down payment is in fact required, or that a motor vehicle may be purchased for less down payment that is actually required;

(b) That a certain percentage of the sale price of a motor vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this

percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new motor vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific motor vehicle to be sold;

(e) That a motor vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a motor vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a motor vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which motor vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a motor vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to

the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a motor vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: PROVIDED, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs.

(5) To commit any offense relating to odometers, as such offenses are defined in sections 2, 3, 4 and 5 of this 1969 amendatory act;

(6) For any motor vehicle dealer or motor vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used car offered for sale.

(7) Being a manufacturer, distributor, or factory representative or branch to:

(a) Coerce or attempt to coerce any motor vehicle dealer to order or accept delivery of any motor vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily ordered by the said motor vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

(b) Cancel, or, fail to renew the franchise or selling agreement of any motor vehicle dealer doing business in this state without

fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a motor vehicle dealer to sell motor vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a motor vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any motor vehicle publicly advertised for immediate delivery to any duly licensed motor vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused motor vehicles sold or distributed by such manufacturer, distributor, or factory representative or branch, within sixty days after such dealer's order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

~~((6))~~ (8) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: PROVIDED, HOWEVER, Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties.

NEW SECTION. Sec. 2. There is added to chapter 46.37 RCW a new section to read as follows:

Except as provided by section 6 of this 1969 amendatory act, it shall be unlawful for any person to disconnect, turn back or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

NEW SECTION. Sec. 3. There is added to chapter 46.37 RCW a new section to read as follows:

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been turned back and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been turned back or that he had reason to believe that the odometer has been turned back.

NEW SECTION. Sec. 4. There is added to chapter 46.37 RCW a new section to read as follows:

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been replaced with another odometer and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been replaced or that he believes the odometer to have been replaced.

NEW SECTION. Sec. 5. There is added to chapter 46.37 RCW a new section to read as follows:

It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance.

NEW SECTION. Sec. 6. There is added to chapter 46.37 RCW a new section to read as follows:

Where the seller is a motor vehicle dealer regularly engaged in the sale of new motor vehicles at retail and where an accommodation transfer as defined in this section is made, the seller may disconnect the odometer on such motor vehicle for the duration of such transfer. For purposes of this section an accommodation transfer shall mean a sale by one motor vehicle dealer to another dealer for resale by the latter dealer and where: (1) the sale is made as an accommodation to the latter dealer to enable him to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the latter dealer to the former dealer; (2) the amount paid by the latter dealer does not exceed the amount paid by the former dealer to his vendor in the acquisition of the motor vehicle; (3) the total distance which the motor vehicle is driven pursuant to the transfer does not exceed five hundred miles; and (4) the motor vehicle transferred has never previously been owned by, rented to or leased to any person other than the manufacturer of the motor vehicle or a motor vehicle dealer.

The definitions in RCW 46.70.011, as now or hereafter amended, shall apply to this section.

NEW SECTION. Sec. 7. There is added to chapter 46.37 RCW a new section to read as follows:

In any suit brought by the purchaser of a motor vehicle against the seller of such vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the

court, if: (1) the suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to sections 2 and 3 of this 1969 amendatory act; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on such vehicle had been so tampered with and failed to disclose such knowledge to the purchaser prior to the time of sale.

Passed the House February 25, 1969

Passed the Senate March 11, 1969

Approved by the Governor March 25, 1969

Filed in office of Secretary of State March 25, 1969

CHAPTER 113  
[Substitute House Bill No. 96]  
HORTICULTURAL PEST  
AND DISEASE BOARD

AN ACT Relating to horticulture; and adding a new chapter to Title  
15 RCW.

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

NEW SECTION. Section 1. The purpose of this act is to enable counties to more effectively control and prevent the spread of horticultural pests and diseases.

NEW SECTION. Sec. 2. Either upon receiving a petition filed by twenty-five landowners within the county or on its own motion, the board of county commissioners in order to achieve the purposes of this act may, following a hearing, create a horticultural pest and disease board.

NEW SECTION. Sec. 3. Each horticultural pest and disease board shall be comprised of five voting members, four of whom shall be appointed by the board of county commissioners and one of whom shall be the inspector at large for the horticultural district in which the county is located. In addition, the chief county extension agent, or a county extension agent appointed by the chief agent, shall be a nonvoting member of the board.

Of the four members appointed by the board of county commissioners, one of such members shall have at least a practical knowledge of horticultural pests and diseases, and the other members shall

be residents of the county, shall own land within the county and shall be engaged in the primary and commercial production of a horticultural product or products. Such appointed members shall serve a term of two years and shall serve without salary.

NEW SECTION. Sec. 4. Within thirty days after the appointed seats on the horticultural pest and disease board have been filled, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

NEW SECTION. Sec. 5. Each horticultural pest and disease board shall have the following powers and duties:

(1) To receive complaints concerning the infection of horticultural pests and diseases on any parcel of land within the county;

(2) To inspect or cause to be inspected any parcel of land within the county for the purpose of ascertaining the presence of horticultural pests and diseases as provided by section 7 of this act;

(3) To order any landowner to control and prevent the spread of horticultural pests and diseases from his property, as provided by section 8 of this act;

(4) To control and prevent the spread of horticultural pests and diseases on any property within the county as provided by section 8 of this act, and to charge the owner for the expense of such work in accordance with section 8 and 9 of this act;

(5) To employ such persons and purchase such goods and machinery as the board of county commissioners may provide;

(6) To adopt, following a hearing, such rules and regulations as may be necessary for the administration of this act.

NEW SECTION. Sec. 6. Each owner of land containing any plant or plants shall perform or cause to be performed such acts as may be necessary to control and to prevent the spread of horticultural

pests and diseases, as such pests and diseases are defined under RCW 15.08.010, as now or hereafter amended, or as such pests and diseases are defined by the director of the department of agriculture in accordance with the purpose of this act and with the provisions of the Administrative Procedure Act, chapter 34.04 RCW. The word "owner" as used in this section shall mean the possessor or possessors of any form of legal or equitable title to land and entitlement to possession. For purposes of liability under this act, the owners of land shall be jointly and severally liable.

NEW SECTION. Sec. 7. Any authorized agent or employee of the county horticultural pest and disease board may enter upon any property for the purpose of administering this act and any power exercisable pursuant thereto, including the taking of specimens, general inspection, and the performance of such acts as are necessary for controlling and preventing the spreading of horticultural pests and diseases. Such entry may be without the consent of the owner, and no action for trespass or damages shall lie so long as such entry and any activities connected therewith are undertaken and prosecuted with reasonable care.

Should any such employee or authorized agent of the county horticultural pest and disease board be denied access to such property where such access was sought to carry out the purpose and provisions of this act, the said board may apply to any court of competent jurisdiction for a search warrant authorizing access to such property for said purpose. The court may upon such application issue the search warrant for the purpose requested.

NEW SECTION. Sec. 8. (1) Whenever the horticultural pest and disease control board finds that an owner of land has failed to control and prevent the spread of horticultural pests and diseases on his land, as is his duty under section 6 of this act, it shall provide such person with written notice, which notice shall identify the pests and diseases found to be present and shall order prompt control or disinfection action to be taken within a specified and

reasonable time period.

(2) If the person to whom the notice is directed fails to take action in accordance with this notice, then the board shall perform or cause to be performed such measures as are necessary to control and prevent the spread of the pests and diseases on such property and the expense of this work shall be charged to such person: PROVIDED, That the board shall have no power to order the destruction of any plant.

NEW SECTION. Sec. 9. Any person upon request and pursuant to the rules and regulations of the horticultural pest and disease board shall be entitled to a hearing before the board on any charge or cost for which such person is alleged to be liable under subsection (2) of section 8. Any determination or final action by the board shall be subject to judicial review by a proceeding in the superior court of the county where the property is situated and to any damages suffered on account of disinfection work wrongfully undertaken, but no stay or injunction shall lie to delay any such disinfection work subsequent to notice given pursuant to section 8 of this act.

NEW SECTION. Sec. 10. Any amount charged to the owner of land in accordance with the provisions of section 8 and 9 of this act shall be paid by such owner within sixty days of the date in which he was billed for such amount. If payment is not made within such sixty day period, the amount of such charge, together with a ten percent penalty surcharge, shall, for purposes of collection, become a tax lien under RCW 84.60.010, as now or hereafter amended, and shall be promptly collected as such by the county treasurer: PROVIDED, That where good cause is shown the board may extend for an additional two months the time period during which payment shall be made.

NEW SECTION. Sec. 11. In regard to any charge made pursuant to section 8 of this act, if either the horticultural pest and disease board or the superior court on judicial review disallows such charge, then any amount paid on such charge, together with any interest or penalty, shall be promptly refunded by the county from the

county's current expense fund or from any other county funds available. In addition, the county shall pay six percent simple annual interest on such amount refunded.

NEW SECTION. Sec. 12. Any moneys collected under this chapter shall be placed in the county current expense fund together with any taxes collected pursuant to the provisions of RCW 15.08.260, as now or hereafter amended.

NEW SECTION. Sec. 13. Sufficient operating moneys for the horticultural pest and disease board shall be provided for pursuant to the provisions of RCW 15.08.260 and 15.08.270, as now or hereafter amended.

NEW SECTION. Sec. 14. Upon receipt of a petition signed by twenty-five landowners within the county or on its own motion, the board of county commissioners may abolish the pest and disease board following a hearing and a finding that the purposes of this chapter would not be sufficiently served by the continued existence of such board.

NEW SECTION. Sec. 15. The effects of the provisions of this chapter on the provisions of chapter 15.08 RCW shall be cumulative.

NEW SECTION. Sec. 16. Section 1 through 15 of this act shall constitute a new chapter in Title 15 RCW.

Passed the House February 21, 1969  
Passed the Senate March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 114  
[Engrossed House Bill No. 203]  
CERTIFIED PUBLIC ACCOUNTANTS

AN ACT Relating to accountancy; providing standards for C.P.A. licensees; amending sections 11, 15, 19, 21, 27, 28, and 34, chapter 226, Laws of 1949 and RCW 18.04.120, 18.04.160, 18.04.200, 18.04.220, 18.04.280, 18.04.290 and 18.04.350; and repealing sections 13 and 14, chapter 226, Laws of 1949 and RCW 18.04.140 and 18.04.150.

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

Section 1. Section 11, chapter 226, Laws of 1949, and RCW 18-.04.120 are each amended to read as follows:

The certificate of "certified public accountant" shall be issued by the director of (~~licenses~~) motor vehicles upon the authority of the board, to any person (1) (~~who is a citizen of the United States or who has duly declared his or her intention of becoming a citizen, and (2)~~) who is a resident of this state or who has a place of business or is employed in this state, and (~~(3)~~) (2) who has attained the age of twenty-one years, and (~~(4)~~) (3) who is of good moral character, and (~~(5) who shall have successfully passed a written examination in theory of accounts, in accounting practice, in auditing, in commercial law as affecting public accounting, and in such other related subjects as the examining committee may designate, (6) who meets the requirements of education and experience of any one of the following subdivisions:~~

(a) ~~Who is a graduate of a college or university recognized by the board, and who has completed sixty or more quarter hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least forty five quarter hours or the equivalent thereof shall be in the study of accounting, and who has been engaged in practice as a public accountant, or in the employ as a staff accountant of a public accountant, licensed public accountant, or certified public accountant, for at least one year, or~~

(b) ~~Who is a graduate of a college or university recognized by the board but who has not completed the hours of study and subjects specified in subdivision (a) of clause (6) of this section, or who is a graduate of an established resident school of business or accounting which offers courses of study in accounting, business law, economics and finance and who is a graduate of a high school with a four-year course or who has acquired an equivalent education, and who has been engaged in practice as public accountant, or in the employ as a staff accountant of a public accountant, licensed public accountant, or certified public accountant, for at least one year more than in the preceding subdivision,~~

~~(e) -- Who is a graduate of a high school with a four-year course or who has acquired an equivalent education, and who has been engaged in practice as a public accountant, or in the employ as a staff accountant of a public accountant, licensed public accountant, or certified public accountant, for at least four years,))~~ (4) who shall have successfully passed a written examination the contents of which shall be determined by the board, said examination, however, to contain at least the following subjects, theory of accounts, accounting practice, auditing, commercial law as affecting public accounting and insofar as practical, the examination and grading service of the American Institute of Certified Public Accountants shall be used, but the board shall have the authority to examine beyond that which is contained in the examination of the American Institute of Certified Public Accountants, and (5) who meets such requirements of education as determined by the board, within the intent of subsection (4).

(6) The board may require in addition to education and successful examination that an applicant to be certified shall submit an affidavit of a licensed public accountant or certified public accountant that such applicant has been employed in the position of public accountant for a period of not more than two years in the office of such licensed public accountant or certified public accountant.

Any person holding a registration as a licensed public accountant on the effective date of this 1969 amendatory act shall have the right to take succeeding examinations for certified public accountant when he has met the requirements which were in effect immediately prior to the passage of this 1969 amendatory act.

The board shall have the authority to accept experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsection (6) of this section: PROVIDED, That the length of time which may be established by the board shall not exceed four years.

Sec. 2. Section 15, chapter 226, Laws of 1949, and RCW 18.04.160 are each amended to read as follows:

A candidate who fails an examination shall have the right to take succeeding examinations (~~((as many times as he may choose))~~) subject to such rules and regulations as the board may adopt governing reexaminations. (~~(A candidate who receives a passing grade in at least one subject shall have the right to be reexamined only in the remaining subjects at subsequent examinations, provided that he takes an examination at least once each year thereafter, and if such candidate receives a passing grade in the remaining subject or subjects he shall be deemed to have passed the entire examination. Any person who has passed an examination given by the director of licenses prior to the effective date of this chapter in any of the subjects mentioned in RCW 18.04.120(5), shall not be required to pass an examination in the same or similar subject as a part of the examination provided for herein, and such person shall be given full credit for having passed that subject for the purposes of this chapter, provided he has taken examinations in the remaining subjects at least once each year after he passes the examination given by the director of licenses.)~~) The board may for good cause shown, waive the requirement that a candidate must have taken an examination at least once a year. An application for examination or reexamination in any subject shall be accompanied by a fee of (~~(twenty-five))~~ forty dollars for all four sections of the examination, thirty dollars for three sections, and twenty dollars for one or two sections.

Sec. 3. Section 19, chapter 226, Laws of 1949 and RCW 18.04-.200 are each amended to read as follows:

The director of (~~(licenses))~~) motor vehicles shall register a partnership as a partnership of certified public accountants if the partnership meets the following requirements:

- (1) At least one partner must hold a valid certificate to practice in this state as a certified public accountant;
- (2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant; and
- (3) Each partner must hold a valid certificate, license, per-

mit or degree authorizing him to practice as a certified public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a certified public accountant; and

(5) The application for registration as a partnership of certified public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee of ~~((ten))~~ fifteen dollars must accompany the original application, and a fee of ~~((five))~~ ten dollars must accompany each notice of amendment.

Sec. 4. Section 21, chapter 226, Laws of 1949 and RCW 18.04-.220 are each amended to read as follows:

The director of ~~((licenses))~~ motor vehicles shall register a partnership as a partnership of licensed public accountants if the partnership meets the following requirements:

(1) At least one general partner must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(3) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as either a certified public accountant or a licensed public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the part-

nership in this state must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant; and

(5) The application for registration as a partnership of licensed public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee of (~~ten~~) fifteen dollars must accompany the original application, and a fee of (~~five~~) ten dollars must accompany each notice of amendment.

Sec. 5. Section 27, chapter 226, Laws of 1949 and RCW 18.04-.280 are each amended to read as follows:

Application for registration shall be in writing sworn to by a partner of the applicant partnership who holds a certificate to practice in this state as a certified public accountant or a license to practice in this state as a licensed public accountant or is a registered public accountant of this state. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee of (~~ten~~) fifteen dollars shall accompany the original application and a fee of (~~five~~) ten dollars shall accompany each notice of amendment.

Sec. 6. Section 28, chapter 226, Laws of 1949 and RCW 18.04-.290 are each amended to read as follows:

The director of (~~licensees~~) motor vehicles shall upon application issue an annual permit to practice public accounting in this state to any person or partnership authorized to engage in such practice in this state under a valid certificate, license or registration, to any corporation presently authorized to do business under RCW 18.04.350,

as now or hereafter amended, and to any candidate for a certificate as a certified public accountant who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or hereafter amended. Such permits shall expire on the thirtieth day of June of each year (~~((r-except-that-the-first-permit-shall-expire-on June-30, 1950))~~). The annual fee for a permit to practice public accounting in this state (~~((for-the-initial-period-ending-June-30, 1950 shall-be-ten-dollars-and-thereafter-the-annual-renewal-fee))~~) shall be (~~((ten))~~) twenty-five dollars. In the event the holder of a permit fails to renew the same prior to the expiration thereof such failure shall not deprive a person or partnership otherwise entitled to such permit of the right to renew the same upon the payment of the fees which the applicant would have been required to pay if the permit had been renewed prior to its expiration.

Sec. 7. Section 34, chapter 226, Laws of 1949 and RCW 18.04-.350 are each amended to read as follows:

Nothing contained in this chapter 18.04 RCW shall prohibit any person not a certified public accountant or licensed public accountant, or a registered public accountant from serving as an employee of, or as assistant to, a certified public accountant or licensed public accountant or public accountant or partnership composed of certified public accountants or licensed public accountants or public accountants holding a valid permit to practice under RCW 18.04.290 as now or hereafter amended: PROVIDED, That such employee or assistant shall not issue any accounting or financial statement over his or her name.

Nothing in this chapter 18.04 RCW shall prohibit a certified public accountant or a licensed public accountant, or a public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

Nothing in this chapter 18.04 RCW shall prohibit a candidate

for a certificate as a certified public accountant, who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or hereafter amended, from engaging in practice as a public accountant for the period of time necessary to acquire the experience required before such a certificate may be issued, provided such person holds a valid permit to practice issued under RCW 18.04.290 as now or hereafter amended.

Nothing contained in this chapter 18.04 RCW shall prohibit any corporation which at the effective date of this chapter has been legally organized in the state of Washington or authorized to do business therein or has engaged in the practice of public bookkeeping and accounting for a period of at least three years prior to such effective date of chapter 18.04 RCW as originally constituted in 1949, from continuing such practice under its corporate form and arrangement.

Corporations continuing to practice under this authority shall register annually as provided in RCW 18.04.290 as now or hereafter amended.

NEW SECTION. Sec. 8. Sections 13 and 14, chapter 226, Laws of 1949 and RCW 18.04.140 and 18.04.150 are each repealed.

NEW SECTION. Sec. 9. The enactment of this 1969 amendatory act shall not affect those persons licensed as certified public accountants prior to the effective date of this 1969 amendatory act.

Passed the House March 12, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 25, 1969, with the exception of section 9 which is vetoed.

Filed in office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
 "...This bill amends the qualifications for a license for a certified public accountant and increases the license fees for certified and licensed public accountants and for candidates for examination.

Section 9 of the bill contains a clause providing that the enactment of the act shall not effect those persons licensed as certified public accountants prior to the effective date of this 1969 act. While the intent of this 'grandfather' clause was to assure that

presently licensed accountants would not be affected by the qualification standards of this act, the legal effect is to relieve them from the obligation of paying increased license fees. This is not in keeping with the intent of the act. I have therefore vetoed section 9.

With the exception of section 9 which I have vetoed for the reasons set forth above, the remainder of the bill is approved."

CHAPTER 115  
[Substitute House Bill No. 205]  
HEALTH CARE SERVICE CONTRACTORS

AN ACT Relating to health care service contractors; amending section 2, chapter 268, Laws of 1947 as amended by section 2, chapter 197, Laws of 1961 and RCW 48.44.020; amending section 3, chapter 268, Laws of 1947 as amended by section 3, chapter 197, Laws of 1961 and RCW 48.44.030; amending section 13, chapter 197, Laws of 1961 and RCW 48.44.160; adding new sections to chapter 268, Laws of 1947 and to chapter 48.44 RCW; and prescribing penalties.

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

Section 1. Section 2, chapter 268, Laws of 1947 as amended by section 2, chapter 197, Laws of 1961 and RCW 48.44.020 are each amended to read as follows:

(1) Any health care service contractor may enter into agreements with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a participant.

(2) The commissioner may require the submission of contract forms for his examination and may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.04 RCW, disapprove any contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract ((+)) ; or

(e) If it contains unreasonable restrictions on the treatment of patients.

Sec. 2. Section 3, chapter 268, Laws of 1947 as amended by section 3, chapter 197, Laws of 1961 and RCW 48.44.030 are each amended to read as follows:

If any of the health care services which are promised in any such agreement are not to be performed by the health care service contractor, or by a participant, such activity shall not be subject to the laws relating to insurance, but such agreement shall contain provision for reimbursement or indemnity of the persons paying for such services which agreement shall either be underwritten by an insurance company authorized to write accident, health and disability insurance in the state or guaranteed by a surety company authorized to do business in this state, or guaranteed by a deposit of cash or securities eligible for investment by insurers pursuant to chapter 48.13, with the insurance commissioner, as hereinafter provided. If the agreement is underwritten by an insurance company, the contract or policy of insurance may designate the health care service contractor as the named insured, but shall be for the benefit of the persons who have paid for or contracted for such health care services. If the agreement is guaranteed by a surety company, the surety bond shall designate the state of Washington as the named obligee, but shall be for the benefit of the persons who have paid for or contracted for such health care services, and shall be in such amount as the insurance commissioner shall direct, but in

no event in a sum greater than the amount of (~~twenty-five~~) fifty thousand dollars or one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services, whichever amount is greater. A copy of such insurance policy or surety bond, as the case may be, and any modification thereof, shall be filed with the insurance commissioner. If the agreement is guaranteed by a deposit of cash or securities, such deposit shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of (~~twenty-five~~) fifty thousand dollars or one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services, whichever amount is greater. Such cash or security deposit shall be held in trust by the insurance commissioner and shall be for the benefit of the persons who have paid for or contracted for such health care services.

Sec. 3. Section 13, chapter 197, Laws of 1961 and RCW 48.44-.160 are each amended to read as follows:

The insurance commissioner may, after notice and hearing, pur-  
suant to chapters 48.04 and 34.04 RCW, revoke, suspend, or refuse to accept or renew registration from any health care service contractor (~~(which has violated the provisions of, or does not comply with the requirements of, this chapter, -- The activity of any health care service contractor whose registration has been so revoked, suspended, or refused shall not be exempt from the laws relating to insurance)~~), or he may issue a cease and desist order, or bring an action in any court of competent jurisdiction to enjoin a health care service contractor from doing further business in this state, if such health care service contractor:

(1) Fails to comply with any provision of chapter 48.44 RCW after written notice by the commissioner of such failure to comply and expiration of a reasonable period for compliance as specified in such notice.

(2) Is found by the commissioner to be in such financial

condition that its further transaction of business in this state would jeopardize the payment of claims and refunds to subscribers.

(3) Has refused to remove or discharge a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude, after written request by the commissioner for such removal, and expiration of a reasonable time therefore as specified in such request.

(4) Usually compels claimants under contracts either to accept less than the amount due them or to bring suit against it to secure full payment of the amount due.

(5) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another health care contractor which operates in this state without having registered therefor, except as is permitted by this 1969 amendatory act.

(6) Refuses to be examined, or if its directors, officers, employees or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(7) Fails to pay any final judgment rendered against it in this state upon any contract, bond, recognizance, or undertaking issued or guaranteed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later.

(8) Is found by the commissioner, after investigation or upon receipt of reliable information, to be managed by persons, whether by its directors, officers, or by any other means, who are incompetent or untrustworthy or so lacking in health care contracting or related managerial experience as to make the operation hazardous to the subscribing public; or that there is good reason to believe it is affiliated directly or indirectly through ownership, control, or other business relations, with any person or persons whose business opera-

tions are or have been marked, to the detriment of policyholders or stockholders, or investors or creditors or subscribers or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance.

NEW SECTION. Sec. 4. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

No health care service contractor shall deny coverage to any person solely on account of race, religion or national origin.

NEW SECTION. Sec. 5. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

Every health care service contractor shall annually, within one hundred twenty days of the closing date of its fiscal year, file with the commissioner a statement verified by at least two of the principal officers of the health care service contractor showing its financial condition as of the closing date of its fiscal year. The statement shall be in such form as is furnished or prescribed by the commissioner. A health care service contractor failing to make and file its annual statement in the form and within the time herein specified shall forfeit fifty dollars for each day during which such failure continues after written notification by the commissioner of such failure, and thirty days after the notice the commissioner may terminate the health care service contractor's authority to do new business while such default continues. The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

NEW SECTION. Sec. 6. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

(1) No person shall in this state, by mail or otherwise, act as or hold himself out to be a health care service contractor, as defined in RCW 48.44.010 without being duly registered therefor with the commissioner.

(2) The issuance, sale or offer for sale in this state of securities of its own issue by any health care service contractor dom-

iciled in this state other than the memberships and bonds of a nonprofit corporation shall be subject to the provisions of chapter 48.06 RCW relating to obtaining solicitation permits the same as if health care service contractors were domestic insurers.

(3) On or after July 1, 1969, no person shall in this state act as or hold himself out to be an agent of a health care service contractor, as defined in section 7 of this 1969 amendatory act, unless then licensed therefor by this state: PROVIDED, That this subsection shall not apply to insurance agents or brokers licensed under chapter 48.17 RCW with authority to sell disability insurance.

Any person violating any provision of this section shall be liable to a fine of not to exceed five hundred dollars and imprisonment for not to exceed six months for each instance of such violation.

NEW SECTION. Sec. 7. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

Agent, as used in this 1969 amendatory act, means any person appointed or authorized by a health care service contractor to solicit applications for health care service contracts on its behalf.

NEW SECTION. Sec. 8. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

The fee for the issuance of a license as a health care service contract agent and the annual renewal thereof shall be five dollars. Applications and qualifications for licenses shall be in accordance with the provisions in RCW 48.17.070, RCW 48.17.090, and RCW 48.17.150(1)(a), (b), (c) and (2) to the extent not inconsistent herewith. Procedures for the issuance and renewal of such licenses shall be the same as provided for life and disability agents under RCW 48.17.500. Insurance agents or brokers licensed under chapter 48.17 RCW and qualified to sell disability insurance need not be licensed as health care service contract agents under this 1969 amendatory act.

NEW SECTION. Sec. 9. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

The commissioner may suspend, revoke or refuse to issue or re-

new any agent's license which is issued or may be issued under this 1969 amendatory act, subject to the right of the licensee or applicant to demand and receive a hearing pursuant to chapters 48.04 and 34.04 RCW, in accordance with the procedure set forth in RCW 48.17-.540, for any of the following causes if the licensee or applicant:

(1) Wilfully violates or knowingly participates in the violation of any provision of this 1969 amendatory act.

(2) Has attempted to obtain a license through misrepresentation or fraud.

(3) Has misappropriated or converted to his own use or has illegally withheld moneys paid to him in connection with a health care service contract.

(4) Has been convicted by final judgment of a felony.

(5) Has, with intent to deceive, materially misrepresented the terms or effect of any health care service contract, or has engaged or is about to engage in any fraudulent transaction.

(6) Has represented a health care service contractor unlawfully doing business here without being licensed therefor.

(7) Has shown himself to be incompetent, untrustworthy, or an actual or potential source of loss or injury to the public.

NEW SECTION. Sec. 10. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

Upon the suspension, revocation or refusal of a health care service contractor's registration, the commissioner shall give notice thereof to such contractor and shall likewise suspend, revoke or refuse the authority of its agents to represent it in this state and give notice thereof to the agents.

NEW SECTION. Sec. 11. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

After hearing and in addition to or in lieu of the suspension, revocation or refusal to renew any registration of a health care service contractor or any licensed agent thereof the commissioner may levy a fine against the party involved in an amount not less than fifty

dollars and not more than one thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the registration or license of the party involved, if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

NEW SECTION. Sec. 12. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

(1) On receipt of a verified complaint alleging that a health care service contractor is insolvent or that its manner of transacting business is contrary to this 1969 amendatory act, the commissioner may demand from the health care service contractor a statement, under oath, setting forth its assets and liabilities or course of conduct, as applicable. He may, for the purpose of verifying the correctness of such statement, examine the books and business affairs of the health care service contractor.

(2) If such a statement is not furnished within twenty days from the time of such demand by the commissioner or if, upon the examination of such records the statement furnished or any record examined is found to include any material misstatement of fact, the expense of the examination shall be paid by the health care service contractor.

(3) Whenever any health care service contractor applies for initial admission, the commissioner may make, or cause to be made, an examination of the applicant's business and affairs. Whenever such an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this 1969 amendatory act shall be applicable. In lieu of making an examination himself the commissioner may, in the case of a foreign health care service contractor, accept an

examination report of the applicant by the regulatory official in its state of domicile.

Passed the House March 12, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 116  
[House Bill No. 361]  
CITIES OF THE THIRD CLASS--  
OFFICIALS

AN ACT Relating to third class city officials; amending section 35-.24.020, chapter 7, Laws of 1965 as amended by section 9, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.020; amending section 35.24.050, chapter 7, Laws of 1965, and RCW 35.24.050; and adding new sections to chapter 7, Laws of 1965 and to chapter 35.24 RCW; and declaring an emergency.

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

Section 1. Section 35.24.020, chapter 7, Laws of 1965, as amended by section 9, chapter 116, Laws of 1965 ex. sess. and RCW 35-.24.020 are each amended to read as follows:

The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, police judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: PROVIDED, That the council may enact an ordinance providing for the appointment of the city clerk (~~(and)~~), city attorney, and treasurer by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks (~~(and)~~), city attorneys, and city treasurers shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees

shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers: PROVIDED, That the provisions of any such ordinance shall not be inconsistent with any statute: PROVIDED FURTHER, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his pleasure may remove all appointive officers except as otherwise provided herein: PROVIDED, That police judges shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

Sec. 2. Section 35.24.050, chapter 7, Laws of 1965 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: PROVIDED, That if the offices of city attorney ((and)) clerk, and treasurer are made appointive, the city attorney ((and)) 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 successors are elected and qualified; of

the other six councilmen, three shall be elected biennially as the terms of the predecessors expire for terms of four years and until their successors are elected and qualified.

NEW SECTION. Sec. 3. There is added to chapter 7, Laws of 1965 and to chapter 35.24 RCW a new section to read as follows:

The city council of any city of the third class is authorized to provide by ordinance that the office of treasurer shall be combined with that of clerk, or that the office of clerk shall be combined with that of treasurer: PROVIDED, That such ordinance shall not be voted upon until the next regular meeting after its introduction.

NEW SECTION. Sec. 4. There is added to chapter 7, Laws of 1965 and to chapter 35.24 RCW a new section to read as follows:

In the event that the office of treasurer is combined with the office of clerk so as to become the office of clerk-treasurer, the clerk shall exercise all the powers vested in and perform all the duties required to be performed by the treasurer, and in cases where the law requires the treasurer to sign or execute any papers or documents, it shall not be necessary for the clerk to sign as treasurer, but shall be sufficient if he signs as clerk.

NEW SECTION. Sec. 5. There is added to chapter 7, Laws of 1965 and to chapter 35.24 RCW a new section to read as follows:

In the event that the office of clerk is combined with the office of treasurer so as to become the office of treasurer-clerk, the treasurer shall exercise all the powers vested in and perform all the duties required to be performed by the clerk.

NEW SECTION. Sec. 6. There is added to chapter 7, Laws of 1965 and to chapter 35.24 RCW a new section to read as follows:

The ordinance provided for combining said offices shall provide the date when the combination shall become effective, which date shall not be less than three months from the date when the ordinance becomes effective; and on and after said date the office of treasurer or clerk, as the case may be, shall be abolished. Any city

which as herein provided, combined the office of treasurer with that of clerk or the office of clerk with that of treasurer may terminate such combination by ordinance, fixing the time when the combination shall cease and thereafter the duties of the offices shall be performed by separate officials: PROVIDED, That if the office of treasurer was combined with that of clerk, or an elective office of clerk was combined with the office of treasurer, the mayor shall appoint a treasurer and clerk who shall serve until the next regular municipal general election when a treasurer and clerk shall be elected for the term as provided by law unless such city has enacted an ordinance in accordance with RCW 35.24.020.

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 March 12, 1969  
Passed the Senate March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

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CHAPTER 117  
[Engrossed House Bill No. 603]  
BEER RETAILER'S LICENSES

AN ACT Relating to beer retailers' licenses; and amending section 23M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 2, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.320; and declaring an emergency.

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

Section 1. Section 23M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 2, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.320 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class A license to sell beer by the individual glass or opened bottle at retail, for consumption on the premises and to sell unpasteurized

beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and aeroplanes, ~~((and))~~ to clubs, and at sports arenas or race tracks during recognized professional athletic events. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns of less than 10,000; fee \$62.50;

Cities and towns of 10,000 and less than 100,000; fee \$125.00;

Cities and towns of 100,000 or over; fee \$187.50;

The annual fee for such license, if issued outside of cities and towns, shall be sixty-two dollars and fifty cents: PROVIDED, HOWEVER, That where dancing is permitted on the premises, the fee shall be one hundred eighty-seven dollars and fifty cents; the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons, plying on inland waters of the state of Washington on regular schedules, shall be sixty-two dollars and fifty cents.

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

Passed the House March 12, 1969  
 Passed the Senate March 10, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 118  
 [Senate Bill No. 183]  
 VOLUNTEER FIREMEN'S  
 RELIEF AND PENSIONS

AN ACT Relating to public pensions for volunteer firemen; amending

section 7, chapter 261, Laws of 1945 and RCW 41.24.070; amending section 8, chapter 261, Laws of 1945, as amended by section 9, chapter 263, Laws of 1955, and RCW 41.24.080; amending section 12, chapter 261, Laws of 1945, as amended by section 10, chapter 263, Laws of 1955, and RCW 41.24.120; amending section 15, chapter 261, Laws of 1945, as last amended by section 1, chapter 86, Laws of 1965, and RCW 41.24.150; amending section 17, chapter 261, Laws of 1945, as last amended by section 2, chapter 57, Laws of 1961, and RCW 41.24.170; amending section 19, chapter 261, Laws of 1945, as amended by section 4, chapter 253, Laws of 1953, and RCW 41.24.190; amending section 21, chapter 261, Laws of 1945, as amended by section 3, chapter 159, Laws of 1957, and RCW 41.24.210; amending section 4, chapter 263, Laws of 1955 and RCW 41.24.270; amending section 7, chapter 263, Laws of 1955 and RCW 41.24.300; and amending section 8, chapter 263, Laws of 1955 and RCW 41.24.310.

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

Section 1. Section 7, chapter 261, Laws of 1945 and RCW 41.24-.070 are each amended to read as follows:

The mayor or chairman of the board or commission of any such municipality shall be chairman of the board of trustees, and the clerk or comptroller or secretary of any such municipality, board or commission shall be the secretary-treasurer of the board of trustees. The secretary shall keep a public record of all proceedings, of all receipts and disbursements made by the board of trustees and shall make an annual report of its expenses and disbursements with a full list of the beneficiaries of said fund in such municipality, such record to be placed on file in such municipality (~~and a copy filed with the state auditor~~). Such forms as shall be necessary for the proper administration of this fund and of making the reports required hereunder shall be provided by the state (~~auditor~~) board.

Sec. 2. Section 8, chapter 261, Laws of 1945, as amended by section 9, chapter 263, Laws of 1955, and RCW 41.24.080 are each a-

mended to read as follows:

The board of trustees of each municipal corporation shall provide for enrollment of all members of its fire department under the death and disability provisions hereof; receive all applications for the enrollment under the retirement provisions hereof when the municipality has elected to enroll thereunder; provide for disbursements of relief and compensation; determine the eligibility of firemen for pensions; and pass on all claims and direct payment thereof from the volunteer firemen's relief and pension fund to those entitled thereto. Vouchers shall be ~~((signed-by-the-chairman-and-secretary-of-the-board and))~~ issued to the persons entitled thereto ~~((for-the-amount-of-money-ordered-paid-to-them-from-the-fund))~~ by the board ~~((,which-vouchers shall-state-for-what-purpose-the-payment-is-made))~~. It shall send to the state board, after each meeting, a ~~((list-of-all))~~ voucher for each person((s)) entitled to payment from the fund, stating the amount of such payment and for what granted, which ~~((list))~~ voucher shall be certified and signed by the chairman and secretary of the board ~~((,attested-under-oath))~~. The state ~~((auditor))~~ board, after review and approval shall ~~((issue))~~ cause a warrant to be issued on the fund for the amount specified and approved on each voucher: PROVIDED, That in pension cases after the ~~((initial-payment-is-made-to-the-beneficiary))~~ applicant's eligibility for pension is verified the state board shall ~~((thereafter))~~ authorize the regular issuance of monthly warrants in payment thereof without further action of the board of trustees of any such municipality.

Sec. 3. Section 12, chapter 261, Laws of 1945, as amended by section 10, chapter 263, Laws of 1955, and RCW 41.24.120 are each amended to read as follows:

The local board shall initially hear and decide all applications for relief or compensation and pensions under this chapter, ~~((and-its-decision-on-such-applications-shall-be-final-and-conclusive,))~~ subject ~~((only))~~ to review by, or appeal by the proper person to, the state board where decision on such review or appeal shall be

five years and for the balance of his life (~~(--PROVIDED, HOWEVER, That nothing herein contained shall be construed as reducing the amount of any pension to which any fireman shall have been eligible to receive under the provisions of section 17, chapter 103, Laws of 1951)~~).

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman(~~(--~~

~~no pension herein provided shall be payable)~~, 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.

Sec. 6. Section 19, chapter 261, Laws of 1945, as amended by section 4, chapter 253, Laws of 1953, and RCW 41.24.190 are each amended to read as follows:

The filing of reports of enrollment shall be prima facie evidence of the service of the firemen therein listed for the year of such report as to service rendered subsequent to July 6, 1945. Proof of service of firemen prior to that date shall be by documentary evidence, or such other evidence reduced to writing and sworn to under oath, as shall be submitted to the state board (~~(of trustees)~~) and certified by it as sufficient (~~(--PROVIDED, That such proof of service must be submitted within three years from June 5, 1953, for firemen not previously enrolled)~~).

Sec. 7. Section 21, chapter 261, Laws of 1945, as amended by section 3, chapter 159, Laws of 1957, and RCW 41.24.210 are each a-

mended to read as follows:

No fireman shall receive any disability pension from the fund, or be entitled to receive any relief or compensation for sickness or injuries received in the performance of his duties, unless there is filed with the board of trustees a ~~((certificate-of-disability-or-of-tenure))~~ report of accident, which ~~((certificate))~~ report shall be subscribed ~~((and-sworn))~~ to by the claimant, ~~((or-member-of-the-board-of-trustees,-and-in-the-case-of-sickness-or-disability-by-the-duly-appointed-or))~~ the fire chief, and the authorized attending physician, if there is one. No claim for ~~((disability))~~ benefits arising from sickness or injuries incurred in consequence or as a result of the performance of duties shall be allowed by the state board unless there has been filed with it a report of accident within ninety days after its occurrence and a claim based thereon within one year after the occurrence of the accident on which such claim is based. The board may require such other or further evidence as it deems advisable before ordering any relief, compensation, or pension.

Sec. 8. Section 4, chapter 263, Laws of 1955 and RCW 41.24-.270 are each amended to read as follows:

Each member of the state board shall receive ~~((ten))~~ twenty-five dollars per day for each day actually spent in attending meetings of the state board. Each member shall also receive his actual and necessary traveling and other expenses, including going to and from meetings of the state board or other authorized business of the state board, at the same rate as other state officers and employees, but not to exceed the per diem allowance provided by law.

Sec. 9. Section 7, chapter 263, Laws of 1955 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 of the state board and issued to the persons entitled thereto and sent to the ~~((state-auditor))~~ proper state agency. The ~~((auditor))~~ proper state agency shall issue a warrant on the fund for the amount specified.

Sec. 10. Section 8, chapter 263, Laws of 1955 and RCW 41.24-.310 are each amended to read as follows:

The secretary shall maintain an office at Olympia at a place to be provided, wherein he shall

(1) keep a record of all proceedings of the state board, which shall be public,

(2) maintain a record of all members of the pension fund, including such pertinent information relative thereto as may be required by law or regulation of the state board,

(3) receive and promptly remit to the state treasurer all moneys received for the volunteer firemen's relief and pension fund,

(4) transmit periodically to the proper state (~~auditor~~) agency for payment all claims payable from the volunteer firemen's relief and pension fund, stating the amount and purpose of such payment,

(5) certify monthly for payment a list of all persons approved for pensions and the amount to which each is entitled,

(6) perform such other and further duties as shall be prescribed by the state board.

~~((Before-entering-into-the-performance-of-his-duties,-the-secretary-shall-furnish-a-good-and-sufficient-surety-bond-in-the-sum-of ten-thousand-dollars,-conditioned-upon-the-faithful-performance-and discharge-of-his-duties,-and-the-prompt-deposit-and-accounting-for all-funds-coming-into-his-hands-under-the-provision--of-this-chapter-))~~ The secretary shall receive such compensation as shall be fixed by the state board, together with his necessary traveling and other expenses in carrying out his duties authorized by the state board.

Passed the Senate February 14, 1969  
Passed the House March 4, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 119  
[Engrossed Senate Bill No. 161]  
SEWER DISTRICTS--  
CHANGE OF NAME

AN ACT Relating to sewer districts; and adding a new section to chapter 210, Laws of 1941 and to chapter 56.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 210, Laws of 1941 and to chapter 56.08 RCW a new section to read as follows:

Any sewer district heretofore or hereafter organized and existing may apply to change its name by filing with the board of county commissioners of the county in which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of commissioners adopted by the majority vote of all the members of said board at a regular meeting thereof providing for such change of name. The new name shall reflect the service offered by the sewer district. After approval of the new name by the county commissioners, all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name, and a change of name heretofore made by any existing sewer district in this state, substantially in the manner above provided is hereby ratified, confirmed and validated.

Passed the Senate February 4, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

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CHAPTER 120  
[Senate Bill No. 446]  
STATE FISCAL AGENCY--  
INCINERATION AGENCY

AN ACT Relating to fiscal agency and appointing an incineration agent; amending section 43.80.030, chapter 8, Laws of 1965 and RCW 43.80.030; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.80 RCW.

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

Section 1. Section 43. 80.030, chapter 8, Laws of 1965 and RCW 43.80.030 are each amended to read as follows:

The fiscal agency, on the receipt of any moneys transmitted to it by or for this state, or for any county, township, school district, city, or town therein, for the purpose of paying therewith any of its bonds or coupons by their terms made payable in the city of New York, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the agency in the city of New York at or after the maturity thereof, in the order of their presentation, insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state, or the county, township, school district, city, or town which issued them: PROVIDED, That nothing herein shall prevent the state or any of the aforementioned political subdivisions thereof from designating, and each is hereby authorized to designate, its fiscal agency in the city of New York or the trustee of any revenue bond issue, or both, also as its (~~exemating~~) incineration agency, and to provide by agreement therewith, that after any general or revenue obligation bonds or interest coupons have been canceled or paid, they may be destroyed as directed by the proper officers of the state or other political subdivisions hereinbefore mentioned: PROVIDED FURTHER, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state, county, township, school district, city, or town as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the fiscal agent in the city of New York or the trustee of any revenue bond issue, and the canceled instruments thereafter have been forwarded to said treasurer for recording, such canceled instruments may be for-

warded to the (~~exemating~~) incineration agency (~~in the city of New York~~) or agencies hereunder designated for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards, or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinafter specified: PROVIDED, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates shall be filed with those of the (~~exemating~~) incineration agency herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or canceled. In the event of conflict between the provisions of this 1969 amendatory act and any other statute of this state, this 1969 amendatory act shall prevail.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.80 RCW a new section to read as follows:

For the purposes of this 1969 amendatory act the word "state" includes all agencies thereof authorized to issue such revenue bonds and coupons.

Passed the Senate February 24, 1969  
 Passed the House March 10, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 121  
 [Engrossed Senate Bill No. 469]  
 STATE AGENCY HOUSING

AN ACT Relating to state government; amending section 43.82.010, chapter 8, Laws of 1965 as amended by section 1, chapter 229, Laws of 1967 and RCW 43.82.010, amending section 43.82.110, chapter 8, Laws of 1965 and RCW 43.82.110; and declaring an emergency.

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

Section 1. Section 43.82.010, chapter 8, Laws of 1965 as amended by section 1, chapter 229, Laws of 1967, and RCW 43.82.010 are each amended to read as follows:

The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved, needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions, ~~((and))~~ other state agencies, or federal agencies where joint state and federal activities are undertaken necessitating a close working relationship and proximity between state and federally employed personnel: PROVIDED, The director may delegate any or all of these functions to any agency upon such terms and conditions as he deems advisable: PROVIDED FURTHER, That this section shall not apply to the acquisition of real estate by the colleges and universities for research or experimental purposes.

The director is also authorized to purchase, lease or rent improved or unimproved real estate as owner or lessee, and to lease or sublet all or a part of such real estate to state or federal agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

If the director determines that it is necessary or advisable to undertake any work, construction, alteration, repair or improvement on any such leased or rented property, he shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five hundred dollars. Work, construction, alteration, repair or improvement in excess of twenty-five hundred

dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

All contracts to purchase, lease or rent shall be approved as to form by the attorney general.

Sec. 2. Section 43.82.110, chapter 8, Laws of 1965 and RCW 43.82.110 are each hereby amended to read as follows:

All office or other space made available through the provisions of this chapter shall be leased by the director to such state or federal agencies, for such rental, and on such terms and conditions as he deems advisable: PROVIDED, HOWEVER, If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he may prescribe.

There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general ad-

ministration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose.

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 February 26, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 122  
[Engrossed Senate Bill No. 109]  
PROFESSIONAL SERVICE CORPORATIONS

AN ACT Relating to professional service corporations as herein defined; authorizing the incorporation and organization thereof; providing special provisions, conditions and regulations; and prescribing certain powers, duties, liabilities and restrictions.

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

NEW SECTION. Section 1. It is the legislative intent to provide for the incorporation of an individual or group of individuals to render the same professional service to the public for which such individuals are required by law to be licensed or to obtain other legal authorization.

NEW SECTION. Sec. 2. This act may be cited as "the professional service corporation act."

NEW SECTION. Sec. 3. As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" shall mean any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to the passage of this act and by reason of law could not be performed by a corporation, including, but not by way of limitation, certified public accountants,

chiropractors, dentists, osteopaths, physicians, pediatricists, chiropradists, architects, veterinarians and attorneys at law.

(2) The term "professional corporation" means a corporation which is organized under this act for the purpose of rendering professional service and which has as its shareholder or shareholders only individuals who themselves are duly licensed or otherwise legally authorized within this state to render the same professional service as the corporation.

NEW SECTION. Sec. 4. This act shall not apply to any individuals or groups of individuals within this state who prior to the passage of this act were permitted to organize a corporation and perform personal services to the public by means of a corporation, and this act shall not apply to any corporation organized by such individual or group of individuals prior to the passage of this act: PROVIDED, That any such individual or group of individuals or any such corporation may bring themselves and such corporation within the provisions of this act by amending the articles of incorporation in such a manner so as to be consistent with all the provisions of this act and by affirmatively stating in the amended articles of incorporation that the shareholders have elected to bring the corporation within the provisions of this act.

NEW SECTION. Sec. 5. An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23A RCW for the purpose of rendering professional service: PROVIDED, That one or more of such legally authorized individuals shall be the incorporators of such professional corporation: PROVIDED FURTHER, That notwithstanding any other provision of this act, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation.

NEW SECTION. Sec. 6. No corporation organized and incorpora-

ted under this act may render professional services except through its directors, officers, employees or agents all of whom must be duly licensed or otherwise legally authorized to render such professional services within this state: PROVIDED, That said term "employees" shall not be interpreted to mean clerks, secretaries, bookkeepers, technicians and other assistants who are not usually and ordinarily considered by custom and practice to be rendering professional services to the public for which a license or other legal authorization is required.

NEW SECTION. Sec. 7. Nothing contained in this act shall be interpreted to abolish, repeal, modify, restrict or limit the law now in effect in this state applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional service and the standards for professional conduct. Any director, officer, shareholder, agent or employee of a corporation organized under this act shall remain personally and fully liable and accountable for any negligent or wrongful acts or misconduct committed by him or by any person under his direct supervision and control, while rendering professional services on behalf of the corporation to the person for whom such professional services were being rendered. The corporation shall be liable for any negligent or wrongful acts of misconduct committed by any of its directors, officers, shareholders, agents or employees while they are engaged on behalf of the corporation, in the rendering of professional services.

NEW SECTION. Sec. 8. No professional service corporation organized under this act shall engage in any business other than the rendering of the professional services for which it was incorporated: PROVIDED, That nothing in this act or in any other provisions of existing law applicable to corporations shall be interpreted to prohibit such corporation from investing its funds in real estate, personal property, mortgages, stocks, bonds, insurance, or any other type of investments.

NEW SECTION. Sec. 9. No professional service corporation organized under the provisions of this act may issue any of its capital stock to anyone other than an individual who is duly licensed or otherwise legally authorized to render the same specific professional services as those for which the corporation was incorporated. No shareholder of a corporation organized under this act shall enter into a voting trust agreement or any other type agreement vesting another person with the authority to exercise the voting power of any or all of his stock.

NEW SECTION. Sec. 10. If any director, officer, shareholder, agent or employee of a corporation organized under this act who has been rendering professional service to the public becomes legally disqualified to render such professional services within this state, he shall sever all employment with, and financial interests in, such corporation forthwith. A corporation's failure to require compliance with this provision shall constitute a ground for the forfeiture of its articles of incorporation and its dissolution. When a corporation's failure to comply with this provision is brought to the attention of the office of the secretary of state, the secretary of state forthwith shall certify that fact to the attorney general for appropriate action to dissolve the corporation.

NEW SECTION. Sec. 11. No shareholder of a corporation organized as a professional service corporation may sell or transfer his shares in such corporation except to another individual who is eligible to be a shareholder of such corporation. The articles of incorporation of a professional service corporation shall require that each shareholder in the corporation provide for a redemption or cancellation of all shares which are transferred to any person or entity ineligible to be a shareholder, whether such transfer be voluntary, involuntary or by operation of law.

NEW SECTION. Sec. 12. Corporations organized pursuant to this act shall render professional service and exercise its authorized powers under a name permitted by law and the professional ethics

of the profession in which the corporation is so engaged. In the event that the words "company", "corporation" or "incorporated" or any other word, abbreviation, affix or prefix indicating that it is a corporation shall be used, it shall be accompanied with the abbreviation "P.S." With the filing of its first annual report and any filings thereafter, professional service corporation shall list its then shareholders; PROVIDED, That notwithstanding the foregoing provisions of this section, the corporate name of a corporation organized to render dental services shall contain the full names or surnames of all shareholders and no other word than "chartered" or the words "professional services" or the abbreviation "P.S."

NEW SECTION. Sec. 13. The provisions of Title 23A RCW shall be applicable to a corporation organized pursuant to this act except to the extent that any of the provisions of this act are interpreted to be in conflict with the provisions thereof, and in such event the provisions and sections of this act shall take precedence with respect to a corporation organized pursuant to the provisions of this act. A professional corporation organized under this act shall consolidate or merge only with another domestic professional corporation organized under this act to render the same specific professional service and a merger or consolidation with any foreign corporation is prohibited.

NEW SECTION. Sec. 14. Nothing in this act shall authorize a director, officer, shareholder, agent or employee of a corporation organized under this act, or a corporation itself organized under this act, to do or perform any act which would be illegal, unethical or unauthorized conduct under the provisions of the following acts: (1) Medical Disciplinary Act, chapter 18.72 RCW; (2) Anti-Rebating Act, chapter 19.68 RCW; (3) State Bar Act, chapter 2.48 RCW; (4) Professional Accounting Act, chapter 18.04 RCW; (5) Professional Architects Act, chapter 18.08 RCW; (6) Professional Auctioneers Act, chapter 18.11 RCW; (7) Barbers, chapter 18.15 RCW; (8) Beauty Culturists Act, chapter 18.18 RCW; (9) Boarding Homes Act, chapter 18.20

RCW; (10) Chiropody, chapter 18.22 RCW; (11) Chiropractic Act, chapter 18.25 RCW; (12) Registration of Contractors, chapter 18.27 RCW; (13) Debt Adjusting Act, chapter 18.28 RCW; (14) Dental Hygienist Act, chapter 18.29 RCW; (15) Dentistry, chapter 18.32 RCW; (16) Dispensing Opticians, chapter 18.34 RCW; (17) Drugless Healing, chapter 18.36 RCW; (18) Embalmers and Funeral Directors, chapter 18.39 RCW; (19) Engineers and Land Surveyors, chapter 18.43 RCW; (20) Escrow Agents Registration Act, chapter 18.44 RCW; (21) Furniture and Bedding Industry, chapter 18.45 RCW; (22) Maternity Homes, chapter 18.46 RCW; (23) Midwifery, chapter 18.50 RCW; (24) Nursing Homes, chapter 18.51 RCW; (25) Optometry, chapter 18.53 RCW; (26) Osteopathy, chapter 18.57 RCW; (27) Patent Medicine Peddlers, chapter 18.60 RCW; (28) Pharmacists, chapter 18.64 RCW; (29) Pharmacy Owners and Wholesale Druggists, chapter 18.67 RCW; (30) Physical Therapy, chapter 18.74 RCW; (31) Practical Nurses, chapter 18.78 RCW; (32) Prophylactic Vendors, chapter 18.81 RCW; (33) Proprietary Schools, chapter 18.82 RCW; (34) Psychologists, chapter 18.83 RCW; (35) Real Estate Brokers and Salesmen, chapter 18.85 RCW; (36) Registered Professional Nurses, chapter 18.88 RCW; (37) Sanitarians, chapter 18.90 RCW; (38) Veterinarians, chapter 18.92 RCW.

Passed the Senate March 6, 1969

Passed the House March 11, 1969

Approved by the Governor March 25, 1969

Filed in office of Secretary of State March 25, 1969

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CHAPTER 123

[Engrossed Senate Bill No. 138]

POLICE BENEFITS--

FIRST CLASS CITIES

AN ACT Relating to police benefits in first class cities; amending section 4, chapter 39, Laws of 1909, as last amended by section 1, chapter 191, Laws of 1961, and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909, as last amended by section 2, chapter 191, Laws of 1961, and RCW 41.20.060; amending section 4, chapter 69, Laws of 1955 and RCW 41.20.150; and adding a new section to chapter 41.20 RCW.

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

Section 1. Section 4, chapter 39, Laws of 1909, as last amended by section 1, chapter 191, Laws of 1961, and RCW 41.20.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years (~~or more~~), as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That no such pension shall exceed an amount equivalent to (~~one-half~~) fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent per year for each full year of such additional service to a maximum of five additional years.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

Sec. 2. Section 5, chapter 39, Laws of 1909, as last amended by section 2, chapter 191, Laws of 1961, and RCW 41.20.060 are each

amended to read as follows:

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to ~~((one-half))~~ fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to ~~((one-half))~~ fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

Sec. 3. Section 4, chapter 69, Laws of 1955 and RCW 41.20.150

are each amended to read as follows:

Whenever any member affected by this chapter terminates his employment prior to the completion of twenty-five years of service he shall receive seventy-five percent of his contributions made after the effective date of this act and he shall not receive any contributions made prior thereto: PROVIDED, That in the case of any member who has completed twenty years of service, such member, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his contributions as herein provided, to be classified as a vested member in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such member's termination;

(2) During the period between the date of his termination and the date upon which he becomes a retired member as hereinafter provided, such vested member and his spouse or dependent children shall be entitled to all benefits available under chapter 41.20 RCW to a retired member and his spouse or dependent children with the exception of the service retirement allowance as herein provided for: PROVIDED, That any claim for medical coverage under RCW 41.20.120 shall be attributable to service connected illness or injury;

(3) Any member electing to become a vested member shall be entitled at such time as he otherwise would have completed twenty-five years of service had he not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary at any time hereafter attached to the position held by the vested member for the year preceding the date of his termination, for each year of service rendered prior to the date of his termination. At such time the vested member shall be regarded as a retired member and, in addition to the retirement allowance herein provided for, shall continue to be entitled to all such other benefits as are by chapter 41.20 RCW made available to retired members.

NEW SECTION. Sec. 4. There is added to chapter 41.20 RCW a new section to read as follows:

The provisions of this 1969 amendatory act shall be applicable to all members employed on the date of enactment thereof, and to those who shall thereafter become members, but shall not apply to any former member who has terminated his employment prior to the effective date of this 1969 amendatory act.

Passed the Senate February 14, 1969  
Passed the House March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 124  
[Senate Bill No. 265]  
TOWNS--JURISDICTION OF WATERS  
AS FACTOR IN CALCULATING AREA

AN ACT Relating to cities and towns; and amending section 35.21.160, chapter 7, Laws of 1965 and RCW 35.21.160.

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

Section 1. Section 35.21.160, chapter 7, Laws of 1965 and RCW 35.21.160 are each amended to read as follows:

The powers and jurisdiction of all incorporated cities and towns of the state having their boundaries or any part thereof adjacent to or fronting on any bay or bays, lake or lakes, sound or sounds, river or rivers, or other navigable waters are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city or town limits. In calculating the area of any town for the purpose of determining compliance with the limitation on the area of a town prescribed by RCW 35.21.010, the area over which jurisdiction is conferred by this section shall not be included.

Passed the Senate March 4, 1969  
Passed the House March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 125  
[Senate Bill No. 320]  
SCHOOL DIRECTORS'  
ASSOCIATION--DUES

AN ACT Relating to education; raising the maximum dues limit of the Washington state school directors' association; amending section 5, chapter 169, Laws of 1947 as last amended by section 76, chapter 8, Laws of 1967 ex.sess. and RCW 28.58.360; amending section 28A.61.050, chapter..., Laws of 1969 (HB 58) and RCW 28A.61.050; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Title 28A RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Section affecting current law.

Section 1. Section 5, chapter 169, Laws of 1947 as last amended by section 76, chapter 8, Laws of 1967 ex.sess. and RCW 28.58.360 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed (~~twenty-two~~) twenty-seven cents for each one thousand dollars of the state-wide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year, and if not paid by any district before the thirty-first day of December of any year the executive committee of the association may present a written request to the county auditor that such payment be made by him by transfer of funds from the general

fund of the district. Upon receipt of such request the county auditor shall make such transfer.

Part II. Section affecting proposed 1969 education code.

Sec. 2. Section 28A.61.050, chapter..., Laws of 1969 (HB 58) and RCW 28A.61.050 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed (~~twenty-two~~) twenty-seven cents for each one thousand dollars of the state-wide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each school district shall be due and payable on the first day of January of each year, and if not paid by any district before the thirty-first day of December of any year the executive committee of the association may present a written request to the county auditor that such payment be made by him by transfer of funds from the general fund of the district. Upon receipt of such request the county auditor shall make such transfer.

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall con-

comitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. 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 February 14, 1969  
Passed the House March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 126  
[Engrossed Senate Bill No. 402]  
SEWER DISTRICTS--  
CORRECTION OF ASSESSMENT ROLLS

AN ACT Relating to sewer districts; permitting the correction of clerical errors in assessment rolls; and amending section 33, chapter 210, Laws of 1941 and RCW 56.20.070.

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

Section 1. Section 33, chapter 210, Laws of 1941 and RCW 56-.20.070 are each amended to read as follows:

Whenever any assessment roll for local improvements shall have been confirmed by the sewer commission of such sewer district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the sewer commission upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objec-

tions to such roll in the manner and within the time provided in this title, and not appealing from the action of the sewer commission in confirming such assessment roll in the manner and within the time in this title provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor. (~~+-PROVIDED, That~~)

This section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

(1) That the property about to be sold does not appear upon the assessment roll, or

(2) that said assessment has been paid.

This section also shall not prohibit the correction of clerical errors and errors in the computation of assessments in assessment rolls by the following procedure:

(1) The board of sewer commissioners may file a petition with the superior court of the county wherein the district is located, asking that the court enter an order correcting such errors and directing that the county treasurer pay a portion or all of the incorrect assessment by the transfer of funds from the district's maintenance fund, if such relief be necessary.

(2) Upon the filing of the petition, the court shall set a date for hearing and upon the hearing may enter an order as provided in subsection (1) of this paragraph: PROVIDED, That neither the correcting order or the corrected assessment roll shall result in an increased assessment to the property owner.

Passed the Senate February 26, 1969.  
Passed the House March 11, 1969.  
Approved by the Governor March 25, 1969.  
Filed in office of Secretary of State March 25, 1969.

CHAPTER 127  
[Senate Bill No. 428]  
PORT OF SKAGIT COUNTY--  
TIDELANDS--CONVEYANCE FROM STATE

AN ACT Authorizing conveyance of certain unplatted first class tidelands in Skagit county from the state of Washington to the port of Skagit county.

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

NEW SECTION. Section 1. The commissioner of public lands of the state of Washington is hereby authorized and directed to certify in the manner now provided by law in other cases to the governor for deed to the port of Skagit county the following described tidelands:

The unplatted tidelands of the first class, owned by the state of Washington, situate in front of, adjacent to or abutting upon tracts 1, 2, 3, 4, and 5, LaConner Tide Lands, in section 31, township 34 north, range 3 east, W.M., said tracts 1, 2, 3, 4, and 5 being as shown on plate 20 of the official maps of LaConner Tide Lands on file in the office of the commissioner of public lands at Olympia, Washington. SUBJECT, HOWEVER, To an easement for right of way for county road granted December 4, 1945 to Skagit County under application No. 1790; also SUBJECT To an easement for right of way for storm drain channel granted November 19, 1968 to Skagit County drainage district No. 15 under application No. 33044.

NEW SECTION. Sec. 2. The governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed to the port of Skagit county, conveying all of said tidelands.

NEW SECTION. Sec. 3. Whenever the port of Skagit county shall cease to hold and use said tidelands for public port purposes, the grant of said tidelands shall be terminated thereby and said tidelands shall revert to the state.

Passed the Senate March 7, 1969  
Passed the House March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 128  
[Engrossed Senate Bill No. 182]  
WASHINGTON PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM

AN ACT Relating to the Washington public employees' retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 155, Laws of 1965 and RCW 41.40.010; amending section 2, chapter 274, Laws of 1947 as last amended by section 1, chapter 127, Laws of 1967 and RCW 41.40.020; amending section 8, chapter 155, Laws of 1965 and RCW 41.40.071; amending section 9, chapter 274, Laws of 1947 as last amended by section 6, chapter 174, Laws of 1963 and RCW 41.40.080; amending section 13, chapter 274, Laws of 1947 as last amended by section 3, chapter 127, Laws of 1967 and RCW 41.40.120; amending section 16, chapter 274, Laws of 1947 as last amended by section 4, chapter 127, Laws of 1967 and RCW 41.40.150; amending section 18, chapter 274, Laws of 1947 as last amended by section 8, chapter 127, Laws of 1967 and RCW 41.40.170; amending section 20, chapter 274, Laws of 1947 as last amended by section 7, chapter 127, Laws of 1967 and RCW 41.40.190; amending section 24, chapter 274, Laws of 1947 as last amended by section 7, chapter 50, Laws of 1951 and RCW 41.40.230; amending section 26, chapter 274, Laws of 1947 as last amended by section 8, chapter 291, Laws of 1961 and RCW 41.40.250; amending section 28, chapter 274, Laws of 1947 as last amended by section 5, chapter 155, Laws of 1965 and RCW 41.40.270; amending section 34, chapter 274, Laws of 1947 as last amended by section 17, chapter 200, Laws of 1953 and RCW 41.40.330; amending section 43, chapter 274, Laws of 1947 as last amended by section 1, chapter 84, Laws of 1965 and RCW 41.40.410; amending section 22, chapter 200, Laws of 1953 as amended by section 17, chapter 174, Laws of 1963 and RCW 41.40.412; amending section 23, chapter 200, Laws of 1953 and RCW 41.40.414; amending section 14, chapter 50, Laws of 1951 as last amended by section 18, chapter 174, Laws of 1963 and RCW 41.40.420; repeal-

ing section 30, chapter 274, Laws of 1947 as last amended by section 6, chapter 155, Laws of 1965 and RCW 41.40.290; repealing sections 24, 25 and 26, chapter 200, Laws of 1953 and RCW 41.40-.419, 41.40.416 and 41.40.418; repealing section 15, chapter 50, Laws of 1951 and RCW 41.40.430; and declaring an emergency.

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

Section 1. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 155, Laws of 1965 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the state employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision of the state admitted into the retirement system; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter.

(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 employ-

ment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190 (4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered eight or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes times spent in of-

fice as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947, except as qualified by RCW 41.40.120;

(b) In the case of all other members, all service as a member.

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and immediately prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1971, 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.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive (~~(five)~~) two year period of service for which service credit is allowed; or if he has less than (~~(five)~~) two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

(24) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(26) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(27) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (26).

(28) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(29) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

Sec. 2. Section 2, chapter 274, Laws of 1947 as last amended by section 1, chapter 127, Laws of 1967 and RCW 41.40.020 are each amended to read as follows:

A state employees' retirement system is hereby created for the employees of the state of Washington and its political subdivisions. The administration and management of the retirement system, the responsibility for making effective the provisions of this chapter, and the authority to make all rules and regulations necessary therefor are hereby vested in a retirement board. All such rules and regulations shall be governed by the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement system herein provided for shall be known as the Washington Public Employees' Retirement System.

Sec. 3. Section 8, chapter 155, Laws of 1965 and RCW 41.40.071 are each amended to read as follows:

The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest or reinvest, or to authorize the state finance committee to invest or reinvest, such funds in the following classes of investments, and not otherwise:

(1) Bonds, notes, or other obligations of the United States, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder;

(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: PROVIDED, That the issuer has not, within ten years prior to the making of the investment, been in default for more than ninety days in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: PROVIDED, That any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than

ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association or the inter-American bank;

(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1916, known as the "federal farmloan act", as amended or supplemented from time to time;

(9) Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

(10) Obligations of any other state or the Commonwealth of Puerto Rico, municipal authority or political subdivision within the state or the commonwealth issued pursuant to the laws of such state or commonwealth with principal and interest payable from tolls or other special revenues: PROVIDED, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(11) Bonds ((and)) , debentures and other obligations issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That such securities can qualify for an "A" rating or better by two nationally recognized rating agencies;

(12) Capital notes or debentures of any national or state bank doing business in the United States of America;

(13) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America;

(14) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state: PROVIDED, That the investment in any such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation;

(15) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the deposit in such banks shall not exceed the amount insured by the federal deposit insurance corporation;

(16) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended), or are guaranteed by the veterans administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection at least equal to that provided by the said national housing act or the said servicemen's readjustment act;

(17) Appropriate contracts of life insurance or annuities from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases in the judgment of the retirement board be appropriate or necessary to carry out the purposes of this

chapter.

(18) Subject to the limitations hereinafter provided, investments may be made in the shares of certain open-end investment companies: PROVIDED, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company and shall only be made in the shares of such companies as are registered as "open-end companies" under the federal Investment Company Act of 1940, as amended. Such company must be at least ten years old and have net assets of at least fifty million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase;

(19) Subject to the limitations hereinafter provided, investments may be made in preferred or common stock of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That

(a) The board receives advice in writing on all stock investments, both purchases and sales, from an investment counsel. This counsel shall be an investment counseling firm hired on a contractual basis. Such advice shall become part of the official minutes of the next succeeding meeting of the board. The counsel shall not be engaged in the business of buying, selling, or otherwise marketing securities during the time of its employment by the board.

(b) Stock and open-end investment company investments shall not exceed, in the aggregate, twenty-five percent of the total assets of the system.

(c) Such investment in the stock of any one company shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may

exceed two percent of the assets of the fund.

(e) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds represented by capital, surplus, and undivided profits of at least twenty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least twenty million dollars.

(iii) Any preferred stock.

(iv) The common stock of Washington corporations which meet all other listed qualifications except that of being registered on a national exchange.

(f) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

For the purpose of meeting disbursements for annuities and other payments in excess of the receipts, there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided by this chapter, on deposit in the state treasury.

All investments made and all investment agreements, contracts, or proceedings made or entered into by the retirement board in accordance with state laws governing any such investments, agreement,

contracts or proceedings prior to March 23, 1965, are hereby validated, ratified, approved and confirmed.

Sec. 4. Section 9, chapter 274, Laws of 1947 as last amended by section 6, chapter 174, Laws of 1963 and RCW 41.40.080 are each amended to read as follows:

(1) All bonds or other obligations purchased according to RCW 41.40.070 shall be forthwith placed in the hands of the state treasurer who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the retirement system's funds herein provided for bonds or other obligations. The retirement board may authorize the finance committee to sell any of the said bonds, or other obligations upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of such bonds or other obligations by the state treasurer.

(2) The state treasurer shall be the custodian of all other funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(3) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

(4) There is hereby established in the state treasury two separate funds, namely:

(a) The retirement system fund, into which shall be paid all

moneys received by the retirement board and from which shall be paid all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by members to the retirement system expense fund as provided in RCW 41.40.330 and contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board;

(b) The retirement system expense fund, from which shall be paid the expenses of the administration of the retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of (~~the number of~~) monthly salaries of the employer's members bears to the total (~~number of members~~) salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a (~~basis directly proportional to the ratio the number of the said employer's members bears to the total number of members in the system~~) percentage rate of salary established by the board: PROVIDED, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

Sec. 5. Section 13, chapter 274, Laws of 1947 as last amended by section 3, chapter 127, Laws of 1967 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members,

may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee and employer contributions therefor;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW (( 41.40.290)) 41.40.190;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college operated by an employer, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of (~~the University of Washington and the Washington State University~~) an institution of higher learning or community college operated by an employer during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer

on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

Sec. 6. Section 16, chapter 274, Laws of 1947 as last amended by section 4, chapter 127, Laws of 1967 and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by ((RCW-41.40.290)) RCW 41.40.190, he shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee who reenters or has reentered service within ten years from the date of his separation, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, 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.

(3) A member who separates or has separated after having completed at least ((ten)) 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 attain-

ment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered 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;

(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 re-entry 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 41.40.190 (5) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

Sec. 7. Section 18, chapter 274, Laws of 1947 as last amended by section 8, chapter 127, Laws of 1967 and RCW 41.40.170 are each amended to read as follows:

A member of the retirement system who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter

such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof, or if he has applied or shall apply for reinstatement of employment and is refused employment for reasons beyond his control within one year from termination of the military service shall upon resumption of service within ten years from termination of military service or shall in all events after completing twenty-five years of creditable service have his service in such armed forces credited to him as a member of the retirement system: PROVIDED, That no such military service in excess of five years shall be credited: AND PROVIDED FURTHER, That he restore all withdrawn accumulated contributions, which restoration must be completed within ~~((three))~~ five years of membership service following his first resumption of employment.

Sec. 8. Section 20, chapter 274, Laws of 1947 as last amended by section 7, chapter 127, Laws of 1967 and RCW 41.40.190 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180, a member shall ~~((receive))~~ be eligible for a service retirement allowance ((which)) computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after the effective date of this 1969 amendatory act shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision ~~((5))~~ (4) of this section, which shall be equal to one ~~((one-hundred-twentieth))~~ one-hundredth of his average final compensation for each year or fraction of a year of membership service

credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than ~~((seven-hundred-twenty))~~ nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and ~~((eighty))~~ two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand ~~((four-hundred-and-forty))~~ five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount ~~((+{5}-F))~~ : PROVIDED, That in order to be eligible to receive the annuity portion derived from the member's accumulated contributions under subdivision (1) and the pension portions provided by the employer under subdivisions (2) and (3) of this section, a new member must have at least five years of membership service credited to his service account, unless he becomes eligible for benefits provided for herein under RCW 41.40.200, 41.40.210 and 41.40.220.

(5) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

Option I A. A member electing this option shall receive a retirement allowance payable throughout his life only with termina-

tion at death, which shall be computed as provided for in subsections (1) through (4) of this section.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. Unless payment shall be made under RCW 41.40.270, option II shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

(6) Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180 (2), 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowances paid to members eligible to retire under any other provisions of this chapter shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

Sec. 9. Section 24, chapter 274, Laws of 1947 as last amended by section 7, chapter 50, Laws of 1951 and RCW 41.40.230 are each amended to read as follows:

Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who has been an employee at least ~~((ten))~~ five years, and who becomes totally and permanently incapacitated for duty as the result of causes occurring not in the performance of his duty, may be retired by the retirement board: PROVIDED, The medical adviser, after a medical examination of such member, made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically incapacitated for the further performance of duty, and such incapacity is likely to be permanent and that such member should be retired: PROVIDED FURTHER, That the retirement board concurs in the recommendation of the medical adviser.

Sec. 10. Section 26, chapter 274, Laws of 1947 as last amended by section 8, chapter 291, Laws of 1961 and RCW 41.40.250 are each amended to read as follows:

Upon retirement for disability, as provided in RCW 41.40.230, a member who has not attained age sixty shall receive a disability retirement allowance, subject to the provisions of RCW 41.40.310 and 41.40.320. Upon attaining age sixty he shall receive a service retirement allowance as provided for in RCW 41.40.190 except that the

annuity portion thereof shall consist of a continuation of the cash refund annuity previously provided to him. His disability retirement allowance prior to age sixty shall consist of:

(1) A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension, in addition to the annuity, equal to one (~~one-hundred-twentieth~~) one-hundredth of his average final compensation for each year of service. (~~The pension provided by the employer under this paragraph shall not exceed fifteen hundred dollars per annum; and the total disability retirement allowance, consisting of subdivisions (1) and (2) of this section, shall not exceed eighteen hundred dollars per annum, or one-half of the retiring member's average final compensation whichever is the smaller.~~) If the recipient of a retirement allowance under this section shall die before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representatives.

Sec. 11. Section 28, chapter 274, Laws of 1947 as last amended by section 5, chapter 155, Laws of 1965 and RCW 41.40.270 are each amended to read as follows:

Should a member die before the date of his retirement the amount of the accumulated contributions standing to his 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 life, as he shall have nominated by written designation duly executed

and filed with the retirement board: PROVIDED, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representatives: PROVIDED, HOWEVER, That this section, unless elected, shall not apply to any member who shall hereafter die while still in service leaving a surviving spouse who is entitled to, and elects to take an option II benefit as provided for in ((RCW-41-40-290)) RCW 41.40.190: PROVIDED FURTHER, That this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180 and thereafter dies between the date of his separation from service and his effective retirement date, where the member has selected either option II or option III in ((RCW-41-40-290)) RCW 41.40.190. 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 34, chapter 274, Laws of 1947 as last amended by section 17, chapter 200, Laws of 1953 and RCW 41.40.330 are each amended to read as follows:

(1) Beginning October 1, 1947, each employee who is a member of the retirement system shall contribute five percent of that part of his compensation earnable, not in excess of thirty-six hundred dollars in a calendar year, except as provided herein and in subsection (2) hereof, to the employees' savings fund, and shall contribute one dollar and fifty cents per annum to the retirement system expense fund: PROVIDED, HOWEVER, That beginning January 1, 1950, such retirement system expense fund contribution shall be increased to the amount of two dollars and fifty cents per annum and shall be made by semiannual payments of one dollar and twenty-five cents beginning January 1, 1950, and thereafter each employee entering mem-

bership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership: AND PROVIDED FURTHER, (~~That each employee shall upon resumption of contributing membership contribute his regular payments to the retirement system expense fund for any period of leave of absence from employment, except for military leave of absence as provided in RCW 41.40.170~~) That beginning July 1, 1969, the expense fund contributions shall be transferred from all employee account balances in the employees' savings fund to the retirement expense fund account, as set forth in this section. On and after April 1, 1953, each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system, an amount equal to five percent of such member's compensation earnable, as provided by this section. In determining the amount earnable by a member in a payroll period, the retirement board and the employer may consider the rate of compensation payable to such member on the first day of the payroll period as continuing through such payroll period, and deductions may be omitted from such compensation for any period less than a full payroll period, if an employee was not a member on the first day of the payroll period.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to this account in the employees' savings fund, a prospective retirement allowance not to exceed one-half of his prospective average final compensation.

Sec. 13. Section 43, chapter 274, Laws of 1947 as last amended by section 1, chapter 84, Laws of 1965 and RCW 41.40.410 are each amended to read as follows:

The employees and appointive and elective officials of any political subdivision of the state may become members of the retirement system by the approval of the local legislative authority: PROVIDED, That on and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter and every employee of the school district who is eligible for membership under RCW 41.40.120 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.361 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer hereunder has its own retirement plan any of the employee members thereof who may elect to transfer to this retirement system may, upon withdrawal of all or any part of their employees' contributions to the former plan, transfer such funds to the employees' savings fund at the time of their transfer of membership. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit

the various accounts in accordance with the transfer of the members from one employer to another.

Sec. 14. Section 22, chapter 200, Laws of 1953 as amended by section 17, chapter 174, Laws of 1963 and RCW 41.40.412 are each amended to read as follows:

Any person aggrieved by any (~~final~~) decision of the retirement board affecting his legal rights, duties or privileges must before he appeals to the courts, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken, other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

Sec. 15. Section 23, chapter 200, Laws of 1953 and RCW 41.40.414 are each amended to read as follows:

Following its receipt of a notice for hearing in accordance with RCW 41.40.412, (A) a hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearing shall (~~be de novo and summary and no witness testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless the testimony shall be taken by deposition according to the statutes relating to superior courts of the state. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. The retirement board shall cause all oral~~

testimony-to-be-stenographically-reported-and-thereafter-transcribed and-when-transcribed,-the-same-with-all-depositions-shall-be-filed in-and-remain-a-part-of-the-record-of-the-hearing.--Members-of-the board-and-its-duly-authorized-representatives-shall-have-power-to administer-oaths,-to-preserve-and-enforce-order-during-such-hearings, to-issue-subpoenas-for-and-to-compel-the-attendance-and-testimony-of witnesses-or-the-production-of-books,-papers,-documents-and-other evidenee,-to-examine-witnesses-and-to-do-all-things-conformable-to law-which-may-be-necessary-to-enable-them,-or-any-of-them,-effect-ively-to-discharge-the-duties-of-their-office.) be conducted and governed in all respects by the provisions of chapter 34.04 RCW which relates to agency hearings in contested cases.

Sec. 16. Section 14, chapter 50, Laws of 1951, as last amend- ed by section 18, chapter 174, Laws of 1963 and RCW 41.40.420 are each amended to read as follows:

(~~Within thirty days after any final decision and order by the retirement board has been communicated to the claimant, such claimant may appeal to the superior court of Thurston county and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were raised before the board.--The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced.--Such appeal shall be perfected by serving a notice of appeal on the director of the retirement system by personal service or by mailing a copy thereof to the said director and by filing the notice of appeal together with proof of service thereof with the clerk of the court.--The service and the filing to- gether with proof of service of a notice of appeal, all within thirty days, shall be jurisdictional.--The director shall within thirty days after receipt of such notice of appeal serve and file on behalf of the retirement board notice of appearance upon the appellant or his at- torney of record and such appeal shall thereupon be deemed at issue. The director shall promptly serve upon the appellant and file with the~~

~~clerk-of-the-court,-a-certified-copy-of-the-complete-record-of-the hearing-before-the-retirement-board-which-shall,-upon-being-so-filed, become-the-record-in-such-case--Appeal-shall-lie-from-the-judgments of-the-superior-court-to-the-supreme-court-as-in-other-cases\*)~~ Judicial review of any final decision and order by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now or hereafter amended.

NEW SECTION. Sec. 17. The following acts and parts of acts and RCW sections are hereby repealed:

(1) Section 30, chapter 274, Laws of 1947 as last amended by section 6, chapter 155, Laws of 1965 and RCW 41.40.290;

(2) Sections 24, 25 and 26, chapter 200, Laws of 1953 and RCW 41.40.419, RCW 41.40.416 and RCW 41.40.418;

(3) Section 15, chapter 50, Laws of 1951 and RCW 41.40.430.

NEW SECTION. Sec. 18. 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. 19. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 20, 1969  
 Passed the House March 11, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 129  
 [Engrossed Senate Bill No. 235]  
 TREE FRUIT RESEARCH ACT

AN ACT Relating to research affecting tree fruits; providing for assessment; prescribing penalties; and adding a new chapter to Title 15 RCW.

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

NEW SECTION. Section 1. This act shall be known and cited as the "tree fruit research act".

NEW SECTION. Sec. 2. The purpose of this act is for the creation of a commission which shall promote and carry on research which will or may benefit the planting, production, harvesting, handling, processing or shipment of tree fruit of this state, which shall collect assessments on tree fruit in this state and which shall coordinate its research efforts with those of other state, federal, or private agencies doing similar research.

NEW SECTION. Sec. 3. As used in this act, unless a different meaning is plainly required by the context:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his duly authorized representative.
- (3) "Person" means any natural persons, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.
- (4) "Producer" means any person who owns or is engaged in the business of commercially producing tree fruit or has orchard plantings intended for commercial tree fruit production.

NEW SECTION. Sec. 4. There is hereby created the Washington tree fruit research commission, to be thus known and designated. The commission shall be composed of nine members. Three members to be appointed by the Washington state fruit commission, five members to be appointed by the apple advertising commission, and one member representing the winter pear industry to be appointed by the director. The director or his duly authorized representative shall be ex officio member with a vote, to represent all assessed commodities. The appointed members of the commission shall serve at the will of their respective appointors even though appointed for specific terms as set forth in section 7 of this act.

NEW SECTION. Sec. 5. Nine members of the commission shall be producers who are citizens and residents of this state. Each producer member shall be over the age of twenty-five years and have been

actively engaged in growing tree fruits in this state and deriving a substantial portion of his income therefrom, or having a substantial amount of orchard acreage devoted to tree fruit production or as an owner, lessee, partner or an employee or officer of a firm engaged in the production of tree fruit whose responsibility to such firm shall be primarily in the production of tree fruit. Such employee or officer of such firm shall be actually engaged in such duties relating to the production of tree fruit with such firm or any other such firm for a period of at least five years. The qualifications of the members of the commission set forth in this section shall continue during their term of office.

NEW SECTION. Sec. 6. The apple advertising commission shall appoint producer members to positions one through five on the commission. The Washington state fruit commission shall appoint producer members to positions six through eight on the commission. The director shall appoint a producer who derives a substantial portion of his income from the production of winter pears.

NEW SECTION. Sec. 7. The terms of the members of commission shall be staggered and each shall serve for a term of three years and until their successor has been appointed and qualified: PROVIDED, That the first appointments to the commission beginning July 30, 1969, shall be for the following terms:

- (1) Positions one, four, and seven, one year.
- (2) Positions two, five, and eight, two years.
- (3) Positions three, six, and nine, three years.

NEW SECTION. Sec. 8. In the event a commission member resigns, is disqualified, or vacates his position on the commission for any other reason, the appointing agency that originally appointed such member shall within sixty days appoint a new member to fill the term of the vacated member.

NEW SECTION. Sec. 9. A majority of the members of the commission shall constitute a quorum for the transaction of all business and carrying out the duties of the commission: PROVIDED, That on all

fiscal matters, approval for passage must be by at least two-thirds majority of the said quorum.

NEW SECTION. Sec. 10. No member of the commission shall receive any salary or other compensation in the performance of his duties as a commission member, except a per diem payment to be determined by the commission not to exceed twenty dollars per day for each day spent in actual attendance at commission meetings, or on traveling to and from meetings of the commission, or on special assignments for the commission, together with actual expenses incurred in carrying out the provisions of this act.

NEW SECTION. Sec. 11. The powers of the commission shall include the following:

- (1) To elect a chairman, treasurer, and such other officers as it deems advisable;
- (2) To adopt any rules and regulations necessary to carry out the purposes and provisions of this act, in conformance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as enacted or hereafter amended;
- (3) To administer and carry out the provisions of this act and do all those things necessary to carry out its purposes;
- (4) To employ and at its pleasure discharge a manager, secretary, agents, and employees as it deems necessary, and prescribe their duties and fix their compensation;
- (5) To own, lease or contract for any real or personal property necessary to carry out the purposes of this act, and transfer and convey the same;
- (6) To establish offices and incur expenses and enter into contracts and to create such liabilities as may be reasonable for administration and enforcement of this act;
- (7) Make necessary disbursements for the operation of the commission in carrying out the purposes and provisions of this act;
- (8) To employ, subject to the approval of the attorney general, attorneys necessary, and to maintain in its own name any and all

legal actions, including actions for injunction, mandatory injunctions, or civil recovery, or proceedings before administrative tribunals or other government authorities necessary to carry out the purpose of this act;

(9) To carry on any research which will or may benefit the planting, production, harvesting, handling, processing, or shipment of any tree fruit subject to the provisions of this act. To contract with any person, private or public, public agency, federal, state or local, or enter into agreements with other states or federal agencies, to carry on such research jointly or enter into joint contracts with such states or federal agencies or other recognized private or public agencies, to carry on desired research provided for in this act;

(10) To appoint annually, ex officio commission members without a vote who are experts in research whether public or private in any area concerning or related to tree fruit to serve at the pleasure of the commission;

(11) Such other powers and duties that are necessary to carry out the purpose of this act.

NEW SECTION. Sec. 12. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment, initially not to exceed ten cents per ton on all such tree fruits, except that such assessment for apples for fresh shipment shall be at the rate of one-half cent per one hundred pounds gross billing weight. Such assessment on all such commercial tree fruit shall not become effective until approved by a majority of such commercial producers of tree fruit voting in a referendum conducted jointly by the apple advertising commission, Washington state fruit commission and the department. The respective commissions shall supply all known producers of tree fruits subject to their respective commissions with a ballot for the referendum and the department shall supply all known tree fruit producers not subject to either of the commissions with a ballot wherein all known producers may approve or disapprove such assessment. The

commission may waive the payment of assessments by any class of producers of minimal amounts of tree fruit when the commission determines subsequent to a hearing that the cost of collecting and keeping records of such assessments is disproportionate to the return to the commission.

NEW SECTION. Sec. 13. The apple advertising commission and the Washington state fruit commission shall supply the director with a list of known producers subject to paying assessments to the respective commissions. The director, in addition, shall at the commission's cost compile a list of known tree fruit producers producing fruit not subject to assessments of the apple advertising commission and the Washington state fruit commission but subject to assessments or becoming subject to assessments under the provisions of this act. In compiling such list the director shall publish notice to producers of such tree fruit, requiring them to file with the director a report giving the producer's name, mailing address and orchard location. The notice shall be published once a week for four consecutive weeks in weekly or daily newspapers of general circulation in the area or areas where such tree fruit is produced. All producer reports shall be filed with the director within twenty days from the date of last publication of notice or thirty days of mailing notice to producers of such tree fruit, whichever is later. The director shall for the purpose of conducting any referendum affecting tree fruits subject to the provisions of this act keep such list up to date when conducting such referendum. Every person who becomes a producer after said list is compiled shall file with the director a similar report, giving his name, mailing address and orchard location. Such list shall be final and conclusive in conducting referendums and failure to notify a producer shall not be cause for the invalidation of any referendum.

NEW SECTION. Sec. 14. The producers of tree fruit subject to the provisions of this act may subsequent to approving initial assessment increase such assessment by referendum when approved by a majority of the producers voting.

NEW SECTION. Sec. 15. The producers of any specific tree fruit subject to the provisions of this act may at any time by referendum conducted by the department and approved by a majority of the producers voting of such specific tree fruit establish an additional assessment on such specific tree fruit for special research projects of special interest to such specific tree fruit.

NEW SECTION. Sec. 16. The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend for a period not exceeding one crop year at a time all or part of the assessments on tree fruit subject to the provisions of this act.

NEW SECTION. Sec. 17. Such assessments will be due from the producers. No person shall purchase, or receive for sale, or shipment out of state any tree fruits subject to the provisions of this act until he has received proof that the assessment due and payable the commission has been paid.

NEW SECTION. Sec. 18. Any person receiving commercial tree fruits from any producer thereof or any producer of tree fruit who prepared or processed his own tree fruit for sale, or shipment for sale shall keep complete and accurate records of all such tree fruit. Such records shall meet the requirements of rules or regulations prescribed by the commission and shall be kept for two years subject to inspection by duly authorized representatives of the commission.

NEW SECTION. Sec. 19. Every dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be prescribed and furnished by the commission, stating the quantity of tree fruit, subject to the provisions of this act, handled, shipped, or processed by him during the period or periods of time prescribed by the commission. Such return shall contain such further information as may be necessary to carry out the objects and purposes of this act.

NEW SECTION. Sec. 20. Such assessments on tree fruits shall be due and payable by the producer thereof by the end of the next

business day that such tree fruits are sold or shipped for sale unless such time is extended as provided for in section 21 of this act by rule or regulation of the commission. The commission may by rule or regulation provide that such assessments shall be collected from the producer and remitted by the person purchasing, or receiving such tree fruit for sale, processing, or shipment anywhere.

NEW SECTION. Sec. 21. Any due and payable assessments herein levied shall constitute a personal debt of every person so assessed or who otherwise owes the same and shall be due and payable as provided for in section 20 of this act, unless the commission by rules or regulations provides for payment to be made not later than thirty days after the time set forth in section 20 of this act: PROVIDED, That such extension of time shall not apply to any person who is in arrears in his payments to the commission.

NEW SECTION. Sec. 22. In the event any person fails to pay the full amount of such assessment or such other sum on or before the due date, the commission may add to such unpaid assessment or sum an amount not more than ten percent but not less than one dollar of the same to defray the cost of enforcing the collection of such assessment, together with interest on the unpaid balance of one percent per month commencing the first month following the month in which payment was due. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the interest and the above specified ten percent thereon, and such reasonable attorneys fees as may be allowed by the court, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION. Sec. 23. All money collected under the authority of this act shall be paid to the treasurer of the commission, and be deposited by him in banks designated by the commission, and disbursed on the order of the commission. The treasurer shall file with the

commission a fidelity bond, executed by a surety company authorized to do business in this state, in favor of the state and the commission, jointly and severally, in a sum to be fixed by the commission, but not less than twenty-five thousand dollars, and conditioned upon his faithful performance of his duties and his strict accounting of all funds of the commission. RCW 43.01.050 shall not apply to money collected under this act.

NEW SECTION. Sec. 24. Obligations incurred by the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or acts of the commission shall exist against either the state of Washington, or against any member, officer, employee, or agent of the commission in his individual capacity. The members of the commission including employees of the commission, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes or other acts, either of commission or omission as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall not be several and joint and no member shall be liable for the default of any other member.

NEW SECTION. Sec. 25. The apple advertising commission and Washington state fruit commission in order to avoid unnecessary duplication of costs and efforts in collecting assessments for tree fruits at the time said commissions collect assessments due under the provisions of their acts may also collect the assessment due the commission on such tree fruit. Such assessments on winter pears may be collected by the Washington state fruit commission or in a manner prescribed by the commission. Assessments collected for the commission by the Washington state apple advertising commission and the Washington state fruit commission shall be forwarded to the commissions expeditiously. No fee shall be charged the commission for the

collection of assessments because the research conducted by the commission shall be of direct benefit to all commercial growers of tree fruits in the state of Washington: PROVIDED, That the commission shall reimburse at actual cost to the department or the Washington state fruit commission or apple commission any assessment collected for the commission by such agencies for any tree fruit subject to the provisions of this act, but not subject to pay assessments to the Washington state fruit commission or the apple advertising commission.

NEW SECTION. Sec. 26. All legal costs and expenses that may be incurred in the collection of delinquent accounts owed this commission shall be borne by the commission; except as provided for otherwise in section 22 of this act.

NEW SECTION. Sec. 27. Copies of the commission's proceedings, records, and acts when certified by the secretary and authenticated by the commission's seal shall be admissible in all courts as prima facie evidence of the truth of all statements therein.

NEW SECTION. Sec. 28. All moneys collected by the commission under the provisions of this act shall be retained by the commission for the purpose of carrying out the purpose and provisions of this act. The commission may accept and retain any moneys from private persons or private or public agencies to carry out the purposes and provisions of this act.

NEW SECTION. Sec. 29. The commission may enter into agreement or contract with any private person or any private or public agency whether federal, state or local in order to carry out the purposes and provisions of this act.

NEW SECTION. Sec. 30. Any person violating any provision of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 31. This act shall constitute a new chap-

ter in Title 15 RCW.

NEW SECTION. Sec. 32. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 33. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 13, 1969  
Passed the House March 10, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 130  
[Engrossed Senate Bill No. 308]  
COMMON SCHOOLS--SUPPORT--  
PUPIL COSTS--INTERDISTRICT COOPERATION

AN ACT Relating to education; amending section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140; amending section 4, chapter 312, Laws of 1909 and RCW 28.48.040; amending section 9, chapter 21, Laws of 1917 and RCW 28.58.230; amending section 2, chapter 47, Laws of 1963 and RCW 28.58.240; adding new sections to chapter 28.58 RCW; amending sections 28A.41.140, 28A.48.040, 28A.58.230 and 28A.58.240, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.140, 28A.48.040, 28A.58.230 and 28A.58.240; adding new sections to chapter 28A.58 RCW; providing sections to effect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140 are each amended to read as follows:

To determine a "weighted student enrolled," as that term is used in this ((act)) chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students

and districts of the state, with the equalization of educational opportunity being the primary objective:

- (1) Costs attributable to staff experience and professional preparation; ((and))
- (2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment; ((and))
- (3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary; ((and))
- (4) Costs differentials attributable to the operation of approved elementary and secondary programs; ((and))
- (5) Costs which must be incurred to operate an approved vocational program; ((and))
- (6) ~~((Costs which must be incurred and are appropriated to operate an approved program for handicapped children-))~~ Costs resulting from the attendance of students who:

(a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be constructed as affecting the reimbursement procedures in RCW 28.44.040;

(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or

(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's bi-

ennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time students enrolled on the first school day of each month.

Sec. 2. Section 4, chapter 312, Laws of 1909 and RCW 28.48-.040 are each amended to read as follows:

If a pupil attends any public school of the state, outside of his resident district, up to the ninth grade during the time the resident district maintains a school ~~((of))~~ with the same grade ~~((in-which the-pupil-belongs))~~, the attendance shall be credited to the district in which the pupil resides, unless mutually agreed otherwise by the directors of the two districts, or unless in accordance with the voluntary transfer provisions of section 5 of this 1969 amendatory act.

Sec. 3. Section 9, chapter 21, Laws of 1917 and RCW 28.58-.230 are each amended to read as follows:

Every ~~((high-school-in-the-high))~~ school district shall admit on a tuition free basis all persons of school age who reside within ~~((are-residents-of))~~ this state ~~((;))~~ and ~~((not-residents-of))~~ do not reside within another ~~((high))~~ school district, carrying the grades for which they ~~((desire))~~ are eligible to enroll ~~((;-upon-presentation of-satisfactory-evidence-of-having-completed-in-a-creditable-manner-the state-eighth-grade-course-of-study-as-prescribed-by-the-state-board-of education))~~: PROVIDED, That nothing in this ~~((act))~~ section shall be construed as ~~((effecting))~~ affecting RCW 28.44.040, ((RCW)) 28.58.240, or section 5 of this 1969 amendatory act.

Sec. 4. Section 2, chapter 47, Laws of 1963 and RCW 28.58.240 are each amended to read as follows:

Any board of directors may make arrangements with adults wishing to attend school or with the directors of ~~((adjoining))~~ other districts for the attendance of children in the school district of either as may be best accommodated therein; ~~((in-absence-of-an-express))~~ ;

PROVIDED, That unless such arrangements ((therefor)) are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students. ((Children from nonadjoining districts may also be permitted to attend upon payment of a reasonable tuition.))

All tuition money must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.

Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 5. There is added to chapter 28.58 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is directed and authorized to develop and adopt rules and regulations to implement such voluntary, tuition free attendance programs among school districts that he deems necessary for the expressed purpose of:

- (1) Providing educational opportunities, including vocational skills programs, not otherwise provided;
- (2) Avoiding unnecessary duplication of specialized or unusually expensive education programs and facilities; or
- (3) Improving racial balance within and among school districts: PROVIDED, That no voluntary, tuition free attendance program among school districts developed by the superintendent of public instruction shall be instituted unless such program receives the approval of the boards of directors of the districts.

NEW SECTION. Sec. 6. There is added to chapter 28.58 RCW a new section to read as follows:

Any school district may cooperate with one or more school districts in the following:

- (1) The joint financing, planning, construction, equipping

and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the state board of education pursuant to such rules as may now or hereafter be promulgated relating to state approval of school construction.

(2) The joint maintenance and operation of educational programs or services (a) either as a part of the operation of a joint facility or otherwise, (b) either on a full or part time attendance basis, and (c) either on a regular one hundred eighty day school year or extended school year: PROVIDED, That any such joint program or service must be operated pursuant to a written agreement approved by the superintendent of public instruction pursuant to rules and regulations promulgated therefor. In establishing rules and regulations the state superintendent shall consider, among such other factors as he deems appropriate, the economic feasibility of said services and programs, the educational and administrative scope of said agreement and the need for said programs or services.

Notwithstanding any other provision of the law, the state superintendent of public instruction shall establish rules and regulations for the apportionment of attendance credits for such students as are enrolled in a jointly operated facility or program, including apportionment for approved part time and extended school year attendance.

Part II. Sections affecting proposed 1969 education code.

Sec. 7. Section 28A.41.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.140 are each amended to read as follows:

To determine a "weighted student enrolled," as that term is used in this chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:

(1) Costs attributable to staff experience and professional

preparation; and

(2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment; ((and))

(3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary; ((and))

(4) Costs differentials attributable to the operation of approved elementary and secondary programs; ((and))

(5) Costs which must be incurred to operate an approved vocational program; ((and))

(6) ~~((Costs which must be incurred and are appropriated to operate an approved program for handicapped children.))~~ Costs resulting from the attendance of students who:

(a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be constructed as affecting the reimbursement procedures in RCW 28.44.040;

(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or

(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect.

The enrollment of any district, before weighting, shall be the average number of full time students enrolled on the first school day of each month.

Sec. 8. Section 28A.48.040, chapter..., Laws of 1969 (HB 58) and RCW 28A.48.040 are each amended to read as follows:

If a pupil attends any common school of the state outside of his resident district for any of the grades one through eight during the time the resident district maintains a school with the same grade, the attendance shall be credited to the district in which the pupil resides, unless mutually agreed otherwise by the directors of the two districts, or unless in accordance with the voluntary transfer provisions of section 11 of this 1969 amendatory act.

Sec. 9. Section 28A.58.230, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.230 are each amended to read as follows:

Every (~~high~~) school district shall admit on a tuition free basis all persons of school age who (~~are residents of~~) reside within this state, and (~~except as provided in RCW 28A.58.240, not residents of~~) do not reside within another (~~high~~) school district carrying the grades for which they (~~desire~~) are eligible to enroll (~~upon presentation of satisfactory evidence by such persons of having completed in a creditable manner a course of study during the preceding grades similar in quality to that prescribed by the state board of education~~): PROVIDED, That nothing in this section shall be construed as affecting RCW 28A.44.040, 28A.58.240 or section 11 of this 1969 amendatory act.

Sec. 10. Section 28A.58.240, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.240 are each amended to read as follows:

Any board of directors may make agreements with adults wishing to attend school or with the directors of (~~adjoining~~) other districts for the attendance of children in the school district of either as may be best accommodated therein (~~in absence of an express agreement therefor between such adults or directors of adjoining districts and the board~~): PROVIDED, That unless such arrange-

ments are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students. (~~Children from nonadjoining districts may also be permitted to attend upon payment of a reasonable tuition.~~) All tuition money must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.

Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 11. There is added to chapter 28A.58 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is directed and authorized to develop and adopt rules and regulations to implement such voluntary, tuition free attendance programs among school districts that he deems necessary for the expressed purpose of:

- (1) Providing educational opportunities, including vocational skills programs, not otherwise provided;
- (2) Avoiding unnecessary duplication of specialized or unusually expensive educational programs and facilities; or
- (3) Improving racial balance within and among school districts: PROVIDED, That no voluntary, tuition free attendance program among school districts developed by the superintendent of public instruction shall be instituted unless such program receives the approval of the boards of directors of the districts.

NEW SECTION. Sec. 12. There is added to chapter 28A.58 RCW a new section to read as follows:

Any school district may cooperate with one or more school districts in the following:

- (1) The joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by

law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the state board of education pursuant to such rules as may now or hereafter be promulgated relating to state approval of school construction.

(2) The joint maintenance and operation of educational programs or services (a) either as a part of the operation of a joint facility or otherwise, (b) either on a full or part time attendance basis, and (c) either on a regular one hundred eighty day school year or extended school year: PROVIDED, That any such joint program or service must be operated pursuant to a written agreement approved by the superintendent of public instruction pursuant to rules and regulations promulgated therefor. In establishing rules and regulations the state superintendent shall consider, among such other factors as he deems appropriate, the economic feasibility of said services and programs, the educational and administrative scope of said agreement and the need for said programs or services.

Notwithstanding any other provision of the law, the state superintendent of public instruction shall establish rules and regulations for the apportionment of attendance credits for such students as are enrolled in a jointly operated facility or program, including apportionment for approved part time and extended school year attendance.

#### Part III. Construction.

NEW SECTION. Sec. 13. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the leg-

islature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 14. 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 February 27, 1969  
Passed the House March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

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CHAPTER 131

[Engrossed Senate Bill No. 142]

SCHOOL DIRECTORS--FIRST CLASS DISTRICTS  
ENROLLING 70,000 PUPILS OR MORE, IN FIRST CLASS COUNTIES

AN ACT Relating to education; amending section 10, chapter 266, Laws of 1947 as last amended by section 1, chapter 67, Laws of 1957 and RCW 28.57.338; amending section 13, chapter 268, Laws of 1959 and RCW 28.57.430; amending sections 29.21.180, 29.21.210 and 29.21.230, chapter 9, Laws of 1965 and RCW 29.21.180, 29.21.210 and 29.21.230; adding new sections to chapter 28.57 RCW; amending section 28A.57.312, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.312; amending section 28A.57.336, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.336; adding new sections to chapter 28A.57 RCW; providing sections to effect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring emergencies.

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

Section 1. Section 29.21.180, chapter 9, Laws of 1965 and RCW 29.21.180 are each amended to read as follows:

No primary shall be held relating to the officers of state superintendent of public instruction, county superintendent of schools, or, except for school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties, officers of school districts embracing a city of over one hundred thousand population, 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. 2. Section 29.21.210, chapter 9, Laws of 1965 and RCW 29.21.210 are each amended to read as follows:

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

SCHOOL DIRECTOR ELECTION BALLOT

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

School District Directors

..... to be nominated.

No. 1

Vote for One

.....   
.....   
.....

No. 2

Vote for One

- .....
- .....
- .....

To Fill Unexpired Term

No. ....

2 (or 4) year term

Vote for One

- .....
- .....
- .....

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

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

Part I. Sections affecting current law.

Sec. 4. Section 10, chapter 266, Laws of 1947 as last amended by section 1, chapter 67, Laws of 1957 and RCW 28.57.338 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 qualified electors of the school district and shall hold office for a term of four years and until their suc-

cessors are elected and qualified. Terms of school directors shall be staggered and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected. Except for a school district of the first class having an enrollment of seventy thousand pupils or more in class AA counties which shall have a board of directors of seven members, the board of directors of a school district of the first class or ((of-a)) school district of the second class shall consist of five members. The board of directors of a school district of the third class shall consist of three members.

~~((The terms of all school directors elected to office in March, 1956 shall be for four years;--There shall be no general school district elections held in the year 1957 and the directors whose terms would have expired in 1957;--but for the provisions of this act;--shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1958;--The directors whose terms expire in 1958 shall be elected for a four year term; PROVIDED;--That in any school district governed by a board of directors composed of five directors in which the term of office of more than three directors shall expire in 1958 or in 1960;--there shall be elected at the regular school election;--held in the year in which the term of office of more than three directors expires;--a number of directors equal to the number of directors whose terms expire in that year. Said directors shall be elected for the following terms;--Three directors for a term of four years and the remainder for a term of two years;--Prior to the date set by law for filing a declaration of candidacy for the office of director;--the board of directors of any school district affected by this proviso which is divided into director districts shall determine by lot the director districts from which directors shall be elected for a term of four years and the director district or districts from which a director or directors shall~~

be-elected-for-a-term-of-two-years.--Any-such-candidate-shall-indicate on-his-declaration-of-candidacy-the-director's-district-and-the-term of-years-for-which-he-seeks-election-and-the-director's-district-and the-term-of-office-shall-also-appear-upon-the-ballot.--Any-candidate filing-for-the-office-of-director-in-any-district-affected-by-the proviso-which-is-not-divided-into-director-districts-shall-indicate on-his-declaration-of-candidacy-the-term-of-years-for-which-he-seeks to-be-elected.--The-ballot-for-such-election-shall-indicate-the-term of-years-for-which-a-candidate-seeks-to-be-elected;--PROVIDED, FURTHER, That-in-any-school-district-governed-by-a-board-of-directors-composed of-three-directors-in-which-the-term-of-office-of-all-the-directors shall-expire-in-1958-or-in-1960,-there-shall-be-elected,-at-the-regular-school-election-held-in-the-year-in-which-the-term-of-office-of all-of-the-directors-expires,-three-directors-for-the-following-terms: Two-directors-for-a-term-of-four-years-and-one-director-for-a-term-of two-years.--Any-candidate-filing-for-the-office-of-director-in-any district-affected-by-this-proviso-shall-indicate-on-his-declaration of-candidacy-the-term-of-years-for-which-he-seeks-to-be-elected.--The ballot-at-such-election-shall-indicate-the-term-of-years-for-which-a candidate-seeks-to-be-elected.))

NEW SECTION. Sec. 5. There is added to chapter 28.57 RCW a new section to read as follows:

Notwithstanding any other provision of law, school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with

the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for a 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 section 6 of this 1969 amendatory act, every such director so elected in school districts divided into seven director districts shall serve for a term of six years as otherwise provided in RCW 29.13.060.

NEW SECTION. Sec. 6. There is added to chapter 28.57 RCW a new section to read as follows:

Within thirty days after the effective date of this 1969 amendatory act, the school boards of school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election

shall be by the school board from a list comprised of names submitted by each legislator resident in the director district, each of whom may suggest not more than three names for such vacancy. Within twenty days after receipt of written notice from the school board of the setting and approval of director district boundaries, legislators shall submit their list of nominees to the school board who shall name the appointees therefrom at the next meeting of the board after receipt of said lists.

Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term, and thereafter the term of their respective successors shall be for six years. The term of office of incumbent members of the board of such district shall not be affected by this 1969 amendatory act.

Sec. 7. Section 13, chapter 268, Laws of 1959 and RCW 28.57-.430 are each amended to read as follows:

~~((Whenever the provisions of this amendatory act required school directors to be elected at the regular school district election and the district affected is a))~~ Any first class school district having a board of directors of five members as provided in section 4 of this 1969 amendatory act and which elects directors for a term of six years under the provisions of RCW 29.13.060 ~~((the directors shall be elected for such terms of office not in excess of six years as will))~~ shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held ~~((thereafter))~~ hereafter and, except as provided in section 6 of this 1969 amendatory act, any school district having a board of directors of seven members as provided in section 4 of this 1969 amendatory act shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter.

Part II. Sections affecting proposed 1969 education code.

Sec. 8. Section 28A.57.312, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.312 are each amended to read as follows:

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

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

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

NEW SECTION. Sec. 9. There is added to chapter 28A.57 RCW a new section to read as follows:

Notwithstanding any other provision of law, school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school

board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in section 10 of this 1969 amendatory act, every such director so elected in school districts divided into seven director districts shall serve for a term of six years as otherwise provided in RCW 29.13.060.

NEW SECTION. Sec. 10. There is added to chapter 28A.57 RCW a new section to read as follows:

Within thirty days after the effective date of this 1969 amendatory act, the school boards of school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election

shall be by the school board from a list comprised of names submitted by each legislator resident in the director district, each of whom may suggest not more than three names for such vacancy. Within twenty days after receipt of written notice from the school board of the setting and approval of director district boundaries, legislators shall submit their list of nominees to the school board who shall name the appointees therefrom at the next meeting of the board after receipt of said lists. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for six years. The term of office of incumbent members of the board of such district shall not be affected by this 1969 amendatory act.

Sec. 11. Section 28A.57.336, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.336 are each amended to read as follows:

~~((Whenever the provisions of this chapter require school directors to be elected at the regular school district election and the district affected is a))~~ Any first class school district having a board of directors of five members as provided in section 8 of this 1969 amendatory act and which elects directors for a term of six years under the provisions of RCW 29.13.060 ~~((the directors shall be elected for such terms of office not in excess of six years as will))~~ shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held ~~((thereafter))~~ hereafter and, except as provided in section 10 of this 1969 amendatory act, any first class school district having a board of directors of seven members as provided in section 8 of this 1969 amendatory act shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter.

## Part III. Construction.

NEW SECTION. Sec. 12. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 13. Part I 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 immediately.

NEW SECTION. Sec. 14. 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 March 13, 1969.

Passed the House March 13, 1969.

Approved by the Governor March 25, 1969, with the exception of certain items in section 6 and section 10, which are vetoed.

Filed in office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill as originally filed would have increased the number of school board directors from

five to seven for a school district of the first class having an enrollment of seventy thousand pupils or more and would have made no changes in the method of electing the members of such a school board.

As finally adopted, the bill will create seven director districts in the Seattle School District. Candidates who are residents in a director district will run in the primary election from that district. The two candidates in each district receiving the highest number of votes will run in the general election and will be voted upon by all of the registered voters in the entire school district.

After extended consideration, I have decided, with the exception of one item, to approve the bill. However, I wish to express my grave concern that this substantial change in the method of electing school board members will not necessarily be in the best interests of the Seattle School District and the citizens of Seattle. I am most concerned that a sustained effort be made to prevent this change in the method of election from becoming an impetus encouraging fragmentation and separatism in the Seattle School District.

I urge everyone who is concerned with the development of our public school systems to observe carefully how effectively this new machinery will work. If it is successful consideration should be given to extending it to all first class school districts. If substantial difficulties are encountered it should be reexamined by the Legislature.

The bill provides that the boundaries of the director districts shall be established by the members of the school board and approved by the county committee on school district organization. In section 6 it is provided that 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 from a list comprised of names submitted by each legislator resident in the director district, each of whom may suggest not more than three names for such vacancy.

By limiting persons to be considered to those nominated by legislators will be unduly restrictive and therefore will not necessarily provide the school board members with the best possible candidates for consideration. In addition, this device may tend to inject a partisan political flavor into the selection process which would be highly inappropriate to the non-partisan character of our public school system.

I therefore have concluded that the item contained in the bill in section 6 (and in alternate section 10 to be effective upon enactment of the 1969 education code)

is an inappropriate method for obtaining nominations for filling the vacancies created as a result of this bill.

To assist the school board in considering candidates for these additional positions, I encourage all interested citizens, and especially members of the Legislature residing within the Seattle School District, to communicate their suggestions to the members of the school board for their consideration.

With the exception of the item in section 6 and the alternate identical item in section 10 which I have vetoed for the reasons set forth above, the remainder of the bill is approved."

CHAPTER 132  
[Engrossed House Bill No. 388]  
REGULATION OF CARRIERS  
OF PASSENGER CHARTER PARTIES

AN ACT Relating to transportation; amending section 3, chapter 150, Laws of 1965 and RCW 81.70.020; amending section 5, chapter 150, Laws of 1965 and RCW 81.70.040; amending section 6, chapter 150, Laws of 1965 and RCW 81.70.050; amending section 7, chapter 150, Laws of 1965 and RCW 81.70.060; amending section 8, chapter 150, Laws of 1965 and RCW 81.70.070; amending section 9, chapter 150, Laws of 1965 and RCW 81.70.080; amending section 10, chapter 150, Laws of 1965 and RCW 81.70-.090; adding a new section to chapter 150, Laws of 1965 and to chapter 81.70 RCW; amending section 11, chapter 150, Laws of 1965 and RCW 81.70.100; amending section 12, chapter 150, Laws of 1965 and RCW 81.70.110; amending section 13, chapter 150, Laws of 1965 and RCW 81.70.120; amending section 14, chapter 150, Laws of 1965 and RCW 81.70.130; amending section 16, chapter 150, Laws of 1965 and RCW 81.70.150; amending section 19, chapter 150, Laws of 1965 and RCW 81.70.180; and amending section 21, chapter 150, Laws of 1965 and RCW 81.70.200.

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

Section 1. Section 3, chapter 150, Laws of 1965 and RCW 81.70.020 are each amended to read as follows:

Unless the context otherwise requires, the definitions and general provisions set forth in this section shall govern the con-

struction of this chapter:

(1) "Commission" means the Washington utilities and transportation Commission;

(2) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers;

(3) "Public highway" includes every public street, road or highway in this state;

(4) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons, excluding the driver;

(5) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of persons by motor vehicle for compensation whether in common or contract carriage over any public highway in this state.

~~((46)--"Certificate of public convenience and necessity" as used herein means the certificate required by RCW 81.68-040.))~~

Sec. 2. Section 5, chapter 150, Laws of 1965 and RCW 81.70-.040 are each amended to read as follows:

No charter party carrier of passengers shall engage in transportation services made subject to this chapter ~~((unless there is in force a permit issued annually by the commission authorizing such operation))~~ without first having obtained from the commission a certificate that public convenience and necessity require such operation.

Sec. 3. Section 6, chapter 150, Laws of 1965 and RCW 81.70.050 are each amended to read as follows:

Applications for ~~((permits))~~ certificates shall be in writing, verified under oath, and shall be in such form and contain such information as the commission may require.

Sec. 4. Section 7, chapter 150, Laws of 1965 and RCW 81.70.060 are each amended to read as follows:

Each annual application for a ~~((permit))~~ certificate to act

as a charter party carrier of passengers pursuant to the provision of this chapter shall be accompanied by (~~a-filing~~) an annual renewal fee of twenty-five dollars. Each initial application for a certificate shall be accompanied by a filing fee of two hundred dollars.

Sec. 5. Section 8, chapter 150, Laws of 1965 and RCW 81.70.070 are each amended to read as follows:

Before an annual (~~permit~~) certificate is issued, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct such proposed transportation service. Notwithstanding any other provision in this 1969 amendatory act:

(1) the commission shall issue an initial annual certificate to any charter party carrier of passengers holding a valid operating permit issued by the commission prior to July 1, 1969, provided the application therefor shall have been filed with the commission not later than ninety days after the effective date of this section, and thereafter annually reissue any certificate initially issued hereunder, if the commission finds that the applicant possesses satisfactory fitness and financial responsibility to initiate or continue to conduct the authorized transportation services, if the commission finds the applicant has filed satisfactory evidence of an annual vehicle inspection conducted pursuant to rules and regulations of the Washington utilities and transportation commission, and has heretofore and will continue to faithfully comply with the rules and regulations adopted by the commission with respect thereto; (2) no charter party carrier of passengers initially issued a certificate shall be restricted as to point of origin or destination in the state of Washington; (3) every application for an initial certificate or annual reissuance thereof, shall be accompanied by the appropriate fee as specified herein; and (4) all holders of certificates issued subsequent to ninety days after the effective date of this section shall operate from a service area to be determined by the commission. In no case shall this area encompass more than a radius of forty air miles from the home terminal. The home terminal shall be designated by the applicant. This certificate shall be classified as a class B certificate.

Sec. 6. Section 9, chapter 150, Laws of 1965 and RCW 81.70.080 are each amended to read as follows:

The commission may, with or without hearing, issue a ~~((permit))~~ certificate, or may refuse to issue a ~~((permit))~~ certificate after a hearing. If the commission finds that public convenience and necessity require the proposed transportation service and the applicant possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation services, and will faithfully comply with the rules and regulations adopted by the commission with respect thereto, it shall issue the ~~((permit))~~ certificate to conduct the requested operations or may issue it for the partial exercise of the privilege sought, and may attach to the ~~((permit))~~ certificate such terms and conditions as in its judgment are required in the public interest, provided also that the commission shall require a certificated carrier to file and publish its tariffs and rates. ~~((provided-that-the-permit-shall-not-limit-the-authorized-operations-to-designated-points,-area-or-routes.))~~ The fact that the applicant for the ~~((permit))~~ certificate is or may later become a holder of a certificate of public convenience and necessity under chapter 81.68 RCW shall not be deemed inconsistent with the provisions of this chapter, and such dual authority may be authorized. Notwithstanding the provisions of this section, if the applicant desires to operate in a territory already served by the holder of a certificate, the commission shall hold a hearing before granting the certificate. The commission shall not grant a certificate

to such an applicant unless it can be shown that the existing charter party carrier of passengers serving the territory is not providing services which are satisfactory to the commission and adequate for the public. In  
 V- no event shall the commission issue more certificates than public convenience and public necessity require and the commission shall place any restrictions on such certificates as may reasonably be necessary to protect any existing party carrier of passengers.

Sec. 7. Section 10, chapter 150, Laws of 1965 and RCW 81.70.090 are each amended to read as follows:

A ~~((permit))~~ certificate shall be ~~((and-remain-in-effect-for-one~~

year)) renewable annually unless suspended or terminated by the commission.

NEW SECTION. Sec. 8. There is added to chapter 150, Laws of 1965 and to chapter 81.70 RCW a new section to read as follows:

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a passenger charter carrier company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the territory covered thereby is not contained in the certificate of any other passenger charter carrier company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this 1969 amendatory act. The commission shall collect a fee of twenty-five dollars for an application for such temporary certificate.

Sec. 9. Section 11, chapter 150, Laws of 1965 and RCW 81.70-.100 are each amended to read as follows:

No ((~~permit~~)) certificate issued pursuant to this chapter or rights to conduct any of the services therein authorized shall be leased, assigned, or otherwise transferred or encumbered, unless authorized by the commission. A filing fee of fifty dollars shall accompany all such applications.

Sec. 10. Section 12, chapter 150, Laws of 1965 and RCW 81.70.110 are each amended to read as follows:

The commission may cancel, revoke or suspend any operating ((~~permit~~)) certificate issued pursuant to the provisions of this chapter upon any of the following grounds:

(1) The violation of any of the provisions of this chapter or of any operating ((~~permit~~)) certificate issued thereunder;

(2) The violation of any order, decision, rule, regulation,

direction, demand or requirement established by the commission pursuant to this chapter;

(3) The rendition of a judgment against the charter party carrier of passengers for any penalty imposed under this chapter;

(4) Failure of a charter party carrier of passengers to pay any fee imposed on the carrier within the time required by law;

(5) On the request of the holder of the ((~~permit~~)) certificate.

(6) Failure of a certificate holder to operate and perform reasonable service.

Sec. 11. Section 13, chapter 150, Laws of 1965 and RCW 81.70.120 are each amended to read as follows:

After the cancellation or revocation of a ((~~permit~~)) certificate or during the period of its suspension, it shall be unlawful for a charter party carrier of passengers to conduct any operations as such a carrier. The commission may either grant or deny an application for a new ((~~permit~~)) certificate whenever it appears that a prior ((~~permit~~)) certificate of the applicant has been canceled or revoked pursuant to RCW 81.70.110 or whenever it appears after hearing that as a prior ((~~permit~~)) certificate holder the applicant engaged in any unlawful activity set forth in RCW 81.70.110 for which his ((~~permit~~)) certificate might have been canceled or revoked.

Sec. 12. Section 14, chapter 150, Laws of 1965 and RCW 81.70.130 are each amended to read as follows:

To the extent that such is not inconsistent with the provisions of this chapter, the commission may supervise and regulate every charter party carrier of passengers in the state and may do all things specifically designated in this chapter which are necessary and convenient in the exercise of such power and jurisdiction. The commission shall create the following classifications or types of certificates for charter party carriers of passengers:

Class A: From any point or points within the state to other points in or out of this state.

Class B: From any point within the territory of origin specified in the certificate to any points in the state, or territory of origin.

Sec. 13. Section 16, chapter 150, Laws of 1965 and RCW 81.70.150 are each amended to read as follows:

The commission shall in granting (~~(permits)~~) certificates pursuant to this chapter require charter party carriers of passengers to procure and continue in effect during the life of the (~~(permit)~~) certificate adequate protection against liability imposed by law upon the charter party carrier of passengers for the payment of damages for personal bodily injuries including death resulting therefrom, protection against a total liability of the charter party carrier of passengers on account of bodily injuries to or death of one or more persons as a result of any one accident and protection against damage or destruction of property. The minimum requirements for such assurance of protection against liability shall not be less than the requirements which are applicable to operations conducted under certificates of public convenience and necessity issued pursuant to (~~(the-appropriate-statutes-of-this-title)~~) auto transportation companies and the rules and regulations prescribed pursuant thereto shall apply to charter party carriers of passengers.

Sec. 14. Section 19, chapter 150, Laws of 1965 and RCW 81.70.180 are each amended to read as follows:

Every charter party carrier of passengers shall, between the first and fifteenth days of January, April, July and October of each year, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding three months, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the fee paid shall in no case be less than two dollars and fifty cents: PROVIDED FURTHER, That an "auto transportation company," which is also a charter party carrier

of passengers, shall not be required to pay a fee to the commission on gross operating revenue upon which a fee has been paid in accordance with RCW 81.24.020. The percentage rate of gross operating revenue to be paid in any period may be decreased by the commission by general order entered before the fifteenth day of the month preceding the month in which such fees are due.

Sec. 15. Section 21, chapter 150, Laws of 1965 and RCW 81.70.200 are each amended to read as follows:

In construing and enforcing the provisions of this chapter relating to the prescribed privileges and obligations of a holder of a (~~permit~~) certificate issued hereunder, the act, omission or failure of any officer, agent or employee or persons offering to afford the permitted service with the approval or consent of the (~~permit~~) certificate holder is the act, omission or failure (~~to~~)of the (~~permit~~) certificate holder.

Passed the House March 8, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 25, 1969, with exception of certain items in section 5 and section 6 and all of section 12, which are vetoed.

Filed in office of Secretary of State March 25, 1969.

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

"...In 1965 the Legislature adopted an act that required charter party carriers to obtain an annual permit from the Utilities and Transportation Commission. House Bill No. 388 amends this 1965 act and requires that these passenger carriers obtain certificates of public convenience and necessity from the Commission.

I am in agreement with the purpose of the bill to change the permit system to a system that requires the carriers to obtain certificates of convenience and necessity for their operations. This is in keeping with the concepts of transportation regulation. However, the bill contains unnecessarily restrictive provisions that are contrary to the public interest and serve only the private interests of existing carriers.

Section 5 requires an applicant for a certificate to establish reasonable fitness and financial responsibility to offer charter transportation services. However, all persons holding permits under the present act must be issued a certificate of public convenience and necessity without regard to

these standards.

Further, no charter party carrier of passengers initially issued a certificate may be restricted as to point of origin or destination in the state. On the other hand, all holders of certificates issued more than three months after the effective date of the act are limited to a service area no larger than a radius of forty air miles from the home terminal. All holders of existing permits will be given a Class A certificate. All new applicants will receive Class B certificates.

This section unnecessarily discriminates between existing permit holders and persons desiring to establish new passenger charter services. The discrimination extends not only to the issuance of the permit, but to the area that these possible competitors are permitted to serve.

Section 6 authorizes the commission to issue certificates upon finding that the public convenience and necessity require the proposed transportation service. I have vetoed language in this section that is unnecessarily restrictive and adds little to the statute that the requirement of public convenience and necessity does not convey. I have also vetoed the provision authorizing the commission to place such restrictions on new certificates as may reasonably be necessary to protect any existing charter party carrier of passengers. I do not consider this a reasonable criterion for limitations upon certificates.

I have vetoed section 12 in order to make the act consistent with the other items vetoed.

The bill still contains the required measures in order for the Utilities and Transportation Commission constructively to regulate the industry, but with greater flexibility than that allowed by the original bill. I consider this to be more in the public interest.

With the exception of those items which have been vetoed for the reasons stated above, the remainder of House Bill No. 388 is approved."

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CHAPTER 133

[Engrossed House Bill No. 346]

WASHINGTON STATE BEEF

COMMISSION ACT

AN ACT Relating to beef and beef products and the sale and promotion thereof; creating a state beef commission; levying assess-

ments; and declaring an emergency.

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

NEW SECTION. Section 1. This act shall be known and may be cited as the Washington State Beef Commission Act.

NEW SECTION. Sec. 2. For the purpose of this act:

- (1) "Commission" means the Washington State Beef Commission.
- (2) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (3) "Ex officio members" means those advisory members of the commission who do not have a vote.
- (4) "Department" means the department of agriculture of the state of Washington.
- (5) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.
- (6) "Beef producer" means any person who raises, breeds, grows, or purchases cattle or calves for beef production.
- (7) "Dairy (beef) producer" means any person who raises, breeds, grows, or purchases cattle for dairy production and who is actively engaged in the production of fluid milk.
- (8) "Feeder" means any person actively engaged in the business of feeding cattle and usually operating a feed lot.
- (9) "Producer" means any person actively engaged in the cattle industry including beef producers and dairy (beef) producers.
- (10) "Washington cattle" shall mean all cattle owned or controlled by affected producers and located in the state of Washington.
- (11) "Meat packer" means any person licensed to operate a slaughtering establishment under the provisions of chapter 16.49 RCW as enacted or hereafter amended.
- (12) "Livestock salesyard operator" means any person licensed to operate a cattle auction market or salesyard under the provisions of chapter 16.65 RCW as enacted or hereafter amended.

NEW SECTION. Sec. 3. There is hereby created a Washington

State beef commission to be thus known and designated. The commission shall be composed of three beef producers, one dairy (beef) producer, three feeders, one livestock salesyard operator, and one meat packer. In addition there will be one ex officio member without the right to vote from the department of agriculture to be designated by the director thereof.

A majority of voting members shall constitute a quorum for the transaction of any business.

All appointed members as stated in section 5 of this act shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in that phase of the cattle industry he represents for a period of five years, and has during that period derived a substantial portion of his income therefrom, or have a substantial investment in cattle as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the production of cattle or dressed beef, or a manager or executive officer of such corporation. Producer members of the commission shall not be directly engaged in the business of being a meat packer, or as a feeder, feeding cattle other than their own. Said qualifications must continue throughout each member's term of office.

NEW SECTION. Sec. 4. The appointive positions on the commission shall be designated as follows: the three beef producers shall be designated positions one, two and three; the dairy (beef) producer shall be designated position four; the three feeders shall be designated positions five, six and seven; the livestock salesyard operator shall be designated position eight; the meat packer shall be designated position nine.

The regular term of office shall be three years from the date of appointment and until their successors are appointed: PROVIDED, That the first terms of the members whose terms began on July 1, 1969 shall be as follows: Position one, four and seven shall terminate July 1, 1970; positions two, five and eight shall terminate July 1,

1971; positions three, six and nine shall terminate July 1, 1972.

NEW SECTION. Sec. 5. The governor shall appoint the members of the commission. In making such appointments, the governor shall take into consideration recommendations made to him by organizations who represent or who are engaged in the same type of production or business as the person recommended for appointment as a member of the commission.

The appointment shall be carried out immediately, subsequent to the effective date of this act and members so appointed as set forth in this act shall serve for the periods set forth for the original members of the commission in section 4 of this act.

NEW SECTION. Sec. 6. In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of such position shall be filled by the governor forthwith.

No member of the commission shall receive any salary or other compensation, but each member shall receive the sum of twenty-five dollars per day for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with subsistence and traveling expenses at the rate allowed by the law to state employees.

NEW SECTION. Sec. 7. Copies of the proceedings, records, and acts of the commission, when certified by the secretary of the commission and authenticated by the commission seal, shall be admissible in any court as prima facie evidence of the truth of the statements contained herein.

NEW SECTION. Sec. 8. The powers and duties of the commission shall include the following:

(1) To administer and enforce the provisions of this act, and do all things reasonably necessary to effectuate the purposes of this act;

(2) To elect a chairman and such other officers as it deems advisable;

(3) To employ and discharge at its discretion a manager, secretary, and such other personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the commission determines are necessary and proper to carry out the purposes of this act, and to prescribe their duties and powers and fix their compensation;

(4) To adopt, rescind, and amend rules, regulations and orders for the exercise of its powers hereunder subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as now or hereafter amended;

(5) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the commission. All records, books and minutes of the commission shall be kept at such headquarters;

(6) To require a bond of all commission members and employees of the commission in a position of trust in the amount of the commission shall deem necessary. The premium for such bond or bonds shall be paid by the commission from assessments collected. Such bond shall not be necessary if any such commission member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(7) To establish a beef commission revolving fund, such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the commission, except an amount of petty cash for each day's needs not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable; none of the provisions of RCW 43.01.050 as now or hereafter amended shall apply to money collected under this act;

(8) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this act during each fiscal year;

(9) To incur expense and enter into contracts and to create

such liabilities as may be reasonable for the proper administration and enforcement of this act;

(10) To borrow money, not in excess of its estimate of its revenue from the current year's contributions;

(11) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, expenditures, moneys and other financial transactions made and done pursuant to this act. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after completion thereof to the director, the state auditor and the commission. On such years and in such event the state auditor is unable to audit the records, books and accounts within six months following the close of the fiscal year it shall be mandatory that the commission employ a private auditor to make such audit;

(12) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this act;

V- (13) To adopt a corporate seal, and have all the powers of a corporation;

(14) To cooperate with any other local, state, or national commission, organization or agency, whether voluntary or established by state or federal law, including recognized livestock groups, engaged in work or activities similar to the work and activities of the commission created by this act and make contracts and agreements with such organizations or agencies for carrying on joint programs beneficial to the beef industry;

(15) To accept grants, donations, contributions or gifts from any governmental agency or private source for expenditures for any purpose consistent with the provisions of this act;

(16) To operate jointly with beef commissions or similar

agencies established by state laws in adjoining states.

NEW SECTION. Sec. 9. The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the commission.

The commission shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the commission at least ten days prior to the meeting by public notice of such meeting published in newspapers of general circulation in the state of Washington, by radio and press releases and through trade publications.

The commission shall establish by resolution, the time, place and manner of calling special meetings of the commission with reasonable notice to the members: PROVIDED, That, the notice of any special meeting may be waived by a waiver thereof by each member of the commission.

NEW SECTION. Sec. 10. The commission shall provide for programs designed to increase the consumption of beef; develop more efficient methods for the production, processing, handling and marketing of beef; eliminate transportation rate inequalities on feed grains and supplements and other production supplies adversely affecting Washington producers; properly identify beef and beef products for consumers as to quality and origin. For these purposes the commission may:

- (1) Provide for programs for advertising, sales promotion and education, locally, nationally or internationally, for maintaining present markets and/or creating new or larger markets for beef. Such programs shall be directed toward increasing the sale of beef without reference to any particular brand or trademark and shall neither make use of false or unwarranted claims in behalf of beef nor disparage the quality, value, sale or use of any other agricultural commodity;
- (2) Provide for research to develop and discover the health, food, therapeutic and dietetic value of beef and beef products thereof;

(3) Make grants to research agencies for financing studies, including funds for the purchase or acquisition of equipments and facilities, in problems of beef production, processing, handling and marketing;

(4) Disseminate reliable information founded upon the research undertaken under this act or otherwise available;

(5) Provide for rate studies and participate in rate hearings connected with problems of beef production, processing, handling or marketing; and

(6) Provide for proper labeling of beef and beef products so that the purchaser and the consuming public of the state will be readily apprised of the quality of the product and how and where it was processed.

NEW SECTION. Sec. 11. There is hereby levied an assessment of ten cents per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That, if such sale is accompanied by a brand inspection by the department such assessment shall be collected at the same time, place and in the same manner as brand inspection fees. Such fees shall be collected by the regulatory division of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission not later than thirty days following the sale.

NEW SECTION. Sec. 12. Any due and payable assessment levied under the provisions of this act shall constitute a personal debt of every person so assessed or who otherwise owes the same and shall be due and payable within thirty days from the date it becomes first due the commission. In the event any such person fails to pay the full amount within such thirty days, the commission shall add to such unpaid assessment an amount of ten percent of the unpaid assessment to defray the cost of collecting the same. In the event of failure of such person to pay such due and payable assessment, the commission

may bring civil action against such person in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon and any other additional necessary reasonable costs including attorneys' fees. Such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION. Sec. 13. The commission may adopt regulations requiring the purchasers of livestock subject to the assessments under this act, to furnish the commission with the names of persons from whom such livestock was purchased. Refusal or failure to furnish the commission with such a list shall constitute a misdemeanor.

NEW SECTION. Sec. 14. The assessment provided for in section 12 of this act shall not be applicable to any animal sold for milk production.

NEW SECTION. Sec. 15. Obligations incurred by the commission and liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission including employees of the commission shall not be held responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employees, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION. Sec. 16. The restrictive provisions of chapter 43.78 RCW, as now or hereafter amended, shall not apply to promotional printing and literature for the commission.

NEW SECTION. Sec. 17. If any provisions hereof are declared invalid, the validity of the remainder hereof of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

NEW SECTION. Sec. 18. Any person who has paid an assessment as provided for in section 11 of this act and within the time specified in section 12 of this act on Washington cattle may, thirty days after payment of such assessment but not later than sixty days of making such payment apply to the commission for a refund of such paid assessment and such refund shall be promptly made by the commission.

V- Application for such refund shall be made directly to the commission's office on forms furnished only by the commission for such refund application. All claims for refund shall be verified as set forth on the application for refund as furnished by the commission.

All of the provisions of this act applicable to delinquent assessment due shall be applicable if an application for a refund is not made within the time and manner specified in this section.

NEW SECTION. Sec. 19. This act is passed:

(1) In the exercise of the power of the state to provide for economic development of the state, to promote the welfare of the state, and stabilize and protect the beef industry of the state;

(2) Because the beef and beef products produced in Washington comprise one of the major agricultural crops of Washington, and therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

(3) Because it is desirable and expedient to enhance the reputation of Washington beef and beef products in domestic, national and international markets;

(4) Because it is desirable to promote knowledge of the health-giving qualities, food and dietetic value of beef and beef products of the nation and Washington beef and beef products in particular for the expanded development of the beef industry;

(5) Because the stabilizing of the beef industry, the enlarge-

ment of its markets, and the increased consumption of beef and beef products are desirable to assure payment of taxes to the state and its subdivisions, to alleviate unemployment and to provide for higher wage scales for agricultural labor and maintenance of our high standard of living;

(6) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only beef and beef products of the highest standard of quality, the methods and care used in their preparation for market, and the methods of sale and distribution, to increase the amount secured by the producer therefor, so they may pay higher wages and pay their taxes, and by such information reduce the cost of marketing and distribution to the extent that the spread between the cost to consumer and the amount received by the producer will be reduced to the minimum absolutely necessary; and

(7) To protect the public by educating it in reference to the various cuts and grades of Washington beef and the uses to which each should be put.

NEW SECTION. Sec. 20. This act shall be liberally construed.

NEW SECTION. Sec. 21. 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 June 1, 1969.

Passed the House March 6, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 25, 1969, with the exception of a certain item in section 8 and all of section 18, which are vetoed.

Filed in the office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This is a bill creating a state agency for the purpose of promoting the sale of beef and research for beef producing livestock in this state.

The beef commission would be subject to the same constitutional limitations as any other state agency created by the legislature.

New Section 8, subsection 13, grants the beef commission all the powers and authority granted

a corporation under the provisions of RCW 23A-.08.020 of the general corporation statutes. In addition to the power to issue stock and pay dividends, the use of the words 'all powers' of a corporation include certain powers of a corporation to loan money to its employees. This would be in conflict with Article 8, section 5 of the state constitution which states that the credit of the state shall not be given or loaned, or in aid of any individual, association, company, or corporation. While I appreciate the intent of the sponsors of the bill in giving the new commission broad powers to accomplish its purposes, I am concerned that the grant of all of the powers of a corporation is too broad to afford adequate protection for the contributors to the fund supporting the commission.

Section 18, page 9, of the bill provides for a refund of any assessment upon application within 60 days.

I do not consider this section to be adequate legislation for the following reasons:

The sponsors of this measure applied the assessment at each point of sale, for the express purpose of insuring that all segments of the industry from producer to packer would share in the support of the program.

In my judgment the refund clause in operation will be unfair to the small producer or handler. The small amount of money involved for the small producer at 10 cents a head would make it impractical to go through the procedure of claiming the refund. It would, however, be worthwhile for the large producer or handler.

Furthermore, the uncertainty of income because of the refund clause would make it difficult to budget and maintain commission programs.

With the new Tree Fruit Research Commission, approved by this Legislature, there are now 12 agricultural commodity commissions in this state. None of the 12 has a recovery clause. Neither the 1955 nor the 1961 Agricultural Enabling Act permits a recovery clause on the assessment.

With the exception of a certain item in Section 8 and all of Section 18 which I have vetoed, the remainder of House Bill No. 346 is approved."

CHAPTER 134  
[Substitute House Bill No. 24]  
RAILROAD GRADE CROSSING--  
GRADE CROSSING PROTECTIVE FUND

AN ACT Relating to railroad grade crossings; creating a grade crossing protective fund; repealing sections 81.53.260, 81.53.270, 81.53.280 and 81.53.290, chapter 14, Laws of 1961, section 36, chapter 170, Laws of 1965 ex. sess., and RCW 81.53.260, 81.53.270, 81.53.280 and 81.53.290; adding new sections to chapter 81.53 RCW; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 14, Laws of 1961 and to chapter 81.53 RCW a new section to read as follows:

Whenever the director of highways or the governing body of any city, town or county, or any railroad company whose road is crossed by any highway, shall deem that the public safety require signals or other warning devices, other than sawbuck signs, at any crossing of a railroad at common grade by any state or county highway, road, street, alley, avenue, boulevard, parkway or other public place actually open and in use or to be opened and used for travel by the public, he or it shall file with the utilities and transportation commission a petition in writing, alleging that the public safety requires the installation of specified signals or other warning devices at such crossing or specified changes in the method and manner of existing crossing warning devices. Upon receiving such petition, the commission shall promptly set the matter for hearing, giving at least twenty days notice to the railroad company or companies and the county or municipality affected thereby, or the director of highways in the case of a state highway, of the time and place of such hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence, which shall be reduced to writing and filed by the commission. If the commission shall determine from the evidence that public safety does not require the installation of the signal, other warning device or

change in the existing warning device specified in the petition, it shall make determinations to that effect and enter an order denying said petition in toto. If the commission shall determine from the evidence that public safety requires the installation of such signals or other warning devices at such crossing or such change in the existing warning devices at said crossing, it shall make determinations to that effect and enter an order directing the installation of such signals or other warning devices or directing that such changes shall be made in existing warning devices. The commission shall also at said hearing apportion the entire cost of installation and maintenance of such signals or other warning devices, other than sawbuck signs, as provided in section 2 of this 1969 amendatory act: PROVIDED, That upon agreement by all parties to waive hearing, the commission shall forthwith enter its order.

No railroad shall be required to install any such signal or other warning device until the public body involved has either paid or executed its promise to pay to the railroad its portion of the estimated cost thereof.

Nothing in this section shall be deemed to foreclose the right of the interested parties to enter into an agreement, franchise or permit arrangement providing for the installation of signals or other warning devices at any such crossing or for the apportionment of the cost of installation and maintenance thereof, or compliance with an existing agreement, franchise or permit arrangement providing for the same.

The hearing and determinations authorized by this section may be instituted by the commission on its own motion, and the proceedings, hearing and consequences thereof shall be the same as for the hearing and determination of any petition authorized by this section.

No part of the record, or a copy thereof, of the hearing and determination provided for in this section and no finding, conclusion or order made pursuant thereto shall be used as evidence in any trial, civil or criminal, arising out of an accident at or in the vicinity of any crossing prior to installation of signals or other warning devices pursuant to an order of the commission as a result

of any such investigation.

Any order entered by the utilities and transportation commission under this section shall be subject to review, supersedeas and appeal as provided in RCW 81.04.170 through 81.04.190, respectively.

Nothing in this section shall be deemed to relieve any railroad from liability on account of failure to provide adequate protective devices at any such crossing.

NEW SECTION. Sec. 2. There is added to chapter 14, Laws of 1961 and to chapter 81.53 RCW a new section to read as follows:

The petition shall set forth by description the location of the crossing or crossings, the type of signal or other warning device to be installed, the necessity from the standpoint of public safety for such installation, the approximate cost of installation, and the approximate annual cost of maintenance. If installation is directed by the commission, it shall apportion the cost of installation and maintenance as follows:

- Installation: (1) Sixty percent from the grade crossing protective fund, created by section 3 of this 1969 amendatory act;
- (2) Thirty percent to the city, town, county or state; and
- (3) Ten percent to the railroad:

PROVIDED, That, if the proposed installation is located at a new crossing requested by a city, town, county or state, forty percent of the cost shall be apportioned to the city, town, county or state, and none to the railroad. If the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be apportioned to the railroad.

Maintenance: (1) Twenty-five percent from the grade crossing protective fund, created by section 3 of this 1969 amendatory act; and

- (2) Seventy-five percent from the railroad:

PROVIDED, That if the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be apportioned to the railroad.

NEW SECTION. Sec. 3. There is added to chapter 14, Laws of 1961

and to chapter 81.53 RCW a new section to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund," to which shall be transferred all moneys appropriated for the purpose of carrying out the provisions of sections 1 through 4 of this 1969 amendatory act. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify to the state auditor that such cost shall be payable out of said fund. Upon completion of the installation of any such signal or other protective device, the railroad shall present to the state auditor its claim for reimbursement for the cost of installation from said fund of the amount allocated thereto by the commission. The annual cost of maintenance shall be presented and paid in a like manner. The state auditor shall make such audit as he deems necessary before and after disbursement for the purpose of determining that the money allocated has been expended for the purpose and under the conditions authorized under sections 1 through 5 of this 1969 amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 14, Laws of 1961 and to chapter 81.53 RCW a new section to read as follows:

This 1969 amendatory act shall be operative within the limits of all cities, towns and counties, except cities of the first class. Cities of the first class may elect as to each particular crossing whether this 1969 amendatory act shall apply. Such election shall be made by the filing by such city of a petition as provided for in section 1 hereof with the utilities and transportation commission, or by a statement filed with the commission accepting jurisdiction, when such petition is filed by others.

NEW SECTION. Sec. 5. There is added to chapter 14, Laws of 1961 and to chapter 81.53 RCW a new section to read as follows:

This 1969 amendatory act shall be operative within the limits of all cities, towns and counties, including cities of the first class.

NEW SECTION. Sec. 6. There is hereby appropriated the sum of three hundred thousand dollars or so much thereof as may be necessary for the biennium commencing July 1, 1969 and ending June 30, 1971 from the motor vehicle fund to the grade crossing protective fund, for the purpose

of carrying out the provisions of this act.

NEW SECTION. Sec. 7. There is added to chapter 14, Laws of 1961 and to chapter 81.53 RCW a new section to read as follows:

In the event funds are not available from the grade crossing protective fund, the commission shall apportion to the parties on the basis of the benefits to be derived by the public and the railroad, respectively, that part of the cost which would otherwise be assigned to the fund.

Sec. 8. Section 81.53.240, chapter 14, Laws of 1961 and RCW 81.53.240 are amended to read as follows:

Except to the extent necessary to permit participation by first class cities in the grade crossing protective fund, when such an election to participate is made, as provided in sections 1 through 5 of this 1969 amendatory act, ((this)) Chapter 81.53 RCW shall not be operative within the limits of first class cities, and shall not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that no street car line outside of cities of the first class shall cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the director of highways, or the location of any crossing thereon adopted or approved by the highway commission, or grant a railroad authority to cross a state highway at grade unless the director of highways consents thereto.

NEW SECTION. Sec. 9. Sections 81.53.260, 81.53.270, 81.53.280, and 81.53.290, chapter 14, Laws of 1961, section 36, chapter 170, Laws of 1965 ex. sess., and RCW 81.53.260, 81.53.270, 81.53.280 and 81.53.290, are each hereby repealed.

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 July 1, 1969.

Passed the House March 12, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 25, 1969, with the exception of certain items in section 3 and all of section 5, which are vetoed.

Filed in office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill establishes a procedure for identifying needed railroad crossing warning devices and creates a grade crossing protective fund to provide for the state's share of the cost of this program. Since 1961 the Utilities and Transportation Commission has had the authority to allocate to cities and counties funds necessary to defray the costs of installing warning signals. However, no appropriations have been made for this purpose. As a result, there has been no significant increase in the number of warning signals installed at railroad crossings. The primary effect of this bill is to provide state funds for the installation and maintenance of adequate warning signals at railroad crossings. I am in agreement with this principle.

Section three of the act calls for the railroad, upon completion of the installation of a crossing signal, to submit its claim for reimbursement for the cost of installation to the state auditor and authorizes the auditor to make such audit as he deems necessary. These provisions are inconsistent with the Budget and Accounting Act.

I am certain that the legislature did not intend to alter established procedures under the Budget and Accounting Act. I have therefore vetoed these provisions.

Section 4 provides that the act shall be operative within the limits of all cities, towns and counties, except first-class cities. Section 5 states, 'This 1969 amendatory act shall be operative within the limits of all cities, towns and counties, including cities of the first class.' These two sections are obviously inconsistent. Reading the bill, it is clear that the legislature intended that it apply only to railroad crossings within the boundaries of first class cities that the city specifically designates. I have therefore vetoed section 5, which is totally inconsistent with this intent.

With the exception of those certain items in section 3 and all of section 5, which I have vetoed, the remainder of Substitute House Bill No. 24 is approved."

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CHAPTER 135  
[House Bill No. 52]  
RULES OF THE ROAD--EXCEEDING  
SPEED LIMIT TO PASS VEHICLE  
TRAVELING AT LESS THAN LEGAL MAXIMUM

AN ACT Relating to motor vehicles; and amending section 6, chapter 16, Laws of 1963, as amended by section 2, chapter 25, Laws of 1967,

and RCW 46.61.425.

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

Section 1. Section 6, chapter 16, Laws of 1963, as amended by section 2, chapter 25, Laws of 1967, and RCW 46.61.425 are each amended to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, and on multi-lane highways when it becomes necessary to shift lanes for the purpose of making an exit, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the state highway commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the commission or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

Passed the House March 12, 1969.

Passed the Senate March 11, 1969.

Approved by the Governor March 25, 1969, with the exception of an item in subsection (1) which is vetoed.

Filed in office of Secretary of State March 25, 1969.

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

"...This bill was introduced at the request of the Washington State Patrol and amends the 'rules of the road'. Under current law, a driver is authorized to exceed the speed limit to pass a vehicle driving at less than the legal speed limit. As introduced, the bill was designed to provide that this exception shall apply only on highways having one lane of traffic in each direction.

An additional item was added to the bill making it also permissible to exceed the speed limit when it is necessary to move to an exit on a multi-lane highway. This item creates a substantial safety hazard.

Traffic safety experts advise that such a maneuver is substantially more dangerous than slowing slightly to move into an exit lane. This provision authorizes a virtually unlimited speed for a substantial distance while an auto is attempting to pass a string of cars to move to an outside exit lane.

In addition, and equally important, the provision permitting a driver to exceed a speed limit in order to move to the outside lane for the purpose of exiting from the freeway will have a deleterious effect on enforcement of the speed laws on our highways. Under the law, not only must proscribed criminal conduct be proven beyond a reasonable doubt, but the provisions must be plain and unambiguous. The item added to the bill by amendment for multi-lane highway travel is not in the best interests of the state.

With the exception of the item discussed in this letter, which I have vetoed, the remainder of House Bill 52 is approved."

CHAPTER 136  
[Substitute House Bill No. 333]  
STATE REGULATION  
OF FINANCIAL INSTITUTIONS

AN ACT Relating to state regulation of financial institutions; amending section 30.04.110, chapter 33, Laws of 1955 and RCW 30.04.110; amending section 30.04.180, chapter 33, Laws of 1955 and RCW 30.04.180; amending section 30.08.010, chapter 33, Laws of 1955 and RCW 30.08.010; amending section 30.08.095, chapter 33, Laws of 1955 and RCW 30.08.095; amending section 30.12.060, chapter 33, Laws of 1955, as amended by section 1, chapter 165, Laws of 1959 and RCW 30.12.060; amending section 30.40.020, chapter 33, Laws of 1955 and RCW 30.40.020; amending section 30.12.010, chapter 33, Laws of 1955, as amended by section 1, chapter 190, Laws of 1957 and RCW 30.12.010; amending section 30.12.020, chapter 33, Laws of 1955 and RCW 30.12.020; adding a new section to chapter 33, Laws of 1955 and to chapter 30.04 RCW.

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

Section 1. Section 30.04.110, chapter 33, Laws of 1955 and RCW 30.04.110 are each amended to read as follows:

The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof, shall not at any time exceed (~~ten~~) fifteen percent of the capital and surplus of such bank or trust company; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper of solvent parties, actually owned by the person negotiating the same, shall not be considered as money borrowed by him: PROVIDED, That loans secured by collateral security having an ascertained market value of at least fifteen percent more than the amount of the loans secured, shall not be limited by this section.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any federal reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

Sec. 2. Section 30.04.180, chapter 33, Laws of 1955 and RCW 30.04.180 are each amended to read as follows:

No bank or trust company shall declare or pay any dividend to an amount greater than its net profits then on hand, which net profits shall be determined only after deducting:

- (1) All losses;
- (2) All assets or depreciation that the supervisor or a duly appointed examiner may have required to be charged off; and no bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost. However, amortizing the discount on municipal and United States government securities is permitted on a pro rata basis, over the life of the security,

providing that the approval of the supervisor has been obtained and maintained by each individual bank;

(3) All expenses, interest and taxes due or accrued from said bank or trust company;

(4) Bad debts as defined by RCW 30.04.130 owing to such bank or trust company.

After providing for the above deductions the board of directors of any bank or trust company may at any regular meeting thereof declare a dividend out of so much of the undivided profits of such bank or trust company as they shall judge expedient: PROVIDED, HOWEVER, That before any such dividend is declared or the net profits in any way disposed of, not less than one-fourth of such net profits shall be carried to a surplus fund until the amount in such surplus fund shall be equal to twenty-five percent of the paid-in capital of such bank or trust company: PROVIDED, FURTHER, That the supervisor shall in his discretion have the power to require any bank or trust company to suspend the payment of any and all dividends until all requirements that may have been made by the supervisor or any duly appointed examiner shall have been complied with; and upon notice to suspend dividends no bank or trust company shall thereafter declare or pay any dividends until such notice has been rescinded in writing. As to banks or trust companies having segregated savings, sums carried to surplus shall be apportioned between or among departments as the capital is apportioned.

Sec. 3. Section 30.08.010, chapter 33, Laws of 1955 and RCW 30.08.010 are each amended to read as follows:

When authorized by the supervisor, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank or trust company shall incorporate for less amount nor commence business unless it have a paid-in capital as follows:

~~((In cities having a population of less than 5,000, \$25,000.00  
In cities having a population of 5,000 and less than 25,000, 50,000.00~~

~~In cities having a population of 25,000~~

~~and less than 100,000.....100,000.00~~

~~In cities having a population of 100,000 or more.....150,000.00)~~

In cities, villages or communities having a population

of less than 25,000.....\$ 50,000.00

In cities having a population of 25,000 and less than

100,000..... 100,000.00

In cities having a population of 100,000 or more..... 200,000.00

PROVIDED, That on request of any persons desiring to incorporate a bank in a city having a population of twenty-five thousand or over, the supervisor shall make an order defining the boundaries of the central business district of such city, which shall include the district in which is carried on the principal retail, financial and office business of such city and banks may be incorporated with a paid-up capital of not less than fifty thousand dollars to be located in such city outside of the central business district of such city as defined by the order of the supervisor, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. The supervisor may from time to time change the boundaries of said central business district, if, in his judgment, such action is proper.

~~((No trust company shall incorporate for a less amount, nor commence business unless it has a paid-in capital as follows:~~

~~In cities, villages or communities having a population of~~

~~less than 25,000.....\$-50,000.00~~

~~In cities having a population of 25,000 and less than~~

~~100,000.....100,000.00~~

~~In cities having a population of 100,000 or more.....200,000.00))~~

In addition to the foregoing, each bank and trust company shall before commencing business have subscribed and paid into it in the same manner as is required for capital stock, an additional amount equal to at least ten percent of the capital stock above required. Such additional amount shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders.

Sec. 4. Section 30.08.095, chapter 33, Laws of 1955 and RCW 30.08.095 are each amended to read as follows:

The supervisor shall collect in advance ~~((the following fees))~~ fees for the following services:

For filing application for certificate of authority and attendant investigation as outlined in the law ~~((the cost thereof, but not less than \$100.00 (if the cost of such attendant examination shall exceed \$100.00, the applicant shall pay such excess when ascertained by the supervisor)))~~ ;

For filing application for certificate conferring trust powers upon a state or national bank ~~(( \$100.00))~~ ;

For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office ~~(( \$10.00))~~ ;

For issuing a certificate of increase or decrease of capital stock ~~(( \$10.00))~~ ;

For issuing each certificate of authority ~~(( \$10.00))~~ ;

For furnishing copies of papers filed in his office, per ~~((fee))~~ page ~~(( \$20))~~ .

The supervisor shall establish the amount of the fee for each of the above transactions by rules and regulations promulgated pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

Every bank or trust company shall also pay to the secretary of state or county auditor for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

Sec. 5. Section 30.12.060, chapter 33, Laws of 1955, as amended by section 1, chapter 165, Laws of 1959 and RCW 30.12.060 are each amended to read as follows:

Any bank or trust company shall be permitted to make loans to any employee of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any employee to any other person, to the same extent as if the employee were in no way connected with the corporation. Any bank or trust company shall be permitted to make loans to any officer of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any officer to any other person: PROVIDED, That the total value of the loans made and obligation acquired for any one officer shall not exceed (~~twenty-five-hundred-dollars~~) such amount as shall be prescribed by the supervisor of banking pursuant to regulations adopted in accordance with the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended: AND PROVIDED FURTHER, That no such loan shall be made, or obligation acquired, unless a resolution authorizing the same shall be adopted by a vote of a majority of the board of directors of such corporation, at a meeting of the board of directors of such corporation held within thirty days (~~next~~) prior to the making of such loan or discount, and such vote and resolution shall be entered in the corporate minutes. No loan shall be made by any bank or trust company to any director of such corporation nor shall the note or obligation of such director be discounted by any such corporation, or by any officer or employee thereof in its behalf, unless a resolution authorizing the same shall be adopted by a vote of a majority of the entire board of directors of such corporation exclusive of the vote of such interested director, at a meeting

of the board of directors of such corporation held within ninety days ((next)) prior to the making of such loan or discount, and such vote and resolution shall be entered in the corporate minutes.

Each bank or trust company shall at such times and in such form as may be required by the supervisor, report to the supervisor all outstanding loans to directors of such bank or trust company.

The amount of any endorsement or agreement of suretyship or guaranty of any such director to the corporation shall be construed to be a loan within the provisions of this section. Any modification of the terms of an existing obligation (excepting only such modifications as merely extend or renew the indebtedness) shall be construed to be a loan within the meaning of this section.

Sec. 6. Section 30.40.020, chapter 33, Laws of 1955 and RCW 30.40.020 are each amended to read as follows:

A bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate branches in any city or town within the state. A bank or trust company having a paid-in capital of not less than two hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located. The supervisor's approval shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for the proposed branch and that the proposed branch is not being formed for other than the legitimate objects covered by this title.

The aggregate paid-in capital stock of every bank or trust company operating branches shall at no time be less than the aggregate of the minimum capital required by law for the establishment of an equal number of banks or trust companies in the cities or towns wherein the principal office or place of business of such bank or trust company and its branches are located.

No bank or trust company shall establish or operate any branch

in any city or town outside the city or town in which its principal place of business is located in which any bank, trust company or national banking association regularly transacts a banking or trust business, except by taking over or acquiring an existing bank, trust company or national banking association or the branch of any bank, trust company or national banking association operating in such city or town.

NEW SECTION. Sec. 7. There is added to chapter 33, Laws of 1955 and to chapter 30.04 RCW a new section to read as follows:

In addition to all powers previously enumerated by this title a bank may engage in other business activity: PROVIDED, That a bank, which desires to perform an activity which is not expressly authorized by the powers enumerated in this section, shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is an appropriate adjunct to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be an appropriate adjunct to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant that the activity is authorized. If the supervisor determines that such activity is not an appropriate adjunct to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended. In determining whether a particular activity is an appropriate adjunct to the business of banking, the supervisor shall be guided by whether national banks under federal laws and administrative regulations and rulings have the authority to perform such activity.

Sec. 8. Section 30.12.010, chapter 33, Laws of 1955 as amend-

ed by section 1, chapter 190, Laws of 1957 and RCW 30.12.010 are each amended to read as follows:

Every bank and trust company shall be managed by not less than five directors, excepting that a bank having a capital of fifty thousand dollars or less may have only three directors. Directors shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified. In the first instance the directors shall be ~~((elected-at-a-meeting-held-before-the-bank-or-trust-company-is-authorized-to-do-business-by-the-supervisor-and-afterwards))~~ those named in the articles of incorporation and afterwards, those elected at the annual meeting of the stockholders to be held ~~((on-a-day-in-the-month-of-January-of-each-year-to-be-specified-by-the-bank's-bylaws))~~ at least once each year on a day to be specified by the bank's or trust company's bylaws but not later than March 15th of each year. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each month and whenever required by the supervisor. A majority of the board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote. Any stockholder may vote in person or by written proxy. Every director must own in his own right shares of the capital stock of the bank or trust company of which he is a director the aggregate par value of which shall not be less than four hundred dollars, unless the capital of the bank or trust company shall not exceed fifty thousand dollars, in which case he must own in his own right shares of such capital stock the aggregate par value of which shall not be less than two hundred dollars. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.

Immediately upon election, each director shall take, subscribe, swear to and file with the supervisor an oath that he will, so far as

the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation and that he is the beneficial owner in good faith of the number of shares of stock required by this section, and that the same is fully paid, is not hypothecated or in any way pledged as security for any loan or debt. Vacancies in the board of directors shall be filled by the board.

Sec. 9. Section 30.12.020, chapter 33, Laws of 1955 and RCW 30.12.020 are each amended to read as follows:

All meetings of the (~~directors~~) stockholders of any bank or trust company, except organization meetings, must be held in the town or city in which the corporation is located. Meetings of the directors of any bank or trust company may be held either within or without this state. Every such corporation shall keep a book in which shall be recorded the names and residences of the stockholders thereof, the number of shares held by each, when each person became a stockholder and also the transfers of stock, showing the time when made, the number of shares and by whom transferred. In all actions, suits and proceedings, said book shall be prima facie proof of the facts shown therein. All of the corporate books, including the certificate book, stockholders' ledger and minute book shall be kept at the corporation's principal place of business and not elsewhere.

Whenever in the opinion of the supervisor the condition of any bank or trust company is such that any transfer of the capital stock of such bank or trust company would be detrimental to the interests of its depositors, the supervisor may, by written order served upon the directors of such bank or trust company, direct that no transfer of stock shall be made until further order of the supervisor.

Passed the House March 12, 1969  
Passed the Senate March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 137  
[House Bill No. 60]  
PROPERTY TAXES--NONSECTARIAN,  
CHARACTER BUILDING, VETERAN  
AND RELIEF ORGANIZATIONS

AN ACT Relating to taxation; amending section 84.36.030, chapter 15, Laws of 1961, and RCW 84.36.030; and adding a new section to chapter 15, Laws of 1961, and to chapter 84.36 RCW.

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

Section 1. Section 84.36.030, chapter 15, Laws of 1961 and RCW 84.36.030 are each amended to read as follows:

The following property shall be exempt from taxation:

Property ((e)) owned by nonsectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be used, or to the extent solely used, for the religious purposes of such associations, or for the educational, benevolent, protective, or social departments growing out of, or related to, the religious work of such associations;

Property ((e)) owned by nonprofit organizations or associations engaged in character building in boys and girls under twenty-one years of age, to the extent such property is necessarily employed and devoted solely to the said purposes, provided such purposes are for the general public good and such properties are devoted to the general public benefit;

Property ((e)) owned by all organizations and societies of veterans of any war of the United States, recognized as such by the ((United-States-War-Department)) Department of Defense, which shall have national charters, and which shall have for their general purposes and objects ((r)) the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies;

Property ((e)) owned by all corporations, incorporated under

any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Property leased, loaned, sold with the option to repurchase, or otherwise made available to organizations as set out in section 1 above shall not be exempt from taxation: PROVIDED, That property which is owned by an organization as set out in section 1 may loan the property to another organization for the same purpose as set out in section 1.

Passed the House March 13, 1969.

Passed the Senate March 12, 1969.

Approved by the Governor March 25, 1969.

Filed in office of Secretary of State March 25, 1969.

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CHAPTER 138  
[Engrossed Senate Bill No. 33]  
STATE SUPPORT OF COMMON SCHOOLS

AN ACT Relating to education; amending section 2, chapter 154, Laws of 1965 ex. sess., as last amended by section 3, chapter 140, Laws of 1967 ex. sess., and RCW 28.41.130; amending section 28A.41.130, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.130; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles be enacted; and making an effective date.

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

Part I. Sections affecting current law.

Section 1. Section 2, chapter 154, Laws of 1965 ex. sess., as last amended by section 3, chapter 140, Laws of 1967 ex. sess., and RCW 28.41.130 are each amended to read as follows:

From those funds made available by the legislature for the

current use of the common schools, other than the proceeds of the state property tax, the state superintendent of public instruction shall distribute annually as provided in RCW 28.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of taxable property within the school district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixths of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: PROVIDED, FURTHER, That the funds otherwise distributable under this section to any school district for any year other than the calendar years 1968 and 1969 shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.050 would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28.45 RCW shall be reduced by five percent; and

(3) (~~Net receipts from these funds received pursuant to Title 20, sections 236 through 244, United States Code, in the following specified percentages:~~

- School year 1965-66.....40%
- School year 1966-67.....55%
- School year 1967-68.....70%
- School year 1968-69 and thereafter.....85%

~~Net receipts are gross receipts of the district less the cost of the district of processing the records and claims required for the administration of Title 20, sections 236 through 244, United States Code, and~~

(4)) Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28.44 RCW; and

((5)) (4) Public utility district funds distributed to school districts pursuant to RCW 54.28.090, in the following specified percentages:

- School year 1965-66.....40%
- School year 1966-67.....55%
- School year 1967-68.....70%
- School year 1968-69 and thereafter.....85%

((6)) (5) Federal forest revenues distributed to school districts pursuant to RCW 36.33.110, in the following specified percentages:

- School year 1965-66.....40%
- School year 1966-67.....55%
- School year 1967-68.....70%
- School year 1968-69 and thereafter.....85%

((7)) (6) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support: PRO-

VIDED, That federal funds distributed pursuant to Title 20, sections 236 through 244, United States Code shall not be deemed available revenues for the purposes of this subsection.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.41.130, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the state superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of taxable property within the school district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixth of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: PROVIDED, FURTHER, That the funds otherwise distributable under this section to any school district for any year other than the calendar years 1968 and 1969 shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.050 would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate

transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

~~(3) ((Eighty-five-percent-of-the-net-receipts-from-these funds-received-pursuant-to-Title-20;-sections-236-through-244;-United States-Code;-net-receipts-are-gross-receipts-of-the-district-less-the cost-to-the-district--of---processing-the-records-and-claims-re-quired-for-the-administration-of-Title-20;-sections-236-through-244;- United-States-Code;-and~~

~~(4))~~ (4)) Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28A.44 RCW; and

~~((5))~~ (4) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

~~((6))~~ (5) Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110;

~~((7))~~ (6) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, other than federal funds received pursuant to Title 20, sections 236 through 244, United States Code which funds shall be distributed without affecting the state distribution under this section.

### Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that

the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then the amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, and shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 4. Part II of this 1969 amendatory act shall be effective July 1, 1969, if the 1969 education code (HB 58) becomes effective prior thereto, otherwise at such date such education code becomes effective.

NEW SECTION. Sec. 5. The effective date of Part I of this 1969 amendatory act shall be July 1, 1969.

Passed the Senate February 7, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 25, 1969, with the exception of a certain item in section 1 (6) and section 2 (6), which are vetoed.

Filed in office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...A rider attached to the Federal Vocational Education Amendments Act of 1968 eliminates the payment of assistance funds to federally impacted areas under Public Law 874 to school districts in any state that takes these federal payments into consideration in determining the amount of state aid to local school districts. This rider becomes effective July 1, 1969, and requires a change from our present formula for allocating state funds for the support of local schools.

Our state foundation program establishes a minimum level of cost for the education of all public school children. The state then guarantees this amount of money for each weighted pupil in all school districts. For a comparatively few school districts which have a high local tax base, this minimum guarantee may be reached with little state aid. However, in the vast majority of cases, the local funds available to the schools are not enough to assure equal educational opportunity for every child. The state, therefore, provides necessary funds to bring the payment for per pupil cost up to the

guaranteed funding level.

A district may receive \$250 per student from the federal government for a full impact child. Under the new federal law, this must be in addition to all state funds. For example, one school district may normally collect only \$70 per child in local taxes, and then receive the balance of the guaranteed amount from state aid. For 1968-69, this guaranteed amount is \$368. To then receive an additional \$250 per impact child on top of this is an illogical utilization of both state and federal funds.

In a state where the bulk of school districts' operational monies come from the local communities it would be unfair for the state to take these federal funds into consideration in any equalization formula or foundation program. In Washington, however, we have historically supported the public schools at a substantially high level with state funds. We now rank fourth among all states in state support of local schools.

The 1967 federal law amendments do not take into consideration the vast differences between the states and the ways in which they support their public schools. I have asked members of our Congressional delegation to ask Congress to recede from the extreme position of the 1967 amendments so that the federal law will not unnecessarily penalize Washington and the other states which provide significant support for schools at the state level. The federal funds are designed to compensate the local school district for a lack of taxable property. The state program accomplishes the same purpose. If we are to provide adequate education for all of our students, no school district in our state ought to be permitted to benefit twice from the same lack of nontaxable property.

In the meantime, it is necessary to comply with the new federal law if Washington school districts are to receive Public Law 874 funds. Under current law, state support for common schools must be reduced by 85 percent of these funds received from the federal government. The first part of Engrossed Senate Bill 33 eliminates from the revised code of Washington a specific provision requiring that these federal funds be considered as a local revenue in determining state school support.

Under current law, the superintendent of public instruction is also given the discretion to deduct 85 percent of other available revenues of a school district from the total amount that the state guarantees to local school districts for operational support.

The second part of Engrossed Senate Bill 33 states flatly that Public Law 874 funds may never be considered by the state to be available revenues of local school districts. This second provision in the act is not necessary to qualify local districts for federal impact funds.

If the bill becomes law in this form, the superintendent of public instruction could not take into consideration federal impact funds in allocating state support for local schools, even if Congress should recede from its position in accordance with our request and with the request of other states similarly affected.

I have vetoed this second item in order that the superintendent may consider Public Law 874 funds as local revenue in determining state school support in the event that Congress should act in accordance with our request. I have also vetoed the companion provision in Part II of the bill.

The remainder of Engrossed Senate Bill 33 is approved."

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CHAPTER 139  
[Engrossed Senate Bill No. 105]  
USE FUEL TAX--AIRCRAFT FUEL TAX--  
MOTOR VEHICLE EXCISE

**AN ACT** Relating to revenue and taxation; amending section 82.40.040, chapter 15, Laws of 1961 and RCW 82.40.040; amending section 82.40.046, chapter 15, Laws of 1961 and RCW 82.40.046; amending section 82.40.050, chapter 15, Laws of 1961, as amended by section 1, chapter 33, Laws of 1965 ex. sess., and RCW 82.40.050; amending section 6, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.060; and amending section 82.44.070, chapter 15, Laws of 1961 and RCW 82.44.070.

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

Section 1. Section 82.40.040, chapter 15, Laws of 1961 and RCW 82.40.040 are each amended to read as follows:

The excise tax imposed hereunder with respect to the use of fuel during any calendar month shall be due and payable on or before the twentieth day of the immediately succeeding calendar month; PROVIDED, That for good cause shown the director may allow quarterly payments; however, with respect to delivery into the fuel supply tank

of a noncommercial passenger vehicle by a person licensed to sell or otherwise distribute fuel in this state, the tax shall be paid to the person making such delivery who shall report and remit the tax collected as provided for users.

Sec. 2. Section 82.40.046, chapter 15, Laws of 1961 and RCW 82.40.046 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for publicly owned fire fighting equipment, street and highway construction and maintenance purposes ((;)) and in motor vehicles owned and operated by the state of Washington, or any county or municipality, and in special mobile equipment as defined in RCW 46.04.552 as is now or hereafter amended.

Sec. 3. Section 82.40.050, chapter 15, Laws of 1961, as amended by section 1, chapter 33, Laws of 1965 ex. sess., and RCW 82.40.050 are each amended to read as follows:

It shall be unlawful for any person to use fuel within this state unless a use fuel tax permit has been issued to him as provided herein and shall not have been revoked. Applications for such permits must be made to the director upon forms prescribed by him and shall set forth such information as he may require. On receipt ~~((of an application))~~ and approval of an application and a bond as required in RCW 82.40.130, the director shall issue to the applicant a use fuel tax permit authorizing such applicant to use fuel within this state. Such permit shall be valid only for the person in whose name it is issued and shall be valid until revoked or canceled.

A vehicle identification card shall be issued ~~((without-charge))~~ by the director upon application by a user holding an unrevoked use fuel tax permit, shall show the number of such permit and shall identify the motor vehicle with respect to which it is issued. Each such vehicle identification card shall be carried on each motor vehicle in connection with which fuel is used by the permit holder.

Sec. 4. Section 6, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.060 are each amended to read as follows:

~~((All-of-the-provisions-of-RCW-82.36.040-relating-to-time-of payment-of-tax;-penalties-and-interest-on-delinquent-payments-and-the director's-certificate-as-prima-facie-evidence-shall-be-applicable to-the-two-cents-per-gallon))~~ The amount of aircraft fuel excise tax imposed under RCW 82.42.020 for each month shall be paid to the director on or before the twenty-fifth day of the month thereafter, and if not paid prior thereto, shall become delinquent at the close of business on that day, and a penalty of ten percent of such excise tax must be added thereto for delinquency. Any aircraft fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment. The provisions of RCW 82.36.110 relating to a lien for taxes, interests or penalties due, shall be applicable to the collection of the ~~((two-cents-per-gallon))~~ aircraft fuel excise tax provided in RCW 82.42.020, and the provisions of RCW 82.36.120, 82.36.130 and 82.36.140 shall apply to any dealer or person engaged in the retail sale of aircraft fuel with respect to the ~~((two-cents-per-gallon))~~ aircraft fuel excise tax imposed under RCW 82.42.020.

Sec. 5. Section 82.44.070, chapter 15, Laws of 1961 and RCW 82.44.070 are each amended to read as follows:

Whenever any person shall apply to the ~~((public-service))~~ utilities and transportation commission for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of Title 81, and it appears to ~~((the-public service))~~ said commission that the vehicle will be operated in the state less than fifty percent of the total mileage it will be operated in such year, said person shall pay the fee for such permit or plates to ((the-public-service)) said commission, ((together-with-the-fee-for such-permit-or-plates;)) and shall also make to the department of motor vehicles a partial payment of fifty percent of the full excise

fee payable for that year on the vehicle under the provisions of this chapter, except in the following cases:

(1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person furnishes (~~to the public service commission~~) a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

(2) If the application is for a permit or plates for a vehicle, licensed in another state, which will simply permit an occasional irregular trip or trips from another state into this state.

In either of the two above enumerated cases the (~~public service commission~~) director of motor vehicles, in accounting to the state treasurer, shall note the reason for noncollection of the excise.

In any case where a person has paid the excise fee for any vehicle for any year (~~to the public service commission~~) and later applies to a county auditor for a motor vehicle license for such year, such auditor shall issue the license without collecting the excise fee but only after verifying such payment from the excise fee receipt, or from a signed statement, issued by the (~~public service commission~~) director of motor vehicles, and in accounting to the state treasurer for such noncollection the auditor shall note the number of the receipt or the number of the identification plates issued by the (~~public service~~) utilities and transportation commission.

The (~~public service commission~~) director shall account for and pay over to the state treasurer, at the latest within thirty days after (~~it~~) he has received payment, the excise fees (~~it~~) he has collected under this chapter, and the state treasurer shall credit the same to the motor vehicle excise fund.

It is the intent of this chapter that not more than one excise fee imposed under RCW 82.44.020 shall be collected for any

vehicle for any year.

For the purposes of this section, the several provisions of this chapter applying to the county auditor shall apply to the ~~((public-service))~~ utilities and transportation commission and those applying to the county assessor shall apply to the ~~((tax-commission))~~ department of revenue.

Passed the Senate February 10, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 25, 1969, with the exception of section 2, which is vetoed.

Filed in the office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill was introduced at the request of the Department of Motor Vehicles for the purpose of reducing some of the administrative expenses of collecting motor vehicle and fuel taxes. As originally introduced, section 2 added as an additional exemption from the use fuel tax special mobile equipment such as road graders. In the form presented to me for my approval, the bill now exempts all publicly owned motor vehicles. Because of the language of the bill, it is unclear whether this result was intended. This provision has a substantial financial impact on the state budget.

In addition to these revenue losses there appears to be a greater problem in the deletion of the comma on line 25 of page one of the engrossed bill and the insertion of the word 'and.' The language results in confusion as to whether private construction companies doing construction and maintenance work on streets and highways would be exempt from the gasoline tax. Rather than to leave these issues clouded and because of substantial financial impact upon the state budget, I have vetoed section 2.

It is my hope that the Legislature will act to amend this section in accordance with the original request of the Department of Motor Vehicles.

With the exception of section 2, which I have vetoed, the remainder of Engrossed Senate Bill No. 105 is approved."

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CHAPTER 140  
[Senate Bill No. 52]  
STATE TORT CLAIMS  
REVOLVING FUND

AN ACT Relating to state government; amending section 7, chapter 159, Laws of 1963, and RCW 4.92.130; amending section 10, chapter 159, Laws of

1963, and RCW 4.92.160; amending section 11, chapter 159, Laws of 1963, and RCW 4.92.170; adding new sections to chapter 159, Laws of 1963 and to chapter 4.92 RCW; and declaring an emergency.

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

Section 1. Section 7, chapter 159, Laws of 1963, and RCW 4-.92.130 are each amended to read as follows:

A tort claims ~~((account))~~ revolving fund in the ~~((state-general-fund))~~ custody of the treasurer is hereby created to be used solely and exclusively for the payment of claims against the state arising out of tortious conduct. No money shall be paid from the tort claims ~~((account))~~ revolving fund unless:

(1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(2) The claim has been approved for payment in accordance with RCW 4.92.140.

Sec. 2. Section 10, chapter 159, Laws of 1963, and RCW 4.92-.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct shall not be made by any agency or department of state government with the exception of the budget director, and he shall authorize and direct the payment of moneys only from the tort claims ~~((account))~~ revolving fund whenever:

(1) The head or governing body of any agency or department of state certifies to him that a claim has been settled under authority of RCW 4.92.140; 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. 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.

Sec. 3. Section 11, chapter 159, Laws of 1963, and RCW

4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims ~~((account))~~ revolving fund for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the ~~((account))~~ revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 without further or additional appropriation: PROVIDED, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report to the legislature, for any biennial period, on the status of the tort claims ~~((account))~~ revolving fund, all payments made therefrom, all reimbursements made there-to, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including

those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims ((~~account~~)) revolving fund, in reimbursing the ((~~account~~)) revolving fund and in relieving an agency of its obligation to reimburse.

NEW SECTION. Sec. 4. There is added to chapter 159, Laws of 1963 and to chapter 4.92 RCW a new section to read as follows:

All funds remaining in the tort claims account on the effective date of this 1969 amendatory act are hereby transferred to the tort claims revolving fund, and the tort claims account created by section 7, chapter 159, Laws of 1963 and chapter 4.92 RCW is hereby abolished.

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 institutions, and shall take effect immediately.

Passed the Senate March 7, 1969  
Passed the House March 13, 1969  
Approved By the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

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CHAPTER 141  
[Senate Bill No. 277]  
WHITE CANE LAW--BLIND,  
VISUALLY HANDICAPPED AND  
OTHERWISE PHYSICALLY DISABLED PERSONS

AN ACT Relating to the blind, the visually handicapped, and the otherwise physically disabled; repealing section 1, chapter 48, Laws of 1959 and RCW 49.60.216; repealing section 46.60.260, chapter 12, Laws of 1961 as amended by section 66, chapter 32, Laws of 1967, and RCW 46.61.265; repealing section 46.60.270, chapter 12, Laws of 1961 and RCW 46.61.270; repealing section 81.28.140,

chapter 14, Laws of 1961 and RCW 81.28.140; and providing penalties.

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

NEW SECTION. Section 1. The legislature declares:

(1) It is the policy of this state to encourage and enable the blind, the visually handicapped and the otherwise physically disabled to participate fully in the social and economic life of the state, and to engage in remunerative employment.

(2) As citizens, the blind, the visually handicapped, and the otherwise physically disabled have the same rights as the able-bodied to the full and free use of the streets, highways, walkways, public buildings, public facilities, and other public places.

(3) The blind, the visually handicapped and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges on common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, and all other public conveyances, as well as in hotels, lodging places, places of public resort, accommodation, assemblage or amusement, and all other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

NEW SECTION. Sec. 2. For the purpose of this act, the term "guide dog" shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons.

NEW SECTION. Sec. 3. Every totally or partially blind person shall have the right to be accompanied by a guide dog in any of the places listed in section 1 (3) of this act without being required to pay an extra charge for the guide dog. It shall be unlawful to refuse service to a blind person in any such place solely because he is accompanied by a guide dog.

NEW SECTION. Sec. 4. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip) or using a

guide dog shall take all necessary precautions to avoid injury to such blind pedestrian. Any driver who fails to take such precaution shall be liable in damages for any injury caused such pedestrian. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk, any pedestrian wholly or partially blind, crossing or attempting to cross the roadway, if such pedestrian indicates his intention to cross or of continuing on, with a timely warning by holding up or waving a white cane. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws.

NEW SECTION. Sec. 5. A totally or partially blind pedestrian not carrying a white cane or using a guide dog in any of the places, accommodations, or conveyances listed in section 1 of this act, shall have all of the rights and privileges conferred by law on other persons.

NEW SECTION. Sec. 6. It shall be unlawful for any pedestrian who is not totally or partially blind to use a white cane or guide dog in any of the places, accommodations, or conveyances listed in section 1 of this act for the purpose of securing the rights and privileges accorded by the act to totally or partially blind people.

NEW SECTION. Sec. 7. Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 1 of this act, or otherwise interferes with the rights of a totally or partially blind person as set forth in section 1 of this act shall be guilty of a misdemeanor.

NEW SECTION. Sec. 8. Each year the governor shall take suitable public notice of October 15th as White Cane Safety Day. He shall issue a proclamation in which:

- (1) He comments upon the significance of the white cane.
- (2) He calls upon the citizens of the state to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled.

(3) He reminds the citizens of the state of the policies with respect to the disabled set forth in this act, and urges the citizens to cooperate in giving effect to them.

v- (4) He emphasizes the need of the citizens to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, places of public accommodation, amusement or resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

NEW SECTION. Sec. 9. In accordance with the policy set forth in section 1 of this act, the blind, the visually handicapped and the otherwise physically disabled shall be employed in the state service, in the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed: Section 1, chapter 48, Laws of 1959 and RCW 49-.60.216; section 46.60.260, chapter 12, Laws of 1961 as amended by section 66, chapter 32, Laws of 1967 and RCW 46.61.265; section 46.60.270, chapter 12, Laws of 1961 and RCW 46.61.270; and section 81.28-.140, chapter 14, Laws of 1961 and RCW 81.28.140.

NEW SECTION. Sec. 11. This act shall be known and may be cited as the "White Cane Law."

Passed the Senate February 21, 1969.

Passed the House March 11, 1969.

Approved by the Governor March 25, 1969, with the exception of section 8, which is vetoed.

Filed in office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This is a comprehensive act aimed at encouraging and enabling the blind, the visually handicapped and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment. I am fully supportive of the objectives of this legislation.

Section 8 of the bill requires that the Governor each year take suitable public notice of October 15 as White Cane Safety Day, directs that he issue a proclamation to that effect and describes the content to be contained in that proclamation. There are numerous special observance days each year which I as Governor acknowledge by statements supporting the objectives of groups sponsoring those observance days. However, none of these days are mandated by statute. In addition, gubernatorial proclamations are limited and defined by statute. The use of a gubernatorial proclamation for the purpose described in section 8 is not appropriate. Therefore I have vetoed section 8 of the bill. The remainder of the bill is approved."

## CHAPTER 142

[Engrossed Senate Bill No. 618]  
LOCAL GOVERNMENT--INDEBTEDNESS

AN ACT Relating to local government; permitting certain indebtedness for taxing districts, political subdivisions or municipal corporations; amending section 1, page 324, Laws of 1909, as last amended by section 1, chapter 163, Laws of 1953, and RCW 28.51-.010; amending section 28A.51.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.51.010; amending section 1, chapter 143, Laws of 1917, as last amended by section 4, chapter 107, Laws of 1967, and RCW 39.36.020; amending section 36.67.020, chapter 4, Laws of 1963 as amended by section 2, chapter 107, Laws of 1967 and RCW 36.67.020; amending section 36.67.040, chapter 4, Laws of 1963 as amended by section 3, chapter 107, Laws of 1967 and RCW 36.67.040; adding a new section to chapter 39.36 RCW; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Title 28A if such title is enacted; and declaring an emergency.

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

Section 1. Section 1, page 324, Laws of 1909, as last amended by section 1, chapter 163, Laws of 1953, and RCW 28.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money

and issue negotiable coupon bonds therefor for the purpose of:

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of ~~((schoolhouse))~~ sites for all buildings ~~((or))~~, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or

(4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed five percent of the ~~((assessed-valuation))~~ value of the taxable property in such district, as ~~((shown))~~ ascertained by the last assessment roll for county and state purposes previous to the incurring of such indebtedness, except that in cities incorporated under special charter the ~~((valuation))~~ ascertainment shall be ~~((taken))~~ made from the last assessment for city purposes: PROVIDED, That any school district may become indebted to a larger amount but not exceeding an additional five percent ~~((additional))~~ of actual value, determined as herein provided for capital outlays.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds so issued shall ~~((bear-a-rate-of-interest-not-to-exceed-six-percent-per-annum,-interest-payable-annually-or-semiannually,-payable-and-redeemable-at-such-time-as-may-be-designated-in-the-bonds-All-school-district-bonds-shall-be-payable-within-a-period-of-not-to-exceed-twenty-three-years-from-date,-except-when-issued-by-districts-of-the-first-class-for-the-purpose-of-acquiring-buildings-or-play-ground-sites,-or-for-erecting-buildings-of-a-permanent-character,-in-which-case-they-shall-be-made-payable-in-semiannual-or-annual-install-~~

~~ments, beginning the third year over any period not exceeding forty years from date:--AND PROVIDED FURTHER, That from and after July 1, 1919, all bonds issued by any school district shall be issued in serial form))~~ be in such form, for such terms, bear such interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW.

Sec. 2. Section 28A.51.010, chapter . . ., Laws of 1969 (HB 58) and RCW 28A.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of ~~((schoolhouse))~~ sites for all buildings ~~((or))~~, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or

(4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed five percent of the ~~((assessed-valuation))~~ value of the taxable property in such district as ~~((shown))~~ ascertained by the last assessment roll for county and state purposes previous to the incurring of such indebtedness, except that in cities incorporated under special charter the ~~((valuation))~~ ascertainment shall be ~~((taken))~~ made from the last assessment for city purposes: PROVIDED, That any school district may become indebted to a larger amount but not exceeding an additional five percent ~~((additional))~~ of actual value, determined as herein provided for capital outlays.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds so issued shall be in such form, for such terms, bear such interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW.

Sec. 3. Section 1, chapter 143, Laws of 1917 as last amended by section 4, chapter 107, Laws of 1967 and RCW 39.36.020 are each amended to read as follows:

(1) No taxing district (~~((except-counties;-cities-and-towns))~~) shall for any purpose become indebted in any manner to an amount exceeding one and one-half percent of the (~~((last-assessed-valuation))~~) value of the taxable property in such taxing district to be ascertained as set forth in this subsection (1), without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed five percent (~~((of-the-last-assessed-valuation-of-the-taxable-property-in-such-taxing-district))~~) on the value of the taxable property therein as ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness except that in incorporated cities the assessment shall be taken from the last assessment for city purposes.

~~((2))--Counties;-cities-and-towns-are-limited-to-an-indebtedness-amount-not-exceeding-one-and-one-half-percent-of-the-last-assessed-valuation-of-the-taxable-property-in-such-counties;-cities-or-towns-without-the-assent-of-three-fifths-of-the-voters-therein-voting-at-an-election-to-be-held-for-that-purpose.--In-cases-requiring-such-assent-counties;-cities-and-towns-are-limited-to-five-percent-on-the-value-of-the-taxable-property-therein-(being-twice-the-assessed-valuation)-as-ascertained-by-the-last-completed-and-balanced-tax-rolls-of-such-counties;-cities-or-towns-for-county;-city-or-town-purposes-~~

~~(3))~~ (2) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city,

town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding five percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding five percent additional for capital outlays.

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

Sec. 4. Section 36.67.020, chapter 4, Laws of 1963, as amended by section 2, chapter 107, Laws of 1967, and RCW 36.67.020 are each amended to read as follows:

A county may contract indebtedness for strictly county purposes in excess of the amount named in RCW 36.67.010, but not exceeding in amount, together with the existing indebtedness, five percent on the value of the taxable property therein (~~{being twice the assessed valuation}~~), to be ascertained as provided in RCW 36.67.010, whenever three-fifths of the voters of the county assent thereto, at an election to be held for that purpose, consistent with the general election laws, which election may be either a special or general election.

Sec. 5. Section 36.67.040, chapter 4, Laws of 1963, as amended by section 3, chapter 107, Laws of 1967, and RCW 36.67.040 are each amended to read as follows:

The bonds, shall bear the date of issue, shall be made payable to the bearer and bear interest at a rate of not exceeding (~~seven~~)

eight percent per year, payable ((~~annually~~)) semiannually, with coupons attached for each interest payment. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the chairman of the board of county commissioners, or in counties having an elected executive, the elected executive officer, and shall be attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon. Each bond shall be printed, engraved, or lithographed on good bond paper.

NEW SECTION. Sec. 6. There is added to chapter 39.36 RCW a new section to read as follows:

All bonds heretofore issued, or heretofore voted and which may have been or may hereafter be issued, by any taxing district pursuant to any of the foregoing sections as amended or for any of the purposes authorized by any of said sections are hereby validated.

NEW SECTION. Sec. 7. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of section 1 of the instant bill seek to change existing law. The provisions of section 2 seek to change a correlative provision of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of section 1 shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of section 1 shall expire and the provisions of section 2 shall concomitantly become effective. It is the further intent of the legislature that section 2 of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then the amendatory provisions of section 2 of this bill shall be construed as amending the correlative section of the 1969 education code.

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 as follows:

- (1) Section 1, 3, 4, 5, 6, and 7 shall take effect immediately;
- (2) Section 2 shall take effect immediately if the 1969 education code (1969 HB 58) became effective prior to that date, otherwise section 2 shall take effect on the date thereafter upon which the 1969 education code (1969 HB 58) becomes effective.

Passed the Senate March 8, 1969.

Passed the House March 12, 1969.

Approved by the Governor March 25, 1969, with the exception of section 4 which is vetoed.

Filed in office of Secretary of State March 25, 1969.

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

"...The principal objectives of Senate Bill No. 618 are to double the amount of bonds which a school district may issue with the approval of sixty percent of the voters, and to double the indebtedness which a city may incur upon the vote of its governing body to be repaid from regular revenues of the city. The bill also contains language clarifying the purposes for which school district bonds may be issued, increases the permissible interest rate on county bonds, and amends the general indebtedness statute (RCW 39.36.020) so that its provisions will conform with the provisions of Article 8, Section 6 of the State Constitution. The amendment of this general statute does not alter special statutes which fix indebtedness limits for particular types of taxing districts. These special statutes can be amended as the legislature wishes without the necessity of further amendments to RCW 39.36.020.

Section 4 of Senate Bill No. 618 amends RCW 36-.67.020 which is the special statute relating to indebtedness which may be contracted by a county with the approval of a sixty percent majority of the voters. The statute limits this indebtedness to

'...five percent on the value of the taxable property therein (being twice the assessed valuation), to be ascertained as provided in RCW 36.67.010 ...'

Section 4 of this bill would delete the parenthetical phrase '(being twice the assessed valuation)'. After reviewing this matter with members of the legislature and with legal counsel who specialize in municipal bond work, I am satisfied that this amendment in no way alters the present debt limits of counties under existing constitutional provisions. The constitution now provides for assessments to be made at fifty percent of true and fair value; thus, for debt limit purposes, the 'value of the taxable property' in a county is determined by multiplying the assessed valuation of the county by two, whether or not the parenthetical phrase is stated in the statute. The purpose of deleting

the parenthetical phrase 'being twice the assessed valuation' in Section 4, and in other sections of this bill where similar language is deleted, is to anticipate a possible change in the state constitution under which assessments would be made at actual value and regular levies would be limited to an aggregate of one percent of that value.

Unfortunately, merely deleting the parenthetical phrase in Section 4 without also deleting the further language 'to be ascertained as provided in RCW 36.67.010' causes RCW 36.67.020 to be confusing and susceptible of the interpretation that the amendment was intended to reduce by one-half the bonding capacity of counties.

Since the proposed amendment contained in Section 4 is not intended to change present indebtedness limitations of counties, and since the amendment is confusing and ambiguous, I have vetoed Section 4 in order to retain the language of RCW 36.67.020 in its present form. In the event the people ratify a constitutional amendment fixing regular property tax levies at one percent of the value of property, and assessments are made at full value, the legislature should amend RCW 36.67.020 and other special debt limitation statutes containing the phrase 'being twice the assessed valuation' in order to prevent a situation under which statutes specify an unconstitutional debt limitation for taxing districts.

Except for Section 4 which I have vetoed, the remainder of Senate Bill No. 618 is approved."

CHAPTER 143  
[House Bill No. 245]  
VISION CARE--OPTOMETRISTS--  
HEALTH CARE SERVICE CONTRACTORS

AN ACT Relating to vision care; adding a new section to chapter 268, Laws of 1947, and to chapter 48.44 RCW; adding a new section to chapter 18.53 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

Whenever a health care service contractor has entered into an agreement with his subscribers for vision care, and this service is performed by a licensee under chapter 18.53 RCW, who is neither a health care service contractor nor a participant, then reimbursement or indemnity shall be provided the persons paying for this service in the same amount as that given to a participant.

NEW SECTION. Sec. 2. There is added to chapter 18.53 RCW a new section to read as follows:

It shall be unlawful for any licensee subject to the provisions of chapter 18.53 RCW to advertise to the effect that benefits in the form of indemnity will accrue to subscribers of health care service contracts for services performed by the licensee for a subscriber when the licensee is neither a health care service contractor nor a participant. A violation of this section shall be punishable as provided in RCW 18.53.140(10).

Passed the House March 5, 1969  
Passed the Senate March 11, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969

CHAPTER 144  
[House Bill No. 150]  
OFFSTREET PARKING FACILITIES

AN ACT Relating to offstreet parking facilities; and repealing section 35.86.070, chapter 7, Laws of 1965 as amended by section 6, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.070.

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

NEW SECTION. Section 1. Section 35.86.070, chapter 7, Laws of 1965 as amended by section 6, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.070 are each repealed.

Passed the House February 28, 1969  
Passed the Senate March 12, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969



# **WASHINGTON LAWS**

**1969 FIRST EXTRAORDINARY SESSION**



CHAPTER 1  
[Senate Bill No. 750]  
APPROPRIATIONS--LEGISLATIVE  
EXPENSE AND MEMBERS' SUBSISTENCE

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

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of six hundred eighty-two thousand eight hundred dollars (\$682,800), or so much thereof as may be necessary for the purpose of paying the expenses of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than three hundred forty-eight thousand and eight hundred fifty dollars (\$348,850); and

(2) The House of Representatives shall not expend more than three hundred thirty-three thousand nine hundred fifty dollars (\$333,950): PROVIDED, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

NEW SECTION. Sec. 2. There is hereby appropriated to the legislature out of the state general fund the sum of one hundred eighty-three thousand three hundred dollars (\$183,300) for payment to members of the legislature and the president of the Senate in lieu of subsistence and lodging while in attendance at the first extraordinary session of the forty-first legislature, and for member's mileage. From the amount hereby appropriated:

(1) The Senate shall not expend more than sixty-one thousand five hundred dollars (\$61,500); and

(2) The House of Representatives shall not expend more than one hundred twenty-one thousand eight hundred dollars (\$121,800).

NEW SECTION. Sec. 3. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provi-

sions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of ten thousand dollars (\$10,000) or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature.

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

Passed the Senate March 20, 1969  
 Passed the House March 21, 1969  
 Approved by the Governor March 26, 1969  
 Filed in office of Secretary of State March 26, 1969

CHAPTER 2  
 [Engrossed Senate Bill No. 457]  
 SUPERINTENDENT OF PUBLIC INSTRUCTION--  
 DIVISION FOR HANDICAPPED CHILDREN--  
 HANDICAPPED CHILDREN DEFINED

AN ACT Relating to education; amending section 1, chapter 92, Laws of 1951 and RCW 28.13.010; amending section 28A.13.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.13.010; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 1, chapter 92, Laws of 1951 and RCW 28.13-.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction a division of special educational aid for handicapped children, to be known as the division for handicapped children. Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabil-

ities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration: PROVIDED, That no child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.13.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction a division of special educational aid for handicapped children, to be known as the division for handicapped children. Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration: PROVIDED That no child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect

unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. 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 March 18, 1969  
 Passed the House March 19, 1969  
 Approved by the Governor March 27, 1969  
 Filed in office of Secretary of State March 27, 1969

CHAPTER 3  
 [House Bill No. 554]  
 SCHOOLS--STATE SUPPORT--  
 REGULATIONS--FULL SCHOOL YEAR

AN ACT Relating to education; authorizing the superintendent of public instruction to lessen the required school year of one hundred eighty days; amending section 6, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.170; amending section 28A.41.170, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.170; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Title 28A RCW if such titles shall be enacted; and declaring an emergency.

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

**Part I. Sections affecting current law.**

Section 1. Section 6, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.170 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 act not inconsistent with the provisions of this act, and in addition to require such reports as may be necessary to carry out his duties under this act: PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts for the 1968-1969 school year to receive state apportionment moneys as provided in RCW 28.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.41.170, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.170 are each amended to read as follows:

The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter: PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts for the 1968-1969 school year to receive state apportionment moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency.

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly

become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. 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 immediately.

Passed the House March 26, 1969  
Passed the Senate March 26, 1969  
Approved by the Governor March 27, 1969  
Filed in office of Secretary of State March 27, 1969

CHAPTER 4  
[House Bill No. 888]  
CUSTODY OF PRISONERS

AN ACT Relating to the custody of prisoners; reenacting section 2, chapter 42, Laws of 1955 as amended by section 1, chapter 103, Laws of 1969 (HB 124) and RCW 9.95.062; reenacting section 2, chapter 103, Laws of 1969 (HB 124) (uncodified); and declaring an emergency.

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

Section 1. Section 2, chapter 42, Laws of 1955 as amended by section 1, chapter 103, Laws of 1969 (HB 124) and RCW 9.95.062 are each reenacted to read as follows:

An appeal by a defendant in a criminal action shall stay the execution of the judgment of conviction.

In case the defendant has been convicted of a felony, and has been unable to furnish a bail bond pending the appeal, the time he has been imprisoned pending the appeal shall be deducted from the term for which he was theretofore sentenced to the penitentiary, if

the judgment against him be affirmed.

NEW SECTION. Sec. 2. Section 2, chapter 103, Laws of 1969 (HB 124) (uncodified), is reenacted to read as follows:

Any person imprisoned in a county jail pending the appeal of his conviction of a felony and who has not obtained bail bond pending his appeal shall be transferred after thirty days but within forty days from the date judgment was entered against him to a state institution for felons designated by the director of the department of institutions: PROVIDED, That when good cause is shown, a superior court judge may order the prisoner detained in the county jail beyond said forty days for an additional period not to exceed ten days.

NEW SECTION. Sec. 3. 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 immediately.

Passed the House March 27, 1969  
Passed the Senate March 27, 1969  
Approved by the Governor March 31, 1969  
Filed in office of Secretary of State March 31, 1969

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CHAPTER 5  
[Senate Bill No. 191]  
COUNTIES--COORDINATION  
OF ADMINISTRATIVE PROGRAMS

AN ACT Relating to counties; providing for coordination of administrative programs; and amending sections 36.47.020 through 36.47.060, chapter 4, Laws of 1963 and RCW 36.47.020 through 36.47.060.

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

Section 1. Section 36.47.020, chapter 4, Laws of 1963 and RCW 36.47.020 are each amended to read as follows:

It shall be the duty of the assessor, auditor, clerk, coroner, sheriff, superintendent of schools, treasurer, and prosecuting attorney of each county in the state, including appointive officials in charter counties heading like departments, to take such action as they jointly deem necessary to effect the coordination of the administrative programs of each county and to submit to the governor and the

legislature biennially a joint report or joint reports containing recommendations for procedural changes which would increase the efficiency of the respective departments headed by such ((eleted)) county officials.

Sec. 2. Section 36.47.030, chapter 4, Laws of 1963 and RCW 36.47.030 are each amended to read as follows:

The ((eleted)) county officials enumerated in RCW 36.47.020 are empowered to designate the Washington state association of ((eleted)) county officials as a coordinating agency through which the duties imposed by RCW 36.47.020 may be performed, harmonized, or correlated.

Sec. 3. Section 36.47.040, chapter 4, Laws of 1963 and RCW 36.47.040 are each amended to read as follows:

Each county which designates the Washington state association of ((eleted)) county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: PROVIDED, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such ((eleted)) county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the board of county commissioners of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the revenues produced by a levy of one-hundredth of a mill against the assessed valuation of taxable property in such county.

Sec. 4. Section 36.47.050, chapter 4, Laws of 1963 and RCW

36.47.050 are each amended to read as follows:

The ((elected)) county officials enumerated in RCW 36.47.020 are authorized to take such further action as they deem necessary to comply with the intent of this chapter, including attendance at state and district meetings which may be required to formulate the reports provided for in RCW 36.47.020.

Sec. 5. Section 36.47.060, chapter 4, Laws of 1963 and RCW 36.47.060 are each amended to read as follows:

The financial records of the Washington state association of ((elected)) county officials shall be subject to audit by the Washington state division of municipal corporations.

Passed the Senate March 18, 1969  
 Passed the House March 24, 1969  
 Approved by the Governor April 1, 1969  
 Filed in office of Secretary of State April 1, 1969

CHAPTER 6  
 [Senate Bill No. 297]  
 JUSTICE COURT JUDGES--RETIREMENT

AN ACT Relating to justice court judges; providing a mandatory age for retirement; and adding a new section to Title 3 RCW.

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

NEW SECTION. Section 1. There is added to Title 3 RCW a new section to read as follows:

A justice court judge shall retire from judicial office at the end of the calendar year in which he has attained the age of seventy-five years. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to the effective date of this act.

Passed the Senate March 17, 1969  
 Passed the House March 24, 1969  
 Approved by the Governor April 1, 1969  
 Filed in office of Secretary of State April 1, 1969

CHAPTER 7  
 [Engrossed Senate Bill No. 499]  
 MOTOR VEHICLES--STUDED TIRES

AN ACT Relating to motor vehicle equipment; amending section 46.37-.420, chapter 12, Laws of 1961 and RCW 46.37.420; adding a new

section to chapter 13, Laws of 1961 and to chapter 47.36 RCW; and providing penalties.

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

Section 1. Section 46.37.420, chapter 12, Laws of 1961 and RCW 46.37.420 are each amended to read as follows:

(1) After January 1, 1938, it shall be unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway shall have on its periphery any block, ((stud,)) flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type approved by the state commission on equipment, upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid: PROVIDED, That it shall be unlawful to use metal studs imbedded within the tire between April 1 and November 1: PROVIDED FURTHER, That the state highway commission may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein shall be lawful.

(3) The state highway commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

NEW SECTION. Sec. 2. There is added to chapter 13, Laws of 1961 and to chapter 47.36 RCW a new section to read as follows:

If the highway commission or its delegate determines at any

time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains or traction equipment in addition to or beyond the ordinary pneumatic rubber tires the commission may establish the following recommendation or requirement for all persons using such public highway:

- (1) Dangerous road conditions, chains or studded tires recommended.
- (2) Dangerous road conditions, chains or studded tires required.
- (3) Dangerous road conditions, chains required.

Any equipment which may be required by this section shall be approved by the state commission on equipment as authorized under RCW 46.37.420.

The highway commission shall place and maintain signs and other traffic control devices on the public highways which shall indicate the tire, tire chain or traction equipment recommendation or requirement determined under this section.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section shall be a misdemeanor.

Passed the Senate March 18, 1969  
Passed the House March 24, 1969  
Approved by the Governor April 1, 1969  
Filed in office of Secretary of State April 1, 1969

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CHAPTER 8  
[Engrossed Senate Bill No. 575]  
COURTHOUSE PARKING FACILITIES

AN ACT Relating to counties; amending section 2, chapter 142, Laws of 1965 and RCW 36.67.520; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.01 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4, Laws of 1963 and to chapter 36.01 RCW a new section to read as follows:

Counties may construct, maintain, operate and collect rentals for parking facilities as a part of a courthouse or combined county-city building facility.

Sec. 2. Section 2, chapter 142, Laws of 1965 and RCW 36.67.520 are each amended to read as follows:

All such revenue bonds authorized under the terms of this chapter may be issued and sold by the counties from time to time and in such amounts as is deemed necessary by the board of county commissioners of each county to provide sufficient funds for the carrying out of all county powers, without limiting the generality thereof, including the following: Acquisition; construction; reconstruction; maintenance; repair; additions; operations of parks and recreations; flood control facilities; pollution facilities; parking facilities as a part of a courthouse or combined county-city building facility; and any other county purpose from which revenues can be derived. Included in the costs thereof shall be any necessary engineering, inspection, accounting, fiscal, and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, and the proceeds of such bond issue are hereby made available for all such purposes.

Passed the Senate March 18, 1969

Passed the House March 24, 1969

Approved by the Governor April 1, 1969

Filed in office of Secretary of State April 1, 1969

CHAPTER 9

[Engrossed Senate Bill No. 187]

PORT COMMISSIONER DISTRICTS

AN ACT Relating to the revision of port commissioner districts; amending section 2, chapter 69, Laws of 1957 and RCW 53.16.010; and declaring an emergency.

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

Section 1. Section 2, chapter 69, Laws of 1957 and RCW 53.16-.010 are each amended to read as follows:

~~((Within-ninety-days-preceding-July-1st-of-each-even-numbered year))~~ At whatever time as they in their judgment deem appropriate, except between thirty days prior to the closing of filings of candidacy for port commissioner until the next ensuing election thereof, the port commissioners may, and upon petition signed by not less than

two hundred and fifty electors residing in the district shall, re-establish the boundaries of the commissioner districts in the port district, so that each commissioner district shall comprise as nearly as possible one-third of the population of the port district: PROVIDED, That no voting precinct shall be divided by the boundary lines of a commissioner district.

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 17, 1969  
 Passed the House March 24, 1969  
 Approved by the Governor April 1, 1969  
 Filed in office of Secretary of State April 1, 1969

CHAPTER 10  
 [Senate Bill No. 211]  
 USE TAX--MOTOR VEHICLES

AN ACT Relating to excise taxes; providing for the collection of use taxes on motor vehicles; and amending section 82.12.045, chapter 15, Laws of 1961 as amended by section 1, chapter 21, Laws of 1963 and RCW 82.12.045.

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

Section 1. Section 82.12.045, chapter 15, Laws of 1961 as amended by section 1, chapter 21, Laws of 1963 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the (~~tax commission~~) department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the (~~tax~~

~~commission~~) department of revenue, or its duly authorized agent showing that no use tax is legally due; (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the (~~tax-commission~~) department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of (~~fifty-cents~~) one dollar for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer upon this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the (~~tax-commission~~) department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the (~~tax-commission~~) department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application

therefor is received by the (~~tax-commission~~) department of revenue within two years after payment of the tax. Upon receipt of an application for refund the (~~tax-commission~~) department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32, inclusive, for the collection of the tax imposed by this chapter. The (~~tax commission~~) department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of (~~licenses~~) motor vehicles but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

Passed the Senate March 17, 1969  
 Passed the House March 24, 1969  
 Approved by the Governor April 1, 1969  
 Filed in office of Secretary of State April 1, 1969

CHAPTER 11  
 [Engrossed Senate Bill No. 254]  
 PORT DISTRICTS--CONTRACT SALES

AN ACT Relating to contract sales, terms and conditions; amending section 2, chapter 23, Laws of 1965 and RCW 53.08.091; and declaring an emergency.

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

Section 1. Section 2, chapter 23, Laws of 1965 and RCW 53.08-.091 are each amended to read as follows:

Except in cases where the full purchase price is paid at the time of the purchase, every sale of real property under authority of RCW 53.08.090 or RCW 53.25.110 shall be subject to the following terms and conditions:

(1) The purchaser shall enter into a contract with the district in which the purchaser shall covenant that he will make the payments of principal and interest when due, and that he will pay all

taxes and assessments on such property. Upon failure to make payments of principal, interest, assessments or taxes when due all rights of the purchaser under said contract may, at the election of the district, (~~and without~~) after notice to said purchaser, be declared to be forfeited. When property is declared forfeited the district shall be released from all obligation to convey the land;

(2) The district may, as it deems advisable, extend the time for payment of principal and interest due or to become due;

(3) The district shall notify the purchaser in each instance when payment is overdue, and that the purchaser is liable to forfeiture if payment is not made within thirty days from the time the same became due, unless the time be extended by the district;

(4) Not less than one-tenth of the total purchase price shall be paid on the date of execution of the contract for sale and one-tenth shall be paid annually thereafter until the full purchase price has been paid, but any purchaser may make full payment at any time. All unpaid deferred payments shall draw interest at a rate not less than (~~four~~) six percent per annum.

Nothing in this section shall be deemed to supersede other provisions of law more specifically governing sales of port district property. It is the purpose of this section to provide additional authority and procedures for sale of port district property no longer needed for port purposes.

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 17, 1969.

Passed the House March 24, 1969

Approved by the Governor April 1, 1969

Filed in office of Secretary of State April 1, 1969

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CHAPTER 12  
[Engrossed Senate Bill No. 295]  
MOTOR VEHICLE SPEED LIMITS

AN ACT Relating to speed limits; and amending section 3, chapter 16,

Laws of 1963 as amended by section 55, chapter 155, Laws of 1965 ex . sess., and RCW 46.61.410.

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

Section 1, Section 3, chapter 16, Laws of 1963 as amended by section 55, chapter 155, Laws of 1965 ex. sess., and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the state highway commission may increase the maximum speed limit on any (~~(part-of-a-limited access-highway-constructed-under-chapter-47-52-RGW)~~) highway or portion thereof to not more than seventy miles per hour whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the state highway commission as provided in RCW 46.61.405.

(3) The word "trucks" used by the state highway commission on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

Passed the Senate March 17, 1969  
Passed the House March 24, 1969  
Approved by the Governor April 1, 1969  
Filed in office of Secretary of State April 1, 1969

CHAPTER 13  
[Engrossed Senate Bill No. 301]  
STATE FERRY SYSTEM--LAW ENFORCEMENT

AN ACT Relating to law enforcement on state ferries and terminals;  
and adding a new section to chapter 13, Laws of 1961 and to  
chapter 47.60 RCW.

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

NEW SECTION. Section 1. There is added to chapter 13, Laws  
of 1961 and to chapter 47.60 RCW a new section to read as follows:

Law enforcement officers of cities, towns, and counties which  
are served by state ferries shall have, and are hereby authorized to  
exercise, concurrent jurisdiction and authority with state law en-  
forcement officers in the enforcement of laws of the state and local  
governmental divisions at those state ferry terminals located within  
the respective governmental division served by such local law enforce-  
ment officers and on state ferries at the terminals and throughout the  
ferry runs, notwithstanding that the ferry may not be in the officer's  
governmental division.

Passed the Senate March 18, 1969  
Passed the House March 24, 1969  
Approved by the Governor April 1, 1969  
Filed in office of Secretary of State April 1, 1969

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CHAPTER 14  
[Engrossed Senate Bill No. 357]  
PUBLIC LANDS--SALES OF LAND  
AND VALUABLE MATERIALS

AN ACT Relating to public lands; adding a new section to chapter 79-  
.01 RCW; amending section 33, chapter 255, Laws of 1927, as  
last amended by section 1, chapter 73, Laws of 1961, and RCW  
79.01.132; amending section 46, chapter 255, Laws of 1927, as  
amended by section 18, chapter 257, Laws of 1959, and RCW 79-  
.01.184; amending section 50, chapter 255, Laws of 1927, as  
last amended by section 3, chapter 73, Laws of 1961, and RCW  
79.01.200; repealing section 1, chapter 76, Laws of 1937 and  
RCW 76.12.130; repealing section 1, chapter 266, Laws of 1951  
and RCW 79.12.232; repealing section 2, chapter 266, Laws of  
1951 and RCW 79.12.234; and repealing section 3, chapter 266,

Laws of 1951, as amended by section 41, chapter 257, Laws of 1959, and RCW 79.12.236.

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

NEW SECTION. Section 1. There is added to chapter 79.01 RCW a new section to read as follows:

Unless a contrary meaning is clearly required by the context, as used in this 1969 amendatory act the following words shall have the meaning indicated:

(1) "Lump sum sale" shall mean "any sale offered with a single total price applying to all the material conveyed."

(2) "Scale sale" shall mean "any sale offered with per unit prices to be applied to the material conveyed."

Sec. 2. Section 33, chapter 255, Laws of 1927, as last amended by section 1, chapter 73, Laws of 1961, and RCW 79.01.132 are each amended to read as follows:

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, ~~((the full-purchase-price-thereof-shall-be-paid-in-cash))~~ it may be sold as a lump sum sale or as a scale sale: PROVIDED, That upon the request of the purchaser, any lump sum sale ~~((s))~~ over two thousand dollars appraised value shall be on the installment plan. Lump sum sales under two thousand dollars appraised value shall be paid for in cash. ~~((When-valuable-materials-are-sold-on-an-installment-basis,-a))~~ A total deposit of not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over two thousand dollars not less than two thousand dollars, shall be made ~~((at-the-time-of))~~ on the day of the sale, ~~((either-by-cash-or-by certified-check-or-by-postal-money-order))~~ as provided in RCW 79.01-.204, and the operator shall notify the commissioner before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the commissioner may require additional payment. The amount of such additional payments shall at all times equal or exceed the value of timber cut and other valuable materials

processed or removed and said deposit shall be maintained until all valuable materials are removed: AND PROVIDED FURTHER, That said deposit may be applied as the final payment for said materials.

In all cases where timber, fallen timber, stone, gravel, or other valuable material ((;)) is sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: PROVIDED, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed twenty years: PROVIDED FURTHER, That in all cases where, in the judgment of the commissioner of public lands, the purchaser is acting in good faith and endeavoring to remove such material, the commissioner may extend the time for the removal thereof for any period not exceeding ((ten-years)) twenty years from the date of purchase for the stone, sand, fill material or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material, upon payment to the state of a sum ((;)) to be fixed by the commissioner, ((of-not-less-than-one-nor-more-than-ten-dollars-per-acre-per-annum;--PROVIDED-FURTHER;--That-such-sum-shall-not-be-less-than-ten-dollars-per-extension;--AND-PROVIDED-FURTHER;--That-such-sum-for-extensions-of-timber-sales-shall-be)) based on the ((growing-capacity of-the-land;-and)) estimated loss of income per acre to the state resulting from the granting of the extension but in no event less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale and the maximum extension payment shall be set forth in the contract. The method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The commissioner shall pay into the state treasury all sums received for such extension and

the same shall be credited to the fund to which was credited the original purchase price of the material so sold: AND PROVIDED FURTHER That any sale of stone, gravel, sand, fill material, or building stone of an appraised value of one hundred dollars or less in which the purchaser is the user thereof may be sold directly to the applicant for cash at full appraised value without notice or advertising.

Sec. 3. Section 46, chapter 255, Laws of 1927, as amended by section 18, chapter 257, Laws of 1959, and RCW 79.01.184 are each amended to read as follows:

When the ~~((commissioner-of-public-lands))~~ department of natural resources shall have decided to sell any public lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract or tracts of university lands, or the timber, fallen timber, stone, gravel or other valuable material thereon it shall be the duty of the ~~((commissioner-of-public-lands))~~ department to forthwith fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The ~~((commissioner))~~ department shall give notice of the sale by advertisement published once a week for four weeks next before the time ~~((he))~~ it shall name in said notice, in at least one newspaper published and of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the district headquarters administering such sale and in the office of the county auditor of such county, which notice shall specify the place ~~((;))~~ and time of sale, the appraised value thereof, ~~((and-terms-of-sale))~~ and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, ~~((and-state-the-appraised-value-thereof;))~~ and in case of material sales the estimated volume thereof, and specify that the terms of sale will be posted in the district headquarters and the department's Olym-

pia office: PROVIDED, That any sale of stone, gravel, sand, fill material, or building stone of an appraised value of one hundred dollars or less in which the purchaser is the user thereof may be sold directly to the applicant for cash at the full appraised value without notice or advertising.

Sec. 4. Section 50, chapter 255, Laws of 1927, as last amended by section 3, chapter 73, Laws of 1961, and RCW 79.01.200 are each amended to read as follows:

All sales of land shall be at public auction, and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value: PROVIDED, That on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only: PROVIDED FURTHER, That when valuable material has been appraised at an amount not exceeding two thousand dollars, the commissioner of public lands, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the commissioner may prescribe, after said commissioner shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold: AND PROVIDED FURTHER, That any sale of stone, gravel, sand, fill material, or building stone of an appraised value of one hundred dollars or less in which the purchaser is the user thereof may be sold directly to the applicant for cash without notice or advertising.

NEW SECTION. Sec. 5. The following acts and parts of acts are repealed:

- (1) Section 1, chapter 76, Laws of 1937 and RCW 76.12.130;
- (2) Section 1, chapter 266, Laws of 1951 and RCW 79.12.232;
- (3) Section 2, chapter 266, Laws of 1951 and RCW 79.12.234;

and

(4) Section 3, chapter 266, Laws of 1951, as amended by section 41, chapter 257, Laws of 1959 and RCW 79.12.236.

Passed the Senate March 18, 1969

Passed the House March 24, 1969

Approved by the Governor April 1, 1969

Filed in office of Secretary of State April 1, 1969

CHAPTER 15  
[Engrossed Senate Bill No. 379]  
TEACHERS' CONTRACTS

AN ACT Relating to education; amending section 3, chapter 68, Laws of 1955 as amended by section 1, chapter 241, Laws of 1961 and RCW 28.67.070; amending section 28A.67.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.67.070; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Title 28A if such title shall be enacted; and declaring an emergency.

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

Part I. Section affecting current law.

Section 1. Section 3, chapter 68, Laws of 1955, as amended by section 1, chapter 241, Laws of 1961 and RCW 28.67.070 are each amended to read as follows:

No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk or secretary, and the other shall be delivered to the teacher, after having been approved and registered by the county superintendent. No contract shall be offered by any board nor approved and registered by the county superintendent for the employment of any teacher who has previously signed a contract to teach for that same term in another school district of the state of Washington unless such teacher shall

have been released from his obligations under such previous contract by the board of directors of the school district to which he was obligated. Any contract signed in violation of this provision shall be void.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for nonrenewal of contract. Such notice shall be served upon the employee by certified or registered mail, or to the teacher personally, or by leaving a copy of the notice at the house of his usual abode with some person of suitable age and discretion than resident therein. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify the employee in writing of the date, time and place of hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall, within five days following the conclusion of such hearing, notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing. If such notification and opportunity for hearing is not

timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term (~~(+--PROVIDED;--That;--in union-high-school-districts-the-written-notification-and-opportunity-for-hearing-shall-be-given-on-or-before-April-30th-preceding-the commencement-of-the-next-ensuing-term))~~).

Part II. Section affecting proposed 1969 education code.

Sec.2. Section 28A. 67.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.67.070 are each amended to read as follows:

No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state, and limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the county or intermediate district superintendent, and one copy to be delivered to the teacher thereafter. No contract shall be offered by any board nor approved and registered by the county superintendent for the employment of any teacher who has previously signed a contract to teach for that same term in another school district of the state of Washington unless such teacher shall have been released from his obligations under such previous contract by the board of directors of the school district to which he was obligated. Any contract signed in violation of this provision shall be void.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is not to be renewed by the

district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for nonrenewal of contract. Such notice shall be served upon the employee by certified or registered mail, or to the teacher personally, or by leaving a copy of the notice at the house of his usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within five days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing. If such notification and opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before

it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. 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 March 18, 1969  
Passed the House March 24, 1969  
Approved by the Governor April 1, 1969  
Filed in office of Secretary of State April 1, 1969

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CHAPTER 16  
[Senate Bill No. 537]  
DEPARTMENT OF FISHERIES--  
SALMON SALES

AN ACT Relating to food fish and shellfish; amending section 75.08-.230, chapter 12, Laws of 1955, as amended by section 2, chapter 72, Laws of 1965 ex. sess., and RCW 75.08.230; and amending section 75.12.130, chapter 12, Laws of 1955, as amended by section 1, chapter 72, Laws of 1965 ex. sess., and RCW 75.12-.130.

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

Sec. 1. Section 75.08.230, chapter 12, Laws of 1955, as amended by section 2, chapter 72, Laws of 1965 ex. sess., and RCW 75.08.230 are each amended to read as follows:

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, except such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies, all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund: PROVIDED, That all such moneys as are realized from test fishing operations as aforesaid, shall be transmitted to the state treasurer who shall act as custodian, and the treasurer shall place such moneys in a special account known as receipts in excess of budget estimates, to be allotted by the governor, upon the request of the director of fisheries, for the purpose of defraying the costs of such test fishing: PROVIDED, FURTHER, That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district that test fishing is being conducted: PROVIDED FURTHER, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall

furnish a statement to the director showing the amount of fines so remitted and from whom collected: PROVIDED, That in instances where in any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund.

The proceeds of all sales of salmon by the director shall be handled in the same manner as the proceeds of the sales of food fish taken in test fishing conducted by the department.

Sec. 2. Section 75.12.130, chapter 12, Laws of 1955, as amended by section 1, chapter 72, Laws of 1965 ex. sess., and RCW 75.12.130 are each amended to read as follows:

The director may, for the purpose of carrying out his duties, take or remove or cause to be taken or removed in any manner, at any time, any fish or shellfish of any kind, character, or description from any waters or beaches of the state.

The director is authorized to sell food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies.

The director is prohibited from selling spawned-out salmon carcasses or salmon in spawning condition for human consumption: PROVIDED, That such salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless such salmon are found to be unfit for human consumption by the department of health. That which is not fit for human consumption may be sold by the director for animal food, fish food, or for industrial purposes.

Passed the Senate March 18, 1969  
Passed the House March 24, 1969  
Approved by the Governor April 1, 1969  
Filed in office of Secretary of State April 1, 1969

CHAPTER 17  
[Engrossed House Bill No. 38]  
SUPPLEMENTAL STEELHEAD SEALS

AN ACT Relating to game and game fish; adding a new section to chapter

48, Laws of 1965 and to chapter 77.32 RCW; and providing penalties.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 48, Laws of 1965 and to chapter 77.32 RCW a new section to read as follows:

It shall be unlawful for any person to fish for or take steelhead without first having procured from the director a seal to be known as a supplemental steelhead seal, which shall be procured, in addition to any other license, to fish for steelhead required by law. This seal shall be in the possession of all persons while engaged in fishing for steelhead.

The seal shall be prepared by and under the supervision of the director, and it shall bear the name "Department of Game of the State of Washington", the time period for which it is issued, and any other distinguishing marks deemed necessary by the director. The procuring fee shall be two dollars and shall be in addition to other license fees prescribed by law: PROVIDED, That this fee shall not apply to juveniles and free license holders. All moneys received from the issuance or sale of the seal provided herein shall be paid into the state game fund.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than twenty-five dollars nor more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days nor more than thirty days or by both such fine and imprisonment.

Passed the House March 14, 1969  
Passed the Senate March 24, 1969  
Approved by the Governor April 2, 1969  
Filed in office of Secretary of State April 2, 1969

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CHAPTER 18  
[Engrossed House Bill No. 40]  
GAME AND GAME FISH--  
PROTECTED WILDLIFE

AN ACT Relating to game and game fish; amending section 77.12.020, chapter 36, Laws of 1955 and RCW 77.12.020; amending section 77.12.030, chapter 36, Laws of 1955 and RCW 77.12.030; and amending section 77.12.040, chapter 36, Laws of 1955 and RCW 77.12.040.

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

Section 1. Section 77.12.020, chapter 36, Laws of 1955 and RCW 77.12.020 are each amended to read as follows:

The commission shall, from time to time, investigate and determine the habits and distribution of the various species of wild animals, wild birds, and game fish native to or capable of being adapted to the climatic conditions of the state, and classify the wild animals as game animals, predatory animals, (~~and~~) fur-bearing animals, and protected wildlife, and classify the wild birds as game birds including migratory game birds and upland game birds, predatory birds, nongame birds, and harmless or song birds.

Sec. 2. Section 77.12.030, chapter 36, Laws of 1955 and RCW 77.12.030 are each amended to read as follows:

The commission may regulate the propagation and preservation of all game animals, fur-bearing animals, protected wildlife, game birds, nongame birds, harmless or song birds, and game fish, and the collection of game fish spawn, and the distribution thereof, and the distribution of fry and adult game fish in any of the rivers, lakes, and streams of the state, and may import such spawn, fry, and adult fish as may be deemed advisable, and, when so propagated, taken or imported, distribute the same to the various counties as necessities and adaptabilities may require.

The commission may authorize or prohibit the importation of wild animals, wild birds and game fish, and regulate and license the sale and transportation thereof within the state.

Sec. 3. Section 77.12.040, chapter 36, Laws of 1955 and RCW 77.12.040 are each amended to read as follows:

The commission shall, from time to time, adopt, promulgate, amend, or repeal, and enforce, reasonable rules and regulations governing the time, place and manner, or prohibiting the taking of the various classes of game animals, fur-bearing animals, protected wildlife, and predatory animals, game birds, predatory birds, nongame birds, and harmless or song birds, and game fish in the respective areas and throughout the state and the quantities, species, sex and

size of such animals, birds and fish that may be taken.

The commission may establish within the state by rule and regulation game reserves and closed areas wherein all hunting and trapping for game animals, game birds, protected wildlife and fur-bearing animals, may be prohibited and game fish reserves and closed waters wherein all fishing for game fish may be prohibited.

Passed the House March 14, 1969  
Passed the Senate March 24, 1969  
Approved by the Governor April 2, 1969  
Filed in office of Secretary of State April 2, 1969

CHAPTER 19  
[House Bill No. 41]  
GAME FISH--DEFINITION

AN ACT Relating to game and game fish; and amending section 77.08.020, chapter 36, Laws of 1955 and RCW 77.08.020.

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

Section 1. Section 77.08.020, chapter 36, Laws of 1955 and RCW 77.08.020 are each amended to read as follows:

As used in this title or in any rule or regulation of the commission, "game fish" include any *Salmo irideus* commonly known as rainbow trout, *Salmo clarkii* commonly known as cutthroat trout (coastal), *Salmo gairdnerii* commonly known as steelhead, *Salvelinus fontinalis* commonly known as Eastern brook trout, *Oncorhynchus nerka* (kennerly) commonly known as silver trout, *Cristivomer namaycush* commonly known as mackinaw trout, *Micropterus salmoides* commonly known as large-mouth black bass, *Micropterus dolomieu* commonly known as small-mouth black bass, *Prosopium williamsoni* commonly known as white fish, *Perca flavescens* commonly known as yellow perch, *Pomixis annularis* commonly known as white crappie, *Pomixis sparoides* commonly known as black crappie, *Helioperca incisor* commonly known as bluegill sunfish, *Eupomotis gibbosus* commonly known as Pumpkinseed sunfish, *Ameiurus nebulosus* commonly known as catfish, *Thymallus montanus* commonly known as Montana grayling, *Salvelinus malma spectabilis* commonly known as Dolly Varden trout or Western charr or bull trout, *Salmo clarkii lewisi* commonly known as cutthroat trout, or Montana black-

spotted trout, *Salmo gairdnerii* kamloops commonly known as Kamloops trout or rainbow trout, *Salmo trutta* commonly known as brown trout, *Ambloplites rupestris* commonly known as Northern rock bass, *Ameiurus melas* commonly known as black catfish ((and)) Golden trout and any such other species of fish commonly found in fresh water as may be classified as game fish by rule or regulation of the commission: PROVIDED, That the commission shall not classify as game fish any species of fish classified as a food fish by the director of fisheries.

Passed the House March 14, 1969  
Passed the Senate March 24, 1969  
Approved by the Governor April 2, 1969  
Filed in office of Secretary of State April 2, 1969

CHAPTER 20  
[House Bill No. 51]  
WASHINGTON STATE PATROL--  
OFFICERS, PROMOTION

AN ACT Relating to promotion of patrol officers; amending section 43.43.330, chapter 8, Laws of 1965 and RCW 43.43.330; and amending section 43.43.350, chapter 8, Laws of 1965 and RCW 43.43.350.

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

Section 1. Section 43.43.330, chapter 8, Laws of 1965 and RCW 43.43.330 are each amended to read as follows:

Appropriate examinations shall be conducted for the promotion of commissioned patrol officers to the rank of sergeant and lieutenant. The examinations shall be prepared and conducted under the supervision of the chief of the Washington state patrol, who shall cause at least thirty days written notice thereof to be given to all patrol officers eligible for such examinations. Examinations shall be given once every three years, or whenever the eligible list becomes exhausted as the case may be. After the giving of each such examination a new eligible list shall be compiled replacing any existing eligible list for such rank. Only grades attained in the last examination given for a particular rank shall be used in compiling each eligible list therefor. The chief, or in his discretion a committee of three individuals appointed by him, shall

prepare and conduct the examinations, and thereafter grade and evaluate them in accordance with the following provisions, or factors: For promotion to the rank of lieutenant; (1) Service rating forty percent; (2) written examination thirty percent; (3) oral examination and interview twenty percent; (4) personnel record ten percent. For promotion to the rank of sergeant; (1) Service rating fifty percent; (2) written examination fifty percent.

Sec. 2. Section 43.43.350, chapter 8, Laws of 1965 and RCW 43.43.350 are each amended to read as follows:

Eligibility for examination or promotion shall be determined as follows:

Patrol officers with one year of probationary experience, in addition to three years experience as a regular patrolman, shall be eligible for examination for the rank of sergeant; patrol officers with one year of probationary experience in the rank of sergeant, in addition to two years as a regular sergeant, shall be eligible for examination for the rank of lieutenant (~~(patrol officers with one year of probationary experience in the rank of lieutenant, in addition to two years as a regular lieutenant, shall be eligible for examination for the rank of captain)~~).

Passed the House March 14, 1969  
Passed the Senate March 24, 1969  
Approved by the Governor April 2, 1969  
Filed in office of Secretary of State April 2, 1969

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CHAPTER 21  
[Engrossed House Bill No. 100]  
SALE OF WINE

AN ACT Relating to intoxicating liquor; amending section 23J added to chapter 62, Laws of 1933 extraordinary session by section 1, chapter 217, Laws of 1937 and RCW 66.24.160; amending section 23K added to chapter 62, Laws of 1933 extraordinary session by section 1, chapter 217, Laws of 1937, and RCW 66.24.200; amending section 24A added to chapter 62, Laws of 1933 extraordinary session by section 3, chapter 158, Laws of 1935 as last amended by section 2, chapter 216, Laws of 1943 and RCW 66.24.210;

amending section 25, chapter 62, Laws of 1933 extraordinary session and RCW 66.24.230; amending section 23I added to chapter 62, Laws of 1933 extraordinary session by section 1, chapter 217, Laws of 1937, as amended by section 2, chapter 172, Laws of 1939, and RCW 66.24.310; amending section 27D added to chapter 62, Laws of 1933 extraordinary session by section 8, chapter 172, Laws of 1939 and RCW 66.28.030; amending section 30, chapter 62, Laws of 1933 ex. sess. as amended by section 4, chapter 174, Laws of 1935 and RCW 66.28.040; amending section 42, chapter 62, Laws of 1933 extraordinary session as amended by section 4, chapter 217, Laws of 1937 and RCW 66.28.050; amending section 82.08.150, chapter 15, Laws of 1961, as last amended by section 16, chapter 173, Laws of 1965 extraordinary session, and RCW 82.08.150; amending section 82.08.160, chapter 15, Laws of 1961 and RCW 82.08.160; adding new sections to chapter 62, Laws of 1933 extraordinary session and to chapter 66.24 RCW; amending section 3, chapter 62, Laws of 1933 extraordinary session as amended by section 1, chapter 158, Laws of 1935, and RCW 66.04.010; and providing an effective date.

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

Section 1. Section 23J added to chapter 62, Laws of 1933 extraordinary session by section 1, chapter 217, Laws of 1937 and RCW 66.24.160 are each amended to read as follows:

A liquor importer's license may be issued to any qualified person, firm or corporation, entitling the holder thereof to import into the state any liquor other than beer or wine; to store the same within the state; and to sell and export the same from the state; fee two hundred and fifty dollars per annum. Such liquor importer's license shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board, and shall be issued only upon such terms and conditions as may be imposed by the board. No liquor importer's license shall be required in sales to the Washington state liquor control board.

Sec. 2. Section 23K added to chapter 62, Laws of 1933 extraordinary session by section 1, chapter 217, Laws of 1937, and RCW 66.24.200 are each amended to read as follows:

There shall be a license to ~~((domestic))~~ wine wholesalers to ~~((purchase-domestic-wine-from-domestic-wineries-and-to-sell-the-same-to-holders-of-wine-retailers-licenses))~~ sell wine, manufactured within or without the state, to licensed wholesalers and/or to holders of wine retailers licenses and to export the same from the state; fee ~~((fifty))~~ two hundred fifty dollars per annum for each distributing unit.

Sec. 3. Section 24A added to chapter 62, Laws of 1933 extraordinary session by section 3, chapter 158, Laws of 1935 as last amended by section 2, chapter 216, Laws of 1943 and RCW 66.24.210 are each amended to read as follows:

~~((1))--Within-the-meaning-of-this-title-the-term-"domestic wines"-shall-mean-wines-manufactured-or-produced-within-the-state-of Washington-in-a-licensed-domestic-winery-from-fruits-or-fruit-products grown-exclusively-and-entirely-within-the-state-of-Washington.~~

~~((2))--All-wines-manufactured--or-produced-in--domestic-wineries may-be-sold-by-the-manufacturer-or-producer-thereof-direct-to-persons holding-licenses-entitling-them-to-sell-wine-at-retail-under-the-provisions-of-this-title,-or-to-licensed-domestic-wine-wholesalers-or-to licensed-domestic-wineries.))~~

There is hereby imposed upon all wines ~~((manufactured-or-produced-in-domestic-wineries-and))~~ sold to retail licensees within the state a tax of ten cents per wine gallon: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one domestic winery to another domestic winery shall not be subject to such gallonage tax. The tax herein provided for may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on gallonage sales. Every person selling wine under the provisions of this section shall report all sales to the board in such manner, at such times and upon such forms as may be prescribed by the

board in accordance with RCW 66.24.230, and with such report shall pay the tax due from the sales covered by such report unless the same has previously been paid. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser (~~((, and any person who shall sell, or attempt to sell wine not produced exclusively and entirely from products grown in the state under this section shall be guilty of a violation of this title, and his license shall be summarily canceled by the board))~~). If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel his license until all taxes are paid.

Sec. 4. Section 25, chapter 62, Laws of 1933 extraordinary session and RCW 66.24.230 are each amended to read as follows:

Every winery and wine importer licensed under this title shall make monthly reports to the board pursuant to the regulations. Such winery and wine importer shall make no sales of wine within the state of Washington except to the board, or as otherwise provided in this title.

Sec. 5. Section 23I added to chapter 62, Laws of 1933 extraordinary session by section 1, chapter 217, Laws of 1937, as amended by section 2, chapter 172, Laws of 1939, and RCW 66.24.310 are each amended to read as follows:

(1) No person shall canvass for, solicit, receive or take orders for the purchase or sale of beer or ~~((domestic))~~ wine at wholesale, nor contact any retail licensees of the board in goodwill activities, unless such person shall be the accredited representa-

tive of a person, firm or corporation holding a beer wholesaler's license, a brewer's license, or a beer importer's license, or a domestic winery license, or a wine importer's license, or a (~~domestic~~) wine wholesaler's license within the state of Washington, and shall have applied for and received an agent's license: PROVIDED, HOWEVER, That the provisions of this section shall not apply to drivers who deliver beer or wine;

(2) Every agent's license issued under this title shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board;

(3) Every application for an agent's license must be approved by a licensed beer wholesaler or a licensed brewer, or a licensed beer importer, or a licensed domestic winery, or a licensed wine importer, or a licensed (~~domestic~~) wine wholesaler, as the rules and regulations of the board shall require;

(4) The fee for an agent's license shall be (~~two~~) five dollars per annum.

Sec. 6. Section 27D added to chapter 62, Laws of 1933 extraordinary session by section 8, chapter 172, Laws of 1939 and RCW 66.28.030 are each amended to read as follows:

Every licensed brewer, domestic winery, licensed wine importer and licensed beer importer shall be responsible for the conduct of any licensed beer or wine wholesaler in selling, or contracting to sell, to retail licensees, beer or wine manufactured by such brewer, domestic winery or imported by such beer or wine importer. Where the board finds that any licensed beer or wine wholesaler has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell beer or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such wholesaler, prohibit the sale of the brand or brands of beer or wine involved in such violation to any or all retail licensees within the trade territory usually served by such wholesaler for such period of time as the board may fix, irrespective of whether the brewer manu-

facturing such beer or the beer importer importing such beer or the domestic winery manufacturing such wine or the wine importer importing such wine actually participated in such violation.

Sec. 7. Section 30, chapter 62, Laws of 1933 extraordinary session as amended by section 4, chapter 174, Laws of 1935 and RCW 66.28-.040 are each amended to read as follows:

No brewer, wholesaler, distiller, winery, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board, and nothing in this section shall prevent a brewer from serving beer without charge on the brewery premises to employees and casual visitors and nothing in this act shall prevent a domestic winery from selling or serving wine of its own production without charge on the winery premises to employees and casual visitors. Such wine so sold shall be subject to the tax imposed by RCW 66.24.210.

Sec. 8. Section 42, chapter 62, Laws of 1933 extraordinary session as amended by section 4, chapter 217, Laws of 1937 and RCW 66.28.050 are each amended to read as follows:

No person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor: PROVIDED, That nothing in this title shall prevent any wholesaler, by his or its authorized licensed agent, from soliciting orders from holders of licenses entitling them to sell beer: PROVIDED, FURTHER, That nothing in this title contained shall prevent any domestic winery, wine importers or ((domestic)) wine wholesalers or their proprietors, agents and employees from soliciting orders of persons holding licenses entitling them to sell wine at retail. Nothing in this section contained shall apply to agents dealing with the board or to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

NEW SECTION. Sec. 9. There is added to chapter 62, Laws of 1933 extraordinary session and to chapter 66.24 RCW a new section to read as follows:

(1) It shall be unlawful for any person, firm or corporation, to import wine into the state of Washington or to transport or cause the same to be transported into the state of Washington for sale therein, unless such person, firm or corporation, has obtained from the Washington state liquor control board and have in force a wine importer's license. The license fee for such wine importer's license shall be thirty dollars per annum;

(2) The wine importer's license herein provided for shall authorize the holder thereof to sell wine imported, or transported, or caused to be transported thereunder to licensed wine wholesalers within the state and to export the same from the state. Every person, firm or corporation, licensed as a wine importer, shall establish and maintain a principal office within the state, at which shall be kept proper records of all wine imported into the state, under his, their, or its license. No wine importer's license shall be granted to a non-resident of the state, nor to a corporation whose principal place of business is outside the state, until such applicant has established such principal office within the state as hereinbefore provided, and has designated a statutory agent within the state upon whom service can be made;

(3) Every wine importer's license issued under this title shall be subject to all conditions and restrictions imposed by this title, or by the rules and regulations of the board.

NEW SECTION. Sec. 10. There is added to chapter 62, Laws of 1933 extraordinary session and to chapter 66.24 RCW a new chapter to read as follows:

No wine wholesaler nor wine importer shall purchase any wine not manufactured within the state of Washington by a winery holding a license as a manufacturer of wine from the state of Washington, and/or transport or cause the same to be transported into the state of Wash-

ington for resale therein, unless the winery or manufacturer of such wine, or the licensed importer of wine produced outside the United States, has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such winery, manufacturer, or licensed importer of wine produced outside the United States, shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of wine sold or delivered to each licensed wine importer, or imported by the licensed importer of wine produced outside the United States, during the preceding month, and shall further have agreed with the board, that such wineries, manufacturers, or licensed importers of wine produced outside the United States, and all general sales corporations or agencies maintained by them, and all of their trade representatives and agents, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such winery, manufacturer, or licensed importer of wine produced outside the United States, shall, after obtaining such certificate, fail to submit such report, or if such winery, manufacturer, or licensed importer of wine produced outside the United States, or general sales corporations or agencies maintained by them, or their trade representatives or agents, shall violate the terms of such agreement, the board shall, in its discretion, revoke such certificate: PROVIDED, HOWEVER, That such certificates of approval shall be issued only for specifically named designated and identified types of wine. The Washington state liquor control board shall not certify wines labeled with names which may be confused with other nonalcoholic beverages, whether manufactured or produced from a domestic winery or imported, nor wines which fail to meet quality standards established by the board.

The fee for the certificate of approval, issued pursuant to the

provisions of this title, shall be fifty dollars per annum, which sum shall accompany the application for such certificate.

Sec. 11. Section 82.08.150, chapter 15, Laws of 1961, as last amended by section 16, chapter 173, Laws of 1965 ex. sess., and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected (~~((from and after the first day of November, 1951,))~~) a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale (~~((to a consumer or))~~) for resale (~~((by a retailer in such original package))~~) to the holder of a class C, class F, class H or combined class C and class F license issued by the Washington state liquor control board: PROVIDED, That from and after the effective date of this 1969 amendatory act the tax upon each retail sale of wine under this subsection (1) shall be at the rate of twenty-six percent of the selling price. The tax imposed in this section shall apply to all sales of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including sales to licensees, but shall not apply to sales of wine in the unopened bottle by licensees who have paid the tax imposed by this subsection (1) to their vendors on the acquisition of such wine. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, (~~((wine,))~~) or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, (~~((wine,))~~) or strong beer by the Washington state liquor stores and agencies, excluding sales to class H licensees. The

tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the first day of June, 1965, an additional tax upon each retail sale of spirits in the original package at the rate of two cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state (~~(tax-commission)~~) department of revenue, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter (~~(43.66)~~) 66.08 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

~~((4)--The-additional-five-percent-tax-enacted-in-subdivision (2)-of-this-section-shall-not-be-levied-upon-or-applied-to-sales-of wine-which-have-been-subjected-to-the-tax-imposed-by-RCW-66.24.220,~~

~~(5))~~ (4) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

Sec. 12. Section 82.08.160, chapter 15, Laws of 1961 and RCW 82.08.160 are each amended to read as follows:

(1) On or before the fifteenth day of each month beginning with the month of June, 1955, the Washington state liquor control board

shall remit to the state (~~(tax-commission)~~) department of revenue, to be deposited with the state treasurer, all moneys collected by it under this chapter during the preceding month on sales made in state liquor stores and agencies. Upon receipt of such moneys the state treasurer shall credit sixty-five percent of the sums remitted to the state general fund and thirty-five percent of the sums remitted to a fund which is hereby created to be known as the "liquor excise tax fund."

(2) On or before the fifteenth day of each month beginning with the month of August, 1969, all moneys collected during the preceding month on sales of wine, other than that collected by the Washington state liquor control board, pursuant to subsection (1) of RCW 82.08-.150, as now or hereafter amended, shall be deposited with the state treasurer and credited by him as follows: Sixty percent of the sums so deposited shall be credited to the state general fund and forty percent of the sums so deposited shall be credited to the liquor excise tax fund.

Sec. 13. Section 3, chapter 62, Laws of the 1933 extraordinary session, as amended by section 1, chapter 158, Laws of 1935, and RCW 66.04.010 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

(2) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title any such beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

(5) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to sections 10030-10038, Remington's Revised Statutes.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to sections 10126-10146, Remington's Revised Statutes.

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same

building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) "Imprisonment" means confinement in the county jail.

(15) "Interdicted person" means a person declared an habitual drunkard pursuant to sections 1708-1715, Remington's Revised Statutes, or a person to whom the sale of liquor is prohibited by an order of interdiction filed with the board pursuant to this title.

(16) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(17) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(18) "Malt liquor" means beer, strong beer, ale, stout and porter.

(19) "Package" means any container or receptacle used for holding liquor.

(20) "Permit" means a permit for the purchase of liquor under this title.

(21) "Person" means an individual, copartnership, association, or corporation.

(22) "Physician" means a medical practitioner duly and regu-

larly licensed and engaged in the practice of his profession within the state pursuant to sections 10008-10025, Remington's Revised Statutes.

(23) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(24) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(25) "Regulations" means regulations made by the board under the powers conferred by this title.

(26) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(27) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the

state.

(28) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(29) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(30) "Store" means a state liquor store established under this title.

(31) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(32) "Vendor" means a person employed by the board as a store manager under this title.

(33) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(34) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington (~~(from fruits or fruit products grown exclusively and entirely within the state of Washington)~~).

(35) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

(36) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(37) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this

title, or who represents such vintner or winery as agent.

NEW SECTION. Sec. 14. There is hereby added to chapter 66, Laws of 1933 ex. sess., as amended by chapter 48, Laws of 1945 and chapter 66.28 RCW a new section to read as follows:

No manufacturer of wine, or person financially interested, directly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in the business of any licensed wine wholesaler, nor shall any manufacturer of wine 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 of wine has any interest, nor shall any manufacturer of wine 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: PROVIDED, That the provisions of this section shall not apply to any domestic winery or domestic brewery which is, as of the date of passage of this act, a licensed wholesaler: PROVIDED FURTHER, That in event of sale of such winery or brewery the exclusion of the foregoing proviso shall not apply.

NEW SECTION. Sec. 15. The effective date of this 1969 amendatory act is July 1, 1969.

Passed the House March 24, 1969  
Passed the Senate March 24, 1969  
Approved by the Governor April 2, 1969  
Filed in office of Secretary of State April 2, 1969

CHAPTER 22  
[Substitute House Bill No. 156]  
KIRKLAND ARMORY

AN ACT Relating to state government; authorizing the sale or trade of the Kirkland armory; and providing for the disposition of funds received from the sale.

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

NEW SECTION. Section 1. The state military department is authorized to sell or trade the present state armory, land and build-

ing, in the city of Kirkland legally described as follows:

A portion of the SW 1/4 of the SW 1/4 of Section 5, Twp. 25 North, Range 5 East, W.M., King County, State of Washington, particularly described as follows:

Beginning at a point on the south line of Section 5, Twp. 25 North, Range 5 East, W.M., North 89°39'00" East, 820.00 feet from the Meander Corner between Sections 5 and 8; thence North 0°21'00" West, 30.00 feet to the true point of beginning; thence North 0°21'00" West, 270.00 feet; thence North 89°39'00" East, 200.00 feet; thence South 0°21'00" East, 270.00 feet to the North margin of Kirkland Avenue; thence South 89°39'00" West, along said North margin, 200.00 feet to the true point of beginning.

Which sale or trade shall be by and under the direction of the adjutant general and in accordance with the procedures provided by law.

After complying with the provisions of section 3 of this act, the monetary consideration received, if any, from the sale or trade authorized in this section shall be deposited to the account of the general fund in the state treasury to be set aside and utilized for the purchase of real property for the use of the military department of the state of Washington.

Before any sale or trade under the provisions of this act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale or trade pursuant to the provisions of this act shall be made to the best bidder for a price not less than the average appraised value of the interest of the state of Washington in said land and building without deduction for federal investment in the existing building and pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale in at least one issue of a legal newspaper of general circulation in the county and printed and published in the county in which the armory is located.

NEW SECTION. Sec. 2. The disposition of the present armory shall in all respects be subject to the approval of the governor and

any instrument or instruments necessary in effecting the sale or trade of and conveying the title to such real property shall be executed by the governor on behalf of the state of Washington in form approved by the attorney general.

NEW SECTION. Sec. 3. The state military department is further authorized to negotiate with the federal government for the purpose of arriving at a mutually agreed price for the federal investment in the building presently existing on the Kirkland armory site. Following the sale or trade of the site, the state military department shall pay over to the federal government, from the funds received, if any, an amount equal to the mutually agreed price.

Passed the House March 14, 1969  
Passed the Senate March 24, 1969  
Approved by the Governor April 2, 1969  
Filed in office of Secretary of State April 2, 1969

CHAPTER 23  
[Engrossed House Bill No. 125]  
COMMERCIAL SALMON FISHING--  
PROHIBITED GEAR

AN ACT Relating to food fish and shellfish; adding new section to chapter 12, Laws of 1955 and to chapter 75.12; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1955 and to chapter 75.12 RCW a new section to read as follows:

"Angling" or "personal use" gear, in accordance with the provisions of RCW 75.04.070, RCW 75.04.080, RCW 75.04.100 and under the authority set forth in RCW 75.08.080, is prohibited for commercial salmon fishing.

NEW SECTION. Sec. 2. The provisions of this act shall become effective January 1, 1970.

Passed the House March 14, 1969  
Passed the Senate March 26, 1969  
Approved by the Governor April 2, 1969  
Filed in office of Secretary of State April 2, 1969

CHAPTER 24  
[Engrossed House Bill No. 128]  
LANDS, WATERS--  
RECREATIONAL USE--  
OWNER IMMUNITY

AN ACT Relating to outdoor recreation; limiting the liability of

owners and others in lawful possession and control of land and water areas or channels made available to the public for recreational purposes; amending section 1, chapter 216, Laws of 1967 and RCW 4.24.200; and amending section 2, chapter 216, Laws of 1967 and RCW 4.24.210.

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

Section 1. Section 1, chapter 216, Laws of 1967 and RCW 4.24-.200 are each amended to read as follows:

The purpose of RCW 4.24.200 and 4.24.210 is to encourage owners (~~(of-land)~~) or others in lawful possession and control of land and water areas or channels to make them available (~~((land-and-water areas))~~) to the public for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

Sec. 2. Section 2, chapter 216, Laws of 1967 and RCW 4.24.210 are each amended to read as follows:

Any landowners or others in lawful possession and control of agricultural or forest lands or water areas or channels and rural lands adjacent to such areas or channels who allow(~~((s))~~) members of the public to use (~~((his-agricultural-or-forest-land))~~) them for the purposes of outdoor recreation, which term includes hunting, fishing, camping, picnicking, swimming, hiking, pleasure driving, boating, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users: PROVIDED, That nothing in this section shall prevent the liability of such a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted: PROVIDED FURTHER, That nothing in RCW 4.24.200 and 4.24.210 limits or expands in any way the doctrine of attractive

nuisance.

Passed the House March 14, 1969  
 Passed the Senate March 26, 1969  
 Approved by the Governor April 2, 1969  
 Filed in office of Secretary of State April 2, 1969

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CHAPTER 25  
 [House Bill No. 332]  
 PUBLIC HEALTH--FEDERAL FUNDS

AN ACT Relating to public health; and amending section 12, chapter 102, Laws of 1967 ex.sess. and RCW 70.01.010.

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

Section 1. Section 12, chapter 102, Laws of 1967 ex.sess. and RCW 70.01.010 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the public health programs (~~(included in Title-70-RCW)~~), the state board of health shall adopt such rules and regulations as may become necessary to entitle this state to participate in federal (~~(matching)~~) funds unless the same be expressly prohibited by (~~(such title)~~) law. Any section or provision of (~~(Title 70-RCW)~~) the public health laws of this state which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal (~~(matching)~~) funds for the various programs of public health.

Passed the House March 14, 1969  
 Passed the Senate March 26, 1969  
 Approved by the Governor April 2, 1969  
 Filed in office of Secretary of State April 2, 1969

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CHAPTER 26  
 [House Bill No. 444]  
 SCHOOL OFFICIALS--EXPENSES

AN ACT Relating to education; amending section 15, chapter 268, Laws of 1961 and RCW 28.58.310; amending section 28A.58.310, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.310; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring

an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 15, chapter 268, Laws of 1961 and RCW 28-58.310 are each amended to read as follows:

The actual expenses of school directors in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid ~~((to them))~~. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid ~~((to them))~~.

The school directors, school superintendents or other school representatives may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures prescribed by RCW 43.03.150 through 43.03.210.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.58.310, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.310 are each amended to read as follows:

~~((School directors shall be reimbursed for their expenses incurred in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. PROVIDED, That when such business is for a period less than a major part of the day such members shall be reimbursed for actual expenses incurred irrespective of RCW 43.03.050 and rules and regulations promulgated thereunder. Likewise, school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be reimbursed for their expenses as in this section pro-~~

~~vided,--Reimbursements shall come from the school district's current expense fund.)~~ The actual expenses of school directors in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid. The school directors, school superintendents or other school representatives may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

Part III. Construction

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. 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 House March 14, 1969.  
Passed the Senate March 26, 1969.  
Approved by the Governor April 2, 1969.  
Filed in office of Secretary of State April 2, 1969.

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CHAPTER 27  
[House Bill No. 604]  
STATE BUILDING AUTHORITY

AN ACT Relating to state building authority; amending section 5, chapter 162, Laws of 1967 and RCW 43.75.050; amending section 6, chapter 162, Laws of 1967 and RCW 43.75.060; and amending section 12, chapter 162, Laws of 1967 and RCW 43.75.120.

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

Section 1. Section 5, chapter 162, Laws of 1967 and RCW 43.75-.050 are each amended to read as follows:

The authority shall delegate responsibility for the design and construction of any project to (~~(the institution concerned with respect to construction at state universities and to the department of general administration with respect to construction at the state colleges)~~) the department of general administration or the institution concerned for those institutions which have an architectural staff. The provision of RCW 43.19.450 shall govern with regard to this delegation. No building shall be constructed unless the design thereof shall first have been approved by the governing body of the institution concerned.

Sec. 2. Section 6, chapter 162, Laws of 1967 and RCW 43.75-.060 are each amended to read as follows:

Rental rates shall be set by the authority in an amount which, during the term of each lease, shall yield sufficient revenue to repay the authority for the cost of construction and all expenditures, including overhead, which may be made by the authority in connection with any such building or the financing thereof including interest

and bond service charges upon the money required for providing any such building. In determining the amount of the rent, the authority shall seek to avoid the making of any profit but may fix the rental at such figure as shall afford reasonable protection to the holders of bonds issued by the authority, and shall also afford reasonable protection to the authority from losses from unpredictable causes.

Sec. 3. Section 12, chapter 162, Laws of 1967 and RCW 43.75-.120 are each amended to read as follows:

The authority shall determine the form, conditions, covenants including but not being limited to a covenant for the creation, maintenance and replenishment of a reserve account within each bond redemption fund, for coverage of rental revenue to be paid into each bond redemption fund in excess of the actual annual debt service on the bonds payable out of each bond redemption fund, for the selection of a trustee for the owners and holders of such bonds or each issue or series thereof and for the fixing of the rights, duties, powers and obligations of such trustee, and providing for such other covenants, all as in the opinion of the authority are necessary for the most advantageous sale of said bonds, and denominations of the bonds, the maturity dates which the bonds shall bear and the interest rates thereon. The authority may provide for the retirement of the bonds at any time prior to maturity and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed in such manner as the authority shall specify in its resolution. Bonds shall be negotiable instruments and shall be sold on sealed bids to the highest bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell bonds at private sale under such terms and conditions as it deems most advantageous to its own interests but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized from the United States or any agency

thereof upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter except the requirement that they be first offered at public sale. Temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued and delivered until bonds are executed and available for delivery.

Passed the House March 25, 1969

Passed the Senate March 21, 1969

Approved by the Governor April 2, 1969

Filed in office of Secretary of State April 2, 1969

CHAPTER 28  
[House Bill No. 774]  
WASHINGTON STATE UNIVERSITY--  
LANDS IN WHITMAN COUNTY

AN ACT Relating to public lands; and authorizing the sale, lease, or exchange of certain properties by the board of regents of Washington state university.

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

NEW SECTION. Section 1. The board of regents of Washington State University is authorized to sell, lease, or exchange for land of equal value, all or any part of the east half of the north half of Section 32, Township 15 North, Range 45 E.W.M., Whitman County, Washington. In the event the land is sold, such sale shall be for at least the appraised value thereof and the proceeds shall be used to acquire other real estate. In the event the land is exchanged, the land shall be exchanged for land of equal value.

NEW SECTION. Sec. 2. The board of regents of Washington State University is authorized to sell, lease, or exchange for land of equal value, all or any part of Government Lots 2, 3, 4, 5, 6, and 7 in the southwest quarter of the northwest quarter of Section 3, Township 13 North, Range 40 E.W.M., and the southeast quarter of the southwest quarter of Section 34, Township 14 North, Range 40 E.W.M., in the County of Whitman, State of Washington. In the event the land is sold, such sale shall be for at least the appraised value thereof and the proceeds shall be used to acquire other real estate. In the event the land is exchanged, the land shall be exchanged for land of

equal value.

NEW SECTION. Sec. 3. 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.

Passed the House March 19, 1969  
 Passed the Senate March 26, 1969  
 Approved by the Governor April 2, 1969  
 Filed in office of Secretary of State April 2, 1969

CHAPTER 29  
 [Engrossed Senate Bill No. 37]  
 CODE CITIES--  
 LEGISLATIVE BODY--POWERS

AN ACT Relating to the optional municipal code and certain power of cities; amending section 35A.11.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.11.020; and providing an effective date.

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

Section 1. Section 35A.11.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.11.020 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provision establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in RCW 41.08 for firemen and 41.12 for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are

provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five hundred dollars or imprisonment for any term not exceeding six months, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title: Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, RCW 82.36.440, RCW 48.14.020, and RCW 48.14.080.

NEW SECTION. Sec. 2. The effective date of this act is July

1, 1969.

Passed the Senate March 14, 1969  
Passed the House March 27, 1969  
Approved by the Governor April 3, 1969  
Filed in office of Secretary of State April 3, 1969

CHAPTER 30  
[Engrossed Senate Bill No. 253]  
PORT DISTRICTS--SALE OF  
PROPERTY NO LONGER NEEDED

AN ACT Relating to the sale of port district personal property no longer needed for district purposes; and amending section 10, chapter 65, Laws of 1955 as amended by section 1, chapter 23, Laws of 1965 and RCW 53.08.090.

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

Section 1. Section 10, chapter 65, Laws of 1955 as amended by section 1, chapter 23, Laws of 1965 and RCW 53.08.090 are each amended to read as follows:

A port commission may, by resolution, authorize the managing official of a port district to sell and convey port district personal property of less than twenty-five hundred dollars in value. Such authority shall be in force for not more than one calendar year from the date of resolution and may be renewed from year to year. Prior to any such sale or conveyance the managing official shall itemize and list the property to be sold and make written certification to the commission that the listed property is no longer needed for district purposes. Any large block of such property having a value in excess of twenty-five hundred dollars shall not be broken down into components of less than twenty-five hundred dollars value and sold in such smaller components unless such smaller components be sold by public competitive bid. As regards property valued at more than twenty-five hundred dollars ((A)) a district may sell and convey any of its property when the port commission has, by resolution, declared the property to be no longer needed for district purposes, but no property which is a part of the comprehensive plan of improvement or modification thereof shall be disposed of until the comprehensive plan has been modified to find such property surplus to port needs. The comprehensive plan shall

be modified only after public notice and hearing provided by RCW 53-.20.010.

Nothing in this section shall be deemed to repeal or modify procedures for property sales within industrial development districts as set forth in chapter 53.25 RCW.

Passed the Senate March 17, 1969  
 Passed the House March 27, 1969  
 Approved by the Governor April 3, 1969  
 Filed in office of Secretary of State April 3, 1969

CHAPTER 31  
 [Engrossed Senate Bill No. 257]  
 STATE PARKS AND  
 RECREATION COMMISSION

AN ACT Relating to the state parks and recreation commission; adding a new section to chapter 8, Laws of 1965 and to chapter 43.51 RCW; and amending section 43.51.020, chapter 8, Laws of 1965, as amended by section 1, chapter 132, Laws of 1965 ex. sess., and RCW 43.51.020.

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

Section 1. Section 43.51.020, chapter 8, Laws of 1965, as amended by section 1, chapter 132, Laws of 1965 ex. sess., and RCW 43.51.020 are each amended to read as follows:

There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission (~~(;-except-three)~~) shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years (~~(;-PROVIDED;-That-of-the-members-first-appointed;-one-shall-be appointed-for-a-term-of-two-years;-one-for-a-term-of-four-years;-and two-each-for-a-term-of-six-years;-Three-members-may-be-elected-state officials-and-shall-be-appointed-by-the-governor-and-serve-during-the terms-for-which-they-were-elected)~~) , and until their successors are appointed. In case of a vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

The commissioners incumbent as of the effective date of this

1969 amendatory act shall serve as follows: Those commissioners whose terms expire December 31, 1970, shall serve until December 31, 1970; the elector appointed to succeed to the office, the term for which expired December 31, 1968, shall serve until December 31, 1974; the terms of three of the four remaining commissioners shall each expire on December 31, 1972.

To assure that no more than the terms of three members will expire simultaneously on December 31st in any one even-numbered year, the term of not more than one commissioner incumbent on the effective date of this 1969 amendatory act, as designated by the governor, who was either appointed or reappointed to serve until December 31, 1972, shall be increased by the governor by two years, and said term shall expire December 31, 1974.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person (~~(; -except-the-three-state-officials-mentioned herein)~~) shall (~~(be-appointed)~~) serve if he holds any elective or full time appointive state, county, or municipal office. Members of the commission shall be entitled to be paid a per diem of twenty-five dollars (~~(; -except-that-no-public-official-shall-receive-a-per diem;)~~) for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their expenses incurred while absent from their usual places of residence upon the same basis as expenses are payable to state officials and employees.

Payment of per diem and expenses, and all other expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.51 RCW a new section to read as follows:

Notwithstanding any other provisions of this chapter or of other laws relating to the commission, the commission may delegate to the director of parks and recreation such powers and duties of the

commission as they may deem proper.

Passed the Senate March 26, 1969  
Passed the House March 24, 1969  
Approved by the Governor April 3, 1969  
Filed in office of Secretary of State April 3, 1969

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CHAPTER 32  
[Engrossed Senate Bill No. 290]  
DEPARTMENT OF LABOR  
AND INDUSTRIES--ORGANIZATION

AN ACT Relating to the organization of the Department of Labor and Industries; amending section 43.22.010, chapter 8, Laws of 1965 and RCW 43.22.010; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.22 RCW.

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

Section 1. Section 43.22.010, chapter 8, Laws of 1965 and RCW 43.22.010 are each amended to read as follows:

The department of labor and industries shall be organized into ~~((four))~~ six divisions, to be known as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of mining safety, ~~((and;))~~ (4) the division of industrial relations, (5) the division of apprenticeship, and (6) the division of building and construction safety inspection services, which last mentioned division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, boiler inspection, and hotel inspection.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW, a new section to read as follows:

The director of labor and industries may appoint and deputize an assistant director to be known as the deputy director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

NEW SECTION. Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.22 RCW, a new section to read as follows:

The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of the division of building and construction safety inspection services, who shall have charge and supervision of the division of building and construction safety inspection services.

With the approval of the director, he may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division subject to the provisions of chapter 41.06 RCW.

Passed the Senate March 26, 1969  
 Passed the House March 24, 1969  
 Approved by the Governor April 3, 1969  
 Filed in office of Secretary of State April 3, 1969

CHAPTER 33  
 [Engrossed Senate Bill No. 353]  
 CITIES AND TOWNS--  
 FUNDS--INVESTMENT

AN ACT Relating to cities and towns; providing for the investment of excess or inactive funds; amending section 35.39.030, chapter 7, Laws of 1965 as amended by section 1, chapter 46, Laws of 1965 ex. sess. and RCW 35.39.030; adding new sections to chapter 7, Laws of 1965 and to chapter 35.39 RCW; and declaring an effective date.

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

Section 1. Section 35.39.030, chapter 7, Laws of 1965 as amended by section 1, chapter 46, Laws of 1965 ex. sess. and RCW 35.39.030 are each amended to read as follows:

Every city and town may invest any portion of the moneys in its inactive funds or in other funds in excess of current needs in:

- (1) United States bonds;
- (2) United States certificates of indebtedness;
- (3) Bonds or warrants of this state;
- (4) General obligation or utility revenue bonds or warrants of its own or of any other city or town in the state;
- (5) Its own bonds or warrants of a local improvement or condemnation award district which is within the protection of the local

improvement guaranty fund law; and

(6) In any other investments authorized by law for any other taxing districts.

~~((No investment shall be made without the approval of the legislative authority of the city or town expressed by ordinance:--PROVIDED, That except as otherwise provided by law, the legislative authority may by ordinance authorize a city official or a committee composed of several city officials to make the investments authorized as indicated above, without the consent of the legislative authority for each investment:--The responsible official or committee shall make a monthly report of all investment transactions to the city legislative authority:--The legislative authority of a city or town or the city official or committee authorized to invest city or town funds may at any time convert the above mentioned securities, or any part thereof, into cash.))~~

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.39 RCW a new section to read as follows:

No investment shall be made without the approval of the legislative authority of the city or town expressed by ordinance: PROVIDED, That except as otherwise provided by law, the legislative authority may by ordinance authorize a city official or a committee composed of several city officials to determine the amount of money available in each fund for investment purposes and make the investments authorized as indicated in RCW 35.39.030 as now or hereafter amended and the provisions of section 3 of this 1969 amendatory act, without the consent of the legislative authority for each investment. The responsible official or committee shall make a monthly report of all investment transactions to the city legislative authority. The legislative authority of a city or town or city official or committee authorized to invest city or town funds may at any time convert any of its investment securities, or any part thereof, into cash.

NEW SECTION. Sec. 3. There is added to chapter 7, Laws of 1965 and to chapter 35.39 RCW a new section to read as follows:

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating funds: PROVIDED, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

NEW SECTION. Sec. 4. 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 political subdivisions; and shall take effect July 1, 1969.

Passed the Senate March 26, 1969  
 Passed the House March 24, 1969  
 Approved by the Governor April 3, 1969  
 Filed in office of Secretary of State April 3, 1969

CHAPTER 34  
 [Engrossed House Bill No. 490]  
 EDUCATION--CERTIFICATED  
 EMPLOYEES--CONTRACTS

AN ACT Relating to education; amending section 3, chapter 68, Laws of 1955 as amended by section 1, chapter 241, Laws of 1961 and RCW 28.67.070; amending sections 2, 3, 5 and 6, chapter 241, Laws of 1961 and RCW 28.58.450, 28.58.460, 28.58.480 and 28.58.490; amending section 1, page 362, Laws of 1909 as amended by section 9, chapter 241, Laws of 1961 and RCW 28.88.010; adding new sections to chapters 28.19, 28.58 and 28.67 RCW; amending sections 28A.67.070, 28A.58.450, 28A.58.460, 28A.58.480, 28A.58.490 and 28A.88.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.67.070, 28A.58.450, 28A.58.460, 28A.58.480, 28A.58.490 and 28A.88.010; adding new sections to chapters 28A.19, 28A.58 and 28A.67 RCW; providing sections to

effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 3, chapter 68, Laws of 1955 as amended by section 1, chapter 241, Laws of 1961 and RCW 28.67.070 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate ~~of other certificate~~ required by law or the state board of education for the position for which the employee is employed.

The board shall make with each ~~((teacher))~~ employee employed by it a written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk or secretary, and the other shall be delivered to the ~~((teacher,))~~ employee after having been approved and registered by the county or intermediate district superintendent.

Every ~~((teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is))~~ board of directors determining that there is probable cause or causes that the employment contract of an employee should not ~~((to))~~ be renewed by the district for the next ensuing term shall ~~((be notified))~~ notify that employee in writing on or before April 15th preceding the commencement of such term of ~~((the decision))~~ that determination of the board of directors ~~((not to renew his employment))~~ , which notification shall specify ~~((sufficient))~~ the cause or causes for nonrenewal of contract. Such notice shall be served upon the

employee personally, or by certified or registered mail, (~~or to the teacher personally,~~) or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. <sup>3</sup> Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause or causes for nonrenewal of contract. <sup>4</sup> In the request for hearing, the employee may request either an open or closed hearing. <sup>5</sup> Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify the employee in writing of the date, time and place of hearing. <sup>6</sup> The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board may determine whether the hearing shall be open or closed. <sup>7</sup> The board may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. <sup>8</sup> The board of directors shall, within five days following the conclusion of such hearing, notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. <sup>9</sup> Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice of probable cause to the employee and (~~proved and~~) established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal. <sup>10</sup> If any such notification (~~and~~) or opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such

ensuing term (~~(+PROVIDED, That in union high school districts the written notification and opportunity for hearing shall be given on or before April 30th preceding the commencement of the next ensuing term)~~)).

Sec. 2. Section 2, chapter 241, Laws of 1961 and RCW 28.58-.450 are each amended to read as follows:

Every board of directors determining that there is probable cause or causes for (~~the discharge of~~) a teacher, principal, supervisor, (~~or~~) superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his contract status, shall notify such employee in writing of its decision, which notification shall specify the probable cause or causes for (~~discharge~~) such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his contract status. In the request for hearing, the employee may request either an open or closed hearing. The board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify such employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board may determine whether the hearing shall be open or closed. The board may reasonably regulate the conduct of the hearing. The employee may engage

such counsel and produce such witnesses as he or she may desire. The board of directors shall, within five days following the conclusion of such hearing, notify such employee in writing of its final decision. Any decision to discharge or to take other adverse action against such employee shall be based solely upon the cause (~~for discharge~~) or causes specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for discharge or other adverse action against his contract status.

In the event any such notice (~~and~~) or opportunity for hearing is not timely given by the district, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee (~~shall~~) may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Sec. 3. Section 3, chapter 241, Laws of 1961 and RCW 28.58-.460 are each amended to read as follows:

Any teacher, principal, supervisor, (~~or~~) superintendent, or other certificated employee, desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge or other action adversely affecting his contract status, or failure to renew that employee's contract for the next ensuing term, may, within thirty days after his or her receipt of such decision or order serve upon the clerk of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall also set forth in a clear and concise manner the errors complained of.

Sec. 4. Section 5, chapter 241, Laws of 1961 and RCW 28.58-.480 are each amended to read as follows:

Any appeal to the superior court by (~~teacher, principal, supervisor or superintendent~~) an employee shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

Sec. 5. Section 6, chapter 241, Laws of 1961 and RCW 28.58-.490 are each amended to read as follows:

The court in its discretion may award to (~~a teacher, principal, supervisor or superintendent~~) an employee a reasonable attorney's fee for the preparation and trial of his appeal, together with his taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages incurred by the employee by reason of the action of the school district.

Sec. 6. Section 1, page 362, Laws of 1909 as amended by section 9, chapter 241, Laws of 1961 and RCW 28.88.010 are each amended to read as follows:

Any person, or persons, (~~other than teachers, principals, supervisors and superintendents~~) either severally or collectively, aggrieved by any decision or order of any school officer or school board may, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, appeal the same to the proper officer or board as hereinafter provided. Appeals by teachers, principals, supervisors (~~or~~), superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the provisions of chapter 28.58 RCW, and in all other cases shall be governed by this chapter 28.88 RCW.

NEW SECTION. Sec. 7. There is added to chapter 28.58 RCW a new section to read as follows:

In lieu of requesting a hearing before the board of directors pursuant to the provisions of RCW 28.58.450 and 28.67.070, an em-

ployee may elect to appeal the action of the board directly to the superior court of the county in which the school district is located by serving upon the clerk of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the notification of the action of the board. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action of the board of directors and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be conducted in the same manner as appeals provided in RCW 28.58.470 through 28.58.500.

NEW SECTION. Sec. 8. There is added to chapter 28.19 RCW a new section to read as follows:

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

Every county or intermediate district superintendent or board of education determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in this 1969 amendatory act

and in chapter 241, Laws of 1961, as amended by this 1969 amendatory act and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the intermediate district.

NEW SECTION. Sec. 9. There is added to chapter 28.19 RCW a new section to read as follows:

Every county or intermediate district superintendent or board of education determining that there is probable cause or causes for a certificated employee of that superintendent or board to be discharged or otherwise adversely affected in his contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in this 1969 amendatory act and chapter 241, Laws of 1961, as amended by this 1969 amendatory act and in any amendments hereafter made thereto. The board of education and the county or intermediate district superintendent, respectively, shall have the duties of the boards of directors and clerks of school districts in this 1969 amendatory act and in chapter 241, Laws of 1961, as amended by this 1969 amendatory act and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the intermediate district.

NEW SECTION. Sec. 10. There is added to chapter 28.58 RCW a new section to read as follows:

The board of directors of any school district, its employees or agents shall not discriminate in any way against any applicant for a certificated position or any certificated employee

(1) On account of his membership in any lawful organization,  
or

(2) For the orderly exercise during off-school hours of any rights guaranteed under the law to citizens generally, or

(3) For family relationship, except where covered by chapter 42.23 RCW.

The school district personnel file on any certificated employee in the possession of the district, its employees, or agents shall not be withheld at any time from the inspection of that employee.

NEW SECTION. Sec. 11. There is added to chapter 28.67 RCW a new section to read as follows:

Every board of directors, in accordance with procedure provided in RCW 28.72.030, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.

Part II. Sections affecting proposed 1969 education code.

Sec. 12. Section 28A.67.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.67.070 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each (~~teacher~~) employee employed by it a written contract, which shall be in conformity with the laws

of this state, and limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the county or intermediate district superintendent, and one copy to be delivered to the ~~((teacher))~~ employee thereafter.

Every ~~((teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is))~~ board of directors determining that there is probable cause or causes that the employment contract of an employee should not ~~((to))~~ be renewed by the district for the next ensuing term shall ~~((be notified))~~ notify that employee in writing on or before April 15th preceding the commencement of such term of ~~((the decision))~~ that determination of the board of directors ~~((not to renew his employment))~~, which notification shall specify ~~((sufficient))~~ the cause or causes for nonrenewal of contract. Such notice shall be served upon the employee personally, or by certified or registered mail, ~~((or to the teacher personally,))~~ or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause or causes for nonrenewal of contract. In the request for hearing, the employee may request either an open or closed hearing. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to

make such a request, the board may determine whether the hearing shall be open or closed. The board may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within five days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice of probable cause to the employee and ~~((proved-and))~~ established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal. If any such notification ~~((and))~~ or opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.

Sec. 13. Section 28A.58.450, chapter ..., Laws of 1969 (HB 58), and RCW 28A.58.450 are each amended to read as follows:

Every board of directors determining that there is probable cause or causes for ~~((the-discharge-of))~~ a teacher, principal, supervisor, ~~((or))~~ superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his contract status, shall notify such employee in writing of its decision, which notification shall specify the probable cause or causes for ~~((discharge))~~ such action. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman of the board or

secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing before the board of directors of the district, to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his contract status. In the request for hearing, the employee may request either an open or closed hearing. The board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify such employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board may determine whether the hearing shall be open or closed. The board may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within five days following the conclusion of such hearing, shall notify such employee in writing of its final decision. Any decision to discharge or to take other adverse action against such employee shall be based solely upon the cause or causes for discharge specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for discharge or other adverse action against his contract status.

In the event any such notice (~~and~~) or opportunity for hearing is not timely given by the district, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee (~~shall~~) may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Sec. 14. Section 28A.58.460, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.460 are each amended to read as follows:

Any teacher, principal, supervisor, ~~((or))~~ superintendent, or other certificated employee, desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge or other action adversely affecting his contract status, or failure to renew that employee's contract for the next ensuing term, within thirty days after his or her receipt of such decision or order, may serve upon the chairman of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall set forth also in a clear and concise manner the errors complained of.

Sec. 15. Section 28A.58.480, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.480 are each amended to read as follows:

Any appeal to the superior court by ~~((teacher, principal, supervisor or superintendent))~~ an employee shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

Sec. 16. Section 28A.58.490, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.490 are each amended to read as follows:

The court in its discretion may award to ~~((a teacher, principal, supervisor or superintendent))~~ an employee a reasonable attorney's fee for the preparation and trial of his appeal, together with his taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages incurred by the employee by reason of the action of the school district.

Sec. 17. Section 28A.88.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.88.010 are each amended to read as follows:

Any person, or persons, ~~((other than teachers, principals, supervisors and superintendents,))~~ either severally or collectively, aggrieved by any decision or order of any school official or school board, within thirty days after the rendition of such decision or

order, or of the failure to act upon the same when properly presented, may appeal the same to the proper officer or board as hereinafter in this chapter provided. Appeals by teachers, principals, supervisors (~~(or)~~) superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapter 28A.58 RCW therefor and in all other cases shall be governed by this chapter 28A.88 RCW.

NEW SECTION. Sec. 18. There is added to chapter 28A.58 RCW a new section to read as follows:

In lieu of requesting a hearing before the board of directors pursuant to the provisions of RCW 28A.58.450 and 28A.67.070, an employee may elect to appeal the action of the board directly to the superior court of the county in which the school district is located by serving upon the clerk of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the notification of the action of the board. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action of the board of directors and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be conducted in the same manner as appeals provided in RCW 28A.58.470 through 28A.58.500.

NEW SECTION. Sec. 19. There is added to chapter 28A.19 RCW a new section to read as follows:

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

Every county or intermediate district superintendent or board of education determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in this 1969 amendatory act and in chapter 241, Laws of 1961, as amended by this 1969 amendatory act and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the intermediate district.

NEW SECTION. Sec. 20. There is added to chapter 28A.19 RCW a new section to read as follows:

Every county or intermediate district superintendent or board of education determining that there is probable cause or causes for a certificated employee of that superintendent or board to be discharged or otherwise adversely affected in his contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in this 1969 amendatory act and chapter 241, Laws of 1961, as amended by this 1969 amendatory act and in any amendments hereafter made thereto. The board of education and the county or intermediate district superintendent, re-

spectively, shall have the duties of the boards of directors and clerks of school districts in this 1969 amendatory act and in chapter 241, Laws of 1961, as amended by this 1969 amendatory act and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the intermediate district.

NEW SECTION. Sec. 21. There is added to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any school district, its employees or agents shall not discriminate in any way against any applicant for a certificated position or any certificated employee

(1) On account of his membership in any lawful organization, or

(2) For the orderly exercise during off-school hours of any rights guaranteed under the law to citizens generally, or

(3) For family relationship, except where covered by chapter 42.23 RCW.

The school district personnel file on any certificated employee in the possession of the district, its employees, or agents shall not be withheld at any time from the inspection of that employee.

NEW SECTION. Sec. 22. There is added to chapter 28A.67 RCW a new section to read as follows:

Every board of directors, in accordance with procedure provided in RCW 28A.72.030, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.

## Part III. Construction.

NEW SECTION. Sec. 23. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs than any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 24. 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 House March 14, 1969  
Passed the Senate March 27, 1969  
Approved by the Governor April 4, 1969  
Filed in office of Secretary of State April 4, 1969

CHAPTER 35  
[Engrossed Substitute House Bill No. 303]  
CHILDREN, MENTALLY RETARDED PERSONS--  
ABUSE, NEGLECT--REPORTING

AN ACT Relating to health and welfare of children and the mentally retarded and authorizing the reporting of suspected cases of physical abuse or neglect; amending section 1, chapter 13,

Laws of 1965 and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 and RCW 26.44.050; and adding a new section to chapter 13, Laws of 1965 and to chapter 26.44 RCW.

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

Section 1. Section 1, chapter 13, Laws of 1965 and RCW 26.44-.010 are each amended to read as follows:

In order to protect children and the mentally retarded whose health and welfare may be adversely affected through the infliction, by other than accidental means of death, physical injury and/or physical neglect, or sexual abuse, (~~requiring the attention of a practitioner of the healing arts,~~) the Washington state legislature hereby provides for the reporting of such cases (~~by such practitioners~~) to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard and enhance the general welfare of such children.

Sec. 2. Section 2, chapter 13, Laws of 1965 and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice chiropody, chiropractic, dentistry, osteopathy and surgery, or medicine and surgery. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a physically neglected child for the pur-

poses of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of public assistance.

(6) "Child" or "children" means any person under the age of eighteen years of age and shall also include any mentally retarded person regardless of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, and school nurses.

(8) "Social worker" shall mean anyone engaged in encouraging or promoting the health or welfare or support or education of children under the age of eighteen years, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean 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.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergyman" shall mean any regularly licensed or ordained minister or any priest of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

Sec. 3. Section 3, chapter 13, Laws of 1965 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman or employee of the department of public assistance has reasonable cause to believe that a child ((~~under the age of eighteen years brought before him or coming to him for examination, care, or treatment~~)) has died or has had physical injury or injuries inflicted upon him, other than by accidental means, or ((~~when~~)) is found to be suffering from physical neglect, or sexual abuse, he may report such incident or cause a report to be made to the proper law enforcement

agency or to the department of public assistance as provided in RCW 26.44.040.

(2) When a practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman or employee of the department of public assistance is attending a child (~~(under-the-age-of-eighteen-years)~~) as part of his regular duties (~~(as-a-staff-member-of-an-institution)~~) and has cause to believe that such child has died or has had physical injury or injuries inflicted upon him other than by accidental means or who is found to be suffering from physical neglect, or sexual abuse, he may notify the person in charge of the institution, organization, school or the department or his designated representative, who may report the incident or cause such reporting to be made as provided in RCW 26.44.040.

Sec. 4. Section 4, chapter 13, Laws of 1965 and RCW 26.44.040 are each amended to read as follows:

An immediate oral report may be made by telephone or otherwise to the proper law enforcement agency or the department of public assistance and may be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address and age of the child;
- (2) The name and address of the child's parents; stepparents; guardians or other persons having custody of the child;
- (3) The nature and extent of the child's injury or injuries;
- (4) The nature and extent of the child's physical neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which (~~(in-the-opinion-of-the-practitioner,~~) may be helpful in establishing the cause of the child's death, injury or injuries and the identity of the perpetrator or perpetrators.

Sec. 5. Section 5, chapter 13, Laws of 1965 and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse, it shall be the duty of the law enforcement agency or the department of public assistance to investigate and provide child welfare services in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court.

NEW SECTION. Sec. 6. There is added to chapter 13, Laws of 1965 and to chapter 26.44 RCW a new section to read as follows:

The department shall maintain a central registry of reported cases of child abuse and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available to any person or agency except law enforcement agencies as defined in this 1969 amendatory act.

Passed the House March 14, 1969

Passed the Senate March 27, 1969

Approved by the Governor April 4, 1969

Filed in office of Secretary of State April 4, 1969

CHAPTER 36  
[Substitute House Bill No. 239]  
INSTITUTIONS OF HIGHER  
EDUCATION--PERSONNEL ADMINISTRATION

AN ACT Relating to state institutions of higher education; establishing a system of personnel administration for state institutions of higher education; amending section 2, chapter 1, Laws of 1961, as amended by section 48, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.020; amending section 4, chapter 1, Laws of 1961 and RCW 41.06.040; amending section 7, chapter 1, Laws of 1961, as last amended by section 47, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.070; amending section 20, chapter 1, Laws of 1961, and RCW 41.06.200; repealing section 5, chapter 1, Laws of 1961, and RCW 41.06.050; adding new sections to Title 28 as a new chapter thereof unless or until the proposed education code of 1969 (HB...) shall become effective, at which time it shall be added thereto as a new chapter thereof; and providing an effective date.

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

NEW SECTION. Section 1. The interests of state institutions of higher education and the employees of those institutions will be furthered by the enactment of a system of personnel administration designed specifically to meet particular needs in connection with employer-employee relations in the state institutions of higher education. The general purpose of this act is to establish a system of personnel administration for the institutions of higher education in the state which is based on merit principles and scientific methods, and which governs the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plans, removal, discipline, and welfare of employees covered under this act.

NEW SECTION. Sec. 2. Unless the context clearly indicates otherwise, the words used in this act have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, The Evergreen State College, and the various state community colleges.

(2) "Board" means the higher education personnel board established under the provisions of section 6 of this act;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established.

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this act;

(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

NEW SECTION. Sec. 3. The provisions of this act shall apply to all personnel of the institutions of higher education and related

boards except those exempted under the provisions of section 4 of this act.

NEW SECTION. Sec. 4. The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this act:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this act, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

NEW SECTION. Sec. 5. Any employee having a classified service status in a position may take a temporary appointment in an exempt

position, with the right to return to his regular position, or to a like position, at the conclusion of such temporary appointment.

NEW SECTION. Sec. 6. (1) There is hereby created a state higher education personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after the effective date of this act for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for con-

sideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

NEW SECTION. Sec. 7. (1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be called by the chairman of the board or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the personnel director, and all members of the board shall be notified.

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(3) In the conduct of hearings or investigations, a member of the board, or the director of personnel, or the hearing officer appointed to conduct the hearing, may administer oaths.

NEW SECTION. Sec. 8. Each institution of higher education and each related board shall designate an officer who shall perform duties as personnel officer. The personnel officer at each institution or related board shall direct, supervise, and manage administrative and technical personnel activities for the classified service at the in-

stitution or related board consistent with policies established by the institution or related board and in accordance with the provisions of this act and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one or more other institutions to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects. The services of the state department of personnel may also be utilized by the institutions or related boards pursuant to RCW 41.06.080.

The state board for community college education shall have general supervision and control over activities undertaken by the various state community colleges pursuant to this section.

NEW SECTION. Sec. 9. It shall be the duty of the personnel board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty days' notice to, and considered proposals from, employee representatives and institutions or related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

NEW SECTION. Sec. 10. (1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all

positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which

the institution or related boards are located, such adoption, revision, and implementation shall be subject to approval as to availability of funds by the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges; and providing for veteran's preference as provided by existing statutes.

(2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees;
- (b) Dismissal, suspension, or demotion of an employee;
- (c) Examinations for all positions in the competitive and non-competitive service;
- (d) Probationary periods of six months and rejections therein;
- (e) Sick leaves and vacations;
- (f) Hours of work;
- (g) Layoffs when necessary and subsequent reemployment;
- (h) Allocation and reallocation of positions within the classification plans;
- (i) Training programs;
- (j) Maintenance of personnel records.

NEW SECTION. Sec. 11. The salary schedules and compensation plans, adopted and revised as provided in section 10, shall reflect not less than prevailing rates in private industries and other governmental units for positions of a similar nature in the locality in which the institution or related board is located. For this purpose periodic wage surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of such wage survey shall be forwarded with recommended salary

adjustments by the institutions of higher education and related boards, through the state board for community college education acting for the various state community colleges, to the governor and state budget director for their use in preparing budgets to be submitted to the succeeding legislature.

NEW SECTION. Sec. 12. (1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an institution of higher education or related board to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the institution of higher education or related board give written notice to the employee not later than one day after the suspension takes effect, stating the reason for and the duration thereof. The institution or related board shall file a copy of the notice with the personnel director.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, shall have the right to appeal to the board not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when the action is taken. Such appeal shall be in writing and shall be heard by the board or its hearing officer duly appointed by the board within thirty days after notice of appeal is filed. The board shall furnish the institution or related board concerned with a copy of the appeal in advance of the hearing.

(3) Any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in subsection (2) above: PROVIDED That, when an appeal is initiated under this subsection the decision of the higher education personnel board shall be

final.

NEW SECTION. Sec. 13. Hearings on such appeals shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his institution or related board shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the board. Members of the board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing institution or related board if the employee prevails.

NEW SECTION. Sec. 14. Within thirty days after the conclusion of the hearing the board shall make and fully record in its permanent records findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions and order by regis-

tered mail to the employing institution and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

NEW SECTION. Sec. 15. (1) Within thirty days after the recording of the order and the mailing thereof, either party may appeal to the superior court of the county in which the employing institution or related board is located on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds will be stated in a written notice of appeal filed with the court, with copies thereof served at the office of the personnel director or a member of the board, and the adverse party, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing institution or related board and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

NEW SECTION. Sec. 16. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given

thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. Appeal shall be available to the supreme court from the order of the superior court as in other civil cases.

NEW SECTION. Sec. 17. (1) An employee who is terminated from service may request the institution or related board to place his name on an appropriate reemployment list and the institution shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement, and OASDI credits.

NEW SECTION. Sec. 18. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to an institution of higher education or related board, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the institutions or related boards directly affected, and such findings or determination shall not affect the operation of the remainder of this act in its application to the institutions or related board concerned. The board shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the institutions of higher education, related boards, or the state.

NEW SECTION. Sec. 19. A disbursing officer shall not pay any employee holding a position covered by this act unless the employment is in accordance with this act or the rules, regulations, and orders issued hereunder. The board and the institutions of higher education including the state board for community college education which shall act for the various state community colleges shall jointly establish procedures for the certification of payrolls.

NEW SECTION. Sec. 20. There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this act, the budget for which shall be subject to review and approval and appropriation by the legislature. An amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community college education and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the state budget director from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 21. Section 2, chapter 1, Laws of 1961, as amended by section 48, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.020 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)--"Institutions-of-higher-learning"-are-the-University-of Washington,-Washington-State-University,-Central-Washington-State-College,-Eastern-Washington-State-College,-Western-Washington-State-College,-new,-four-year-state-colleges-subsequently-authorized,-and-the various-state-community-colleges;))~~

~~((2))~~ (1) "Agency" means an office, department, board, commission or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or mem-

bers of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

~~((3))~~ (2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, ~~((the personnel committee established under RCW 41.06.050))~~ and the personnel board established under RCW 41.06.060, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

~~((4))~~ (3) "Classified service" means all positions in the state service subject to the provisions of this chapter;

~~((5))~~ (4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

~~((6))~~ (5) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

~~((7))~~ (6) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor,

Sec. 22. Section 4, chapter 1, Laws of 1961, and RCW 41.06.040 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070(~~(r~~

~~{3}--Institutions-of-higher-learning, subject-to-the-exemptions hereinafter-made))~~).

Sec. 23. Section 7, chapter 1, Laws of 1961, as last amended by section 47, chapter 8, Laws of 1967 es. sess., and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;

(3) ~~((Academic personnel of the institutions of higher learning and other such positions as are exempted under provisions of REW 41-06-0507))~~ Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, health, fisheries, institutions and public assistance, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen;

(a) All members of such boards, commissions or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) the secretary of the board, commission or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) the chief executive officer or admini-

strative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) the chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW)((-

~~{20}--Professional-education-employees-of-the-state-board-for community-college-education)).~~

NEW SECTION. Sec. 24. Section 5, chapter 1, Laws of 1961, and RCW 41.06.050 are each hereby repealed.

Sec. 25. Section 20, chapter 1, Laws of 1961, and RCW 41.06.200 are each amended to read as follows:

(1) Within thirty days after the recording of the order and the mailing thereof, the employee may appeal to the superior court of Thurston county, (~~(or in the case of an employee of an institution of higher learning to the superior court of the county in which such institution is located,~~) on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the director of personnel or a member of his staff or a member of the board and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

NEW SECTION. Sec. 26. The board may appoint one or more hearings examiners to preside over, conduct and make recommended decisions, including findings of fact and conclusions of law in all cases of employee appeals to the board. The hearings examiner shall conduct hear-

ings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board together with a transcript of the evidence. Within thirty days of service of the recommended decision, any party adversely affected may file exceptions, and thereafter all parties may present written and oral argument to the board, which shall consider the whole record or such portions thereof as may be cited by the parties.

NEW SECTION. Sec. 27. This act shall be referred to as the state Higher Education Personnel Law.

NEW SECTION. Sec. 28. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

NEW SECTION. Sec. 29. Employees covered by this act who are currently serving under the jurisdiction of a classified service system established pursuant to chapter 1, Laws of 1961 (chapter 41.06 RCW), shall automatically retain their permanent or probationary status acquired under such system.

Rules, classification plans, compensation plans and bargaining units adopted or established pursuant to chapter 1, Laws of 1961 (chapter 41.06 RCW), shall remain in effect until superseded by action of the board pursuant to this act.

NEW SECTION. Sec. 30. This act shall become effective on July 1, 1969.

NEW SECTION. Sec. 31. Nothing contained in this 1969 act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 32. The code reviser is hereby directed to add the provisions of sections 1 through 20, and sections 26 through 31 as a new chapter to Title 28 RCW unless or until such time as the education code of 1969 (HB...) shall become effective at which time

it shall be added as a new chapter thereto.

Passed the House March 27, 1969  
 Passed the Senate March 26, 1969  
 Approved by the Governor April 4, 1969  
 Filed in office of Secretary of State April 4, 1969

CHAPTER 37  
 [House Bill No. 148]  
 CIVIL PROCEDURE--  
 CHALLENGE OF JURORS

AN ACT Relating to civil procedure; and amending section 186, page 165, Laws of 1854, as last amended by section 207, Code of 1881, and RCW 4.44.130.

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

Section 1. Section 186, page 165, Laws of 1854, as last amended by section 207, Code of 1881, and RCW 4.44.130 are each amended to read as follows:

Either party may challenge the jurors (~~((7-but-when-there-are several-parties-on-either-side,-they-shall-join-in-a-challenge-before-it-can-be-made))~~). The challenge shall be to individual jurors, and be peremptory or for cause. Each party shall be entitled to three peremptory challenges. When there is more than one party on either side, the parties need not join in a challenge for cause; but, they shall join in a peremptory challenge before it can be made. If the court finds that there is a conflict of interests between parties on the same side, the court may allow each conflicting party up to three peremptory challenges.

Passed the House March 14, 1969  
 Passed the Senate March 27, 1969  
 Approved by the Governor April 4, 1969  
 Filed in office of Secretary of State April 4, 1969

CHAPTER 38  
 [Engrossed House Bill No. 159]  
 ALCOHOLIC BEVERAGE CONTROL--  
 BEER, WINE--MINOR EMPLOYEES

AN ACT Relating to alcoholic beverage control; and adding a new section to Title 66 RCW.

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

NEW SECTION. Section 1. There is added to Title 66 RCW a new section to read as follows:

Employers holding class E and/or F licenses exclusively are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell beer or wine in, on or about any establishment holding a class E and/or class F license exclusively: PROVIDED, That there is direct supervision by an adult twenty-one years of age or older in an adjacent check stand: PROVIDED, That minor employees may make deliveries of beer and/or wine purchased from licensees holding class E and/or class F licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser.

Passed the House March 14, 1969  
Passed the Senate March 27, 1969  
Approved by the Governor April 4, 1969  
Filed in office of Secretary of State April 4, 1969

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CHAPTER 39  
[House Bill No. 721]  
HIGHWAYS--CLASSIFICATION--PLANNING

AN ACT Relating to highways; amending section 1, chapter 173, Laws of 1963 and RCW 47.05.010; amending section 2, chapter 173, Laws of 1963 and RCW 47.05.020; amending section 3, chapter 173, Laws of 1963 as amended by section 33, chapter 170, Laws of 1965 ex.sess. and RCW 47.05.030; amending section 4, chapter 173, Laws of 1963 and RCW 47.05.040; amending section 5, chapter 173, Laws of 1963 and RCW 47.05.050; and amending section 8, chapter 173, Laws of 1963 and RCW 47.05.080.

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

Section 1. Section 1, chapter 173, Laws of 1963 and RCW 47.05-.010 are each amended to read as follows:

The legislature finds that anticipated revenues available for state highways for the (~~period ending in 1975~~) foreseeable future will fall substantially short of the (~~construction needs for the same period~~) amount required to satisfy all of the state highway needs. It is the purpose of this chapter to establish a policy of priority programming for highway development having as its basis the rational selection of projects according to factual need, systematically sched-

uled to carry out defined objectives within limits of money and manpower, and fixed in advance with reasonable flexibility to meet changed conditions.

Sec. 2. Section 2, chapter 173, Laws of 1963 and RCW 47.05.020 are each amended to read as follows:

The state highway commission is hereby directed to conduct ~~((an))~~ periodic ~~((engineering-and-traffic-analysis))~~ analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes ~~((according-to-the-following-criteria))~~:

(1) The "principal state highway system" ~~((shall-include-these highways-having-as-a-principal-purpose-the-connecting-as-directly-as-feasible-all-cities-or-unincorporated-urban-centers-of-twenty-thousand-or-more-population---The-principal-state-highway-system))~~ which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system.

(2) The "major state highway system" ~~((shall-include-these highways,-having-as-a-principal-purpose-the-connecting-of-all-remaining-cities-and-towns-or-urban-centers-of-one-thousand-or-more-population,-or-serving-as-major-tourist,-commercial-or-industrial-routes-The-major-state-highway-system))~~ which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(3) The "collector state highway system" ~~((shall-include-these highways-having-as-a-principal-purpose-the-servicing-of-remaining-populated-areas-within-reasonably-spaced-distances---The-collector-state-highway-system))~~ which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(4) The "other state highway system" ~~((shall-include-all-state~~

~~highways not classified as a part of any of the systems described hereinabove~~). In making such functional classification the highway commission shall be governed by reasonable rules and regulations adopted by the commission, and give consideration to the following criteria:

(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 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;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system.

Sec. 3. Section 3, chapter 173, Laws of 1963 as amended by section 33, chapter 170, Laws of 1965 ex. sess. and RCW 47.05.030 are each amended to read as follows:

The state highway commission shall adopt and periodically revise after consultation with the joint committee on highways a long range plan for highway improvements, specifying highway planning objectives to be accomplished ~~((by-1975))~~ within a fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as ~~((contained in the current needs study report of the Washington state highway commission. -- The long range objectives for the period ending in 1975 shall be as follows:~~

~~(1) -- One hundred percent completion of the presently established national system of interstate and defense highways;~~

(2) -- One hundred percent completion of the construction needs of those highways classified as a part of the principal state highway system;

(3) -- Declining percentages of completion of construction needs of those highways classified respectively as the major state highway system, the collector state highway system and the other state highway system) determined and segregated according to functional class by the highway commission from time to time.

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

(a) The relative remaining needs of each functional class of highways;

(b) The estimated available funds;

(c) Continuity of future developments with those previously programmed; and

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

Sec. 4. Section 4, chapter 173, Laws of 1963 and RCW 47.05.040 are each amended to read as follows:

Prior to July 1, (~~1965~~) 1971, the state highway commission shall adopt and thereafter shall (~~periodically~~) biennially revise after consultation with the joint committee on highways a comprehensive highway construction program for the ensuing six years, which shall (~~allocate~~) apply to each of the (~~four~~) five functional classes of state highways that percentage of the estimated available construction funds (~~net-including-funds-expended-on-the-national-system-of-interstate-and-defense-highways~~) as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall apportion the available construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining needs for each functional class of highway within each highway district bears to the total estimated needs for each functional class remaining unsatisfied throughout the state.

Sec. 5. Section 5, chapter 173, Laws of 1963 and RCW 47.05.050 are each amended to read as follows:

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

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;

- (3) Its adequacy of alignment and related geometrics; and
- (4) Its accident experience.
- (5) Its fatal accident experience.

(6) In the case of designated but unconstructed highways, its economic importance measured by a cost-benefit analysis, the effect on the state's economy and benefit to the geographical area concerned.

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

The six year construction program shall ~~((remain-flexible-and subject-to-continual-revision-by-the-commission-as-conditions-change))~~ be revised biennially in accordance with revisions in functional classification or priority ratings within each functional class resulting from changed conditions. The program shall be extended for an additional two years, to six years in the future, on July 1st of each odd-numbered years.

Sec. 6. Section 8, chapter 173, Laws of 1963 and RCW 47.05.080 are each amended to read as follows:

The state highway commission shall ~~((annually))~~ on ~~((July))~~ November 1st of each odd-numbered year submit a report to the joint ~~((fact-finding))~~ committee on highways, ~~((streets-and-bridges))~~ showing both its long range objectives and the estimated and planned percentage of the long range objectives to be met by its current six year construction program for each functional class of highways. The commission shall include in its report a copy of its rules and regulations related thereto and a summary of its methods and procedures for the selection of projects within the budgetary limits of each functional class of highways to comprise the current six year construction program.

Passed the House March 27, 1969

Passed the Senate March 26, 1969

Approved by the Governor April 4, 1969

Filed in office of Secretary of State April 4, 1969

CHAPTER 40  
[House Bill No. 572]  
DRIVING RECORD ABSTRACTS--  
ACCIDENT REPORTS

AN ACT Relating to motor vehicles; amending section 5, chapter 169, Laws of 1963, as amended by section 1, chapter 174, Laws of 1967, and RCW 46.29.050; amending section 46.52.030, chapter 12, Laws of 1961, as last amended by section 54, chapter 32, Laws of 1967, and RCW 46.52.030; and amending section 27, chapter 21, Laws of 1961 ex. sess., as last amended by section 2, chapter 174, Laws of 1967, and RCW 46.52.130; and providing penalties.

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

Section 1. Section 5, chapter 169, Laws of 1963, as amended by section 1, chapter 174, Laws of 1967 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 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. 2. Section 46.52.030, chapter 12, Laws of 1961, as last

amended by section 54, chapter 32, Laws of 1967, and RCW 46.52.030 are each amended to read as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of one hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report to be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, ~~((and))~~ the amounts of property damage claimed, 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. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient re-

port forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Sec. 3. Section 27, chapter 21, Laws of 1961 ex. sess., as last amended by section 2, chapter 174, Laws of 1967, and RCW 46.52-.130 are each amended to read as follows:

The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person, covering a period of not more than five years last past, whenever possible, which abstract shall include an enumeration of 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 any reported convictions or forfeitures of bail 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 served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request: PROVIDED, That the abstract herein provided to the 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 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 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.

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.

Passed the House March 19, 1969  
Passed the Senate March 28, 1969  
Approved by the Governor April 4, 1969  
Filed in office of Secretary of State April 4, 1969

CHAPTER 41  
[Engrossed House Bill No. 147]  
CRIMINAL PROCEDURE--  
CHALLENGE OF JURORS

AN ACT Relating to criminal procedure; and amending section 102, page 118, Laws of 1854, as last amended by section 1, chapter 25, Laws of 1923, and RCW 10.49.060.

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

Section 1. Section 102, page 118, Laws of 1854, as last amended by section 1, chapter 25, Laws of 1923, and RCW 10.49.060 are each amended to read as follows:

In prosecution for capital offenses, the defendant and the state may challenge peremptorily twelve jurors each; in prosecution for offenses punishable by imprisonment in the penitentiary, six jurors each; in all other prosecutions, three jurors each. When several defendants are on trial together, (~~they must join in their challenges~~) each defendant shall be entitled to the number of challenges provided above.

Passed the House March 14, 1969  
Passed the Senate March 27, 1969  
Approved by the Governor April 4, 1969  
Filed in office of Secretary of State April 4, 1969

CHAPTER 42  
[Engrossed House Bill No. 769]  
STOLEN AND ABANDONED VEHICLES

AN ACT Relating to stolen and abandoned vehicles on the highways in the state of Washington, requiring notification to the department of motor vehicles by the transferor, giving the director of the department of motor vehicles responsibility for the ultimate disposition of abandoned vehicles and automobile hulks, making the last registered owner liable for costs of removing and disposing of the vehicle or hulk; authorizing a local abatement procedure for disposition of hulks that constitute a public nuisance; amending section 7, chapter 140, Laws of 1967 and RCW 46.12.101; amending section 46.52.110, chapter 12, Laws of 1961, as last amended by section 61, chapter 32, Laws of 1967, and RCW 46.52.110; adding new sections to chapter 12, Laws of 1961 and to chapter 46.52 RCW, repealing sections 1, 2, and 3, chapter 155, Laws of 1967, and RCW 60.62.010 through 60.62.030; and prescribing penalties.

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

Section 1. Section 7, chapter 140, Laws of 1967 and 46.12.101 RCW are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be transmitted to the transferee or to the department.

(2) The transferor shall, unless he is a motor vehicle dealer, within five days after transfer, transmit to the department of motor vehicles, on a form prescribed by the director of motor vehicles, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made. Compliance with this requirement shall preclude any liability on the

part of the transferor under chapter 46.52 RCW.

~~((42))~~ (3) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

~~((43))~~ (4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under his security agreement.

~~((44))~~ (5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

~~((45))~~ (6) If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: PROVIDED, That such failure or neglect to transfer within forty-five days after date of delivery of said vehicle shall be a misdemeanor.

~~((46))~~ (7) Upon receipt of an application for the reissue of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the

certificates of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

Responsibility for the ultimate disposition of abandoned vehicles and abandoned automobile hulks is hereby vested in the department of motor vehicles. The director of the department of motor vehicles, 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 the provisions of this chapter.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

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. An "abandoned automobile 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.

NEW SECTION. Sec. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

The abandonment of any vehicle or automobile hulk shall constitute

a prima facie presumption that the last owner of record is responsible for such abandonment 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 section 1 of this 1969 amendatory act in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

NEW SECTION. Sec. 5. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

The director of the department of motor vehicles may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles as his agent 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 section 6 of this 1969 amendatory act 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.

Any tow truck operator 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. 6. Section 46.52.110, chapter 12, Laws of 1961, as last amended by section 61, chapter 32, Laws of 1967, 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 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 motor vehicles 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 ~~((be taken into the custody of the sheriff of the county wherein found abandoned and stored and the same shall, for the purposes of listing the same, be considered as a recovered vehicle,--Personal notice that such vehicle has been found abandoned shall be forwarded to the registered and legal owners of such vehicle if any record of registered or legal owner thereof exists in this state,--In the event there appears to be a registered or legal ownership thereof in another state the sheriff shall send notice thereof to the official having cognizance of issuing legal or registered ownerships in such other state,--If, at the expiration of twenty days from the date of mailing such notices by registered or certified mail with return receipt requested, the vehicle remains unclaimed and has not been reported as a stolen vehicle, then the same may be sold at public auction either at the site of the vehicle or at such place on county property as the board of county commissioners may direct upon notice published in one issue of a paper of general circulation in the county in which such vehicle has been found abandoned, such publication to describe the vehicle and set forth the place, date and time at which such vehicle shall be put up for public auction, which date shall be not sooner than three days following the date of such publication,--Any surplus accruing at said sale after deducting the cost of placing the vehicle in custody, advertising and selling the same, shall be held for the owner a period of ten days and if not claimed by the expiration thereof shall be certified one-half to the county treasurer of such county to be placed in the county current expense fund and one-half to the state treasurer to be credited to the highway safety fund,~~

~~If no bids are received at said sale the sheriff shall deliver the vehicle to the garage operators who may be entitled to reimbursement for towing and storing the vehicle,--In this event such garage operators may dispose of all or any part of the vehicle as they may~~

determine.

~~Any vehicle left in a garage for storage more than fifteen 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 the person leaving the same shall be an abandoned vehicle and shall be delivered to the sheriff of the county with notice of such fact. Any garage keeper failing to report such fact to the sheriff and tender delivery to him of such vehicle at the end of fifteen days shall thereby forfeit any claims for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of in accordance with the procedure prescribed above for abandoned vehicles.~~

~~Except for the forfeiture of claim for storage as set forth herein for failure to report vehicle left in excess of fifteen 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)) thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator.~~

NEW SECTION. Sec. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

Such tow truck operator shall take custody of such abandoned vehicle or automobile hulk, remove the same to the established place of business of the tow truck operator where the same shall be stored, and such tow truck operator shall have a lien upon such vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of such vehicle or hulk for services provided in the towing and storage of the same, not to exceed the sum of one hundred dollars. A registered owner who has complied with section 1 of this 1969 amendatory act in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

Within five days after receiving custody of such abandoned vehicle or automobile hulk, the tow truck operator shall give notice of

his custody to the department of motor vehicles and the chief of the Washington state patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the chief of the Washington state patrol and to the department of motor vehicles. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of said owner appearing on the records of the department of motor vehicles, and such notice shall be sent to the registered and legal owner by first class mail with return receipt requested. Such notice shall contain a description of the vehicle or hulk including its license number and/or motor number if obtainable, and shall state the amount due the tow truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid.

The department of motor vehicles 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.

NEW SECTION. Sec. 8. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section 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 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,

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 for his towing and storage charges and the cost of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed one 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 section 1 of this 1969 amendatory act 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 of the department of motor vehicles 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 the department of motor vehicles shall terminate any and all rights or claims of prior lien-holders and all rights of former owners in and to such vehicle or automobile hulk.

The director of the department of motor vehicles 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.

NEW SECTION. Sec. 9. There is added to chapter 12, Laws of

1961 and to chapter 46.52 RCW a new section 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 motor vehicles 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 motor vehicles 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 in accordance with the procedure prescribed in sections 7 and 8 of this 1969 amendatory act.

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.

NEW SECTION. Sec. 10. A tow truck operator bonded in accordance with section 5 of this 1969 amendatory act 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 vehicle so long as the same remains in his possession, for the charges for such towing, transportation or storage. If such a vehicle remains unclaimed for five days, it may be deemed abandoned and subject to the provisions of sections 7 and 8 of this 1969 amendatory act.

NEW SECTION. Sec. 11. 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 in the manner provided in sections 7 and 8 of this 1969 amendatory act: 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 motor vehicles shall issue an appropriate bill of sale to the tow truck operator to dispose of the vehicle as he may determine.

NEW SECTION. Sec. 12. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

Notwithstanding any other provision of law, a city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or automobile hulks or parts thereof from private property not including highways. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with section 1 of this 1969 amendatory act, or the costs may be assessed against the owner of the property on which the vehicle is stored.

Such ordinance shall contain:

(1) A provision requiring notice to the last registered owner of record and the property owner of record that a public hearing may be requested before the governing body of the city, town or county as designated by the governing body, and that if no hearing is requested, the vehicle or automobile hulk will be removed.

(2) A provision requiring that if a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or re-

gistered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(3) A provision that the ordinance shall not apply to (a) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from the owner.

(5) A provision that after notice has been given of the intent of the city, town or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington state patrol and the department of motor vehicles that the vehicle has been wrecked. The city, town or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal

shall be only as scrap.

NEW SECTION. Sec. 13. Sections 1 through 3, chapter 155, Laws of 1967, and RCW 60.62.010 through 60.62.030 are each repealed.

Passed the House March 18, 1969  
Passed the Senate March 28, 1969  
Approved by the Governor April 4, 1969  
Filed in office of Secretary of State April 4, 1969

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CHAPTER 43  
[Senate Bill No. 273]  
COUNTY PRINTING

AN ACT Relating to county printing; and amending section 36.72.050, chapter 4, Laws of 1963 and RCW 36.72.050; and declaring an emergency.

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

Section 1. Section 36.72.050, chapter 4, Laws of 1963 and RCW 36.72.050 are each amended to read as follows:

The county auditor, at least five weeks, but not more than eight weeks, before the meeting of the board of county commissioners in April of each year, shall advertise for proposals for the public printing, for the term of one year, beginning on the first day of July following, which advertisement shall be inserted for four consecutive weeks in the official newspaper of the county, or if there is no official newspaper, then in some other newspaper published in the county, or in a county adjacent to such county, and having a general circulation therein.

The board of county commissioners shall not be compelled in any event to accept any bid for a greater price than (~~two-dollars and-forty~~) three dollars and twenty cents per folio of one hundred words for the first insertion, and (~~one-dollar-and-eighty~~) two dollars and forty cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words.

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 17, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 4, 1969  
Filed in office of Secretary of State April 4, 1969

CHAPTER 44  
[Engrossed Senate Bill No. 120]  
MOTOR VEHICLES--  
FINANCIAL RESPONSIBILITY

AN ACT Relating to motor vehicles; amending section 31, chapter 169, Laws of 1963, and RCW 46.29.310; amending section 32, chapter 169, Laws of 1963, and RCW 46.29.320; amending section 33, chapter 169, Laws of 1963, as amended by section 40, chapter 32, Laws of 1967, and RCW 46.29.330.

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

Section 1. Section 31, chapter 169, Laws of 1963 and RCW 46-.29.310 are each amended to read as follows:

Whenever any person fails within thirty days to satisfy any judgment, then it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward immediately to the department ~~((immediately))~~ the following:

- (1) A certified copy or abstract of such judgment ~~((together with))~~;
- (2) A certificate of facts relative to such judgment;
- (3) Where the judgment is by default, a certified copy or abstract of that portion of the record which indicates the manner in which service of summons was effectuated and all the measures taken to provide the defendant with timely and actual notice of the suit against him.

Sec. 2. Section 32, chapter 169, Laws of 1963 and RCW 46.29-.320 are each amended to read as follows:

If the defendant named in any certified copy or abstract of a judgment reported to the department is a nonresident, the department shall transmit ~~((a-certified-copy-of-the-judgment))~~ those certificates furnished to it under RCW 46.29.310 to the official in charge of the

issuance of licenses and registrations of the state of which the defendant is a resident.

Sec. 3. Section 33, chapter 169, Laws of 1963, as amended by section 40, chapter 32, Laws of 1967, and RCW 46.29.330 are each amended to read as follows:

The department upon receipt of (~~(a-certified-copy-of-a-judgment-and-a-certificate-of-facts-relative-to-such-judgment)~~) the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section or in other sections of this chapter.

When the certificates transmitted to the department under RCW 46.29.310 indicate that a default judgment has been entered against the defendant but do not indicate clearly that service of summons was on the person of the defendant, then the department shall promptly notify the defendant by first class mail addressed to the address in the department's records under RCW 46.20.205 (if a nonresident, then to the comparable record in his home state) that within twenty-five days of the mailing date, which shall be indicated on the notice, he may request a hearing on the question of the suspension of his license or nonresident driving privilege. If the defendant does not make a timely request for a hearing, then the suspension shall be forthwith executed. Should a hearing be timely requested, then the department shall convene a hearing in conformity with chapter 34.04 RCW, as now law or hereafter amended. The defendant's license or nonresident driving privilege shall not be suspended if at such hearing he overcomes the following presumptions:

(a) That he received actual and timely notice of the suit against him.

(b) That he would have received actual and timely notice had he conformed to the provisions of RCW 46.20.205.

(c) That he would have received actual and timely notice had

he not thwarted the attempt or attempts to so notify him.

Passed the Senate March 14, 1969  
 Passed the House March 29, 1969  
 Approved by the Governor April 7, 1969  
 Filed in office of Secretary of State April 7, 1969

CHAPTER 45  
 [Engrossed Senate Bill No. 146]  
 CERTIFICATES OF DELINQUENCY--  
 ASSIGNMENTS

AN ACT Relating to certificates of delinquency; and repealing section 84.64.250, and section 84.64.260, chapter 15, Laws of 1961 and RCW 84.64.250 and RCW 84.64.260.

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

NEW SECTION. Section 1. Section 84.64.250, chapter 15, Laws of 1961, section 84.64.260, chapter 15, Laws of 1961, and RCW 84.64-.250 and RCW 84.64.260 are each hereby repealed.

Passed the Senate March 14, 1969  
 Passed the House March 29, 1969  
 Approved by the Governor April 7, 1969  
 Filed in office of Secretary of State April 7, 1969

CHAPTER 46  
 [Senate Bill No. 202]  
 STATE LANDS--LEASING

AN ACT Relating to the leasing of state lands by the department of natural resources, the department of institutions, the board of regents of the University of Washington, and the board of regents of Washington State University; amending section 61, chapter 255, Laws of 1927, as last amended by section 29, chapter 257, Laws of 1959, and RCW 79.01.244; and adding a new section to chapter 28, Laws of 1959 and to chapter 72.01 RCW.

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

Section 1. Section 61, chapter 255, Laws of 1927 as last amended by section 29, chapter 257, Laws of 1959 and RCW 79.01.244 are each amended to read as follows:

(1) The ((~~commissioner-of-public-lands~~)) department of natural resources shall be authorized to lease ((~~7-for-a-term-of-ten years-or-less~~)) to the highest bidder at public auction, any state lands, for any lawful purpose, except mining of valuable miner-

als 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 ~~((ten))~~ 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 ~~((commissioner-of-public-lands))~~ department of natural resources shall insert the provisions of ~~((the-preceding-paragraph))~~ 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. 2. There is added to chapter 28, Laws of 1959 and to chapter 72.01 RCW a new section to read as follows:

(1) Any lease of public lands with outdoor recreation potential authorized by the department of institutions shall be open and available to the public for compatible recreational use unless the department of institutions determines that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a de-

partmental program. Any lessee may file an application with the department of institutions to close the leased land to any public use. The department shall cause written notice of the impending closure to be posted in a conspicuous place in the department's Olympia office, at the principal office of the institution administering the land, and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing. Upon a determination by the department that posting is not necessary, the lessee shall desist from posting. Upon a determination by the department that posting is necessary, the lessee shall post his leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the lessee or his immediate family to use any such posted land for recreational purposes.

(2) The department of institutions may insert the provisions of subsection (1) of this section in all leases hereafter issued.

NEW SECTION. Sec. 3. (1) Any lease of public lands with outdoor recreation potential authorized by the regents of the University of Washington shall be open and available to the public for compatible recreational use unless the regents of the University of Washington determine that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a university program. Any lessee may file an application with the regents of the University of Washington to close the leased land to any public use. The regents shall cause a written notice of the impending closure to be posted in a conspicuous place in the university's business office and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public

hearing. Upon a determination by the regents that posting is not necessary, the lessee shall desist from posting. Upon a determination by the regents that posting is necessary, the lessee shall post his leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the lessee or his immediate family to use any such posted lands for recreational purposes.

(2) The regents of the University of Washington may insert the provisions of subsection (1) of this section in all leases hereafter issued.

NEW SECTION. Sec. 4. (1) Any lease of public lands with outdoor recreation potential authorized by the regents of Washington State University shall be open and available to the public for compatible recreational use unless the regents of Washington State University determine that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a university program. Any lessee may file an application with the regents of Washington State University to close the leased land to any public use. The regents shall cause written notice of the impending closure to be posted in a conspicuous place in the university's business office, and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing. Upon a determination by the regents that posting is not necessary, the lessee shall desist from posting. Upon a determination by the regents that posting is necessary, the lessee shall post his leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the lessee or his immediate family to use such posted land for recreational

purposes.

(2) The regents of Washington State University may insert the provisions of subsection (1) of this section in all leases hereafter issued.

Passed the Senate March 17, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 7, 1969  
Filed in office of Secretary of State April 7, 1969

CHAPTER 47  
[Senate Bill No. 203]  
FOREST LANDS--RECONVEYANCE  
FOR COUNTY PARK PURPOSES

AN ACT Relating to public use of forest lands owned and held by the state of Washington.

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

NEW SECTION. Section 1. Whenever the board of county commissioners of any county shall determine that forest lands, that were acquired from such county by the state pursuant to RCW 76.12.030 and that are under the administration of the department of natural resources, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board of natural resources for the transfer of such forest lands.

Upon the filing of an application by the board of county commissioners, the department of natural resources shall cause notice of the impending transfer to be given in the manner provided by RCW 42.32-.010. If the department of natural resources determines that the proposed use is in accordance with the state outdoor recreation plan, it shall reconvey said forest lands to the requesting county to have and to hold for so long as the forest lands are developed, maintained, and used for the proposed public park purpose. This reconveyance may contain conditions to allow the department of natural resources to coordinate the management of any adjacent state owned lands with the proposed park activity to encourage maximum multiple use management and may reserve rights of way needed to manage other state owned lands in the area. The application shall be denied if the department of natural re-

sources finds that the proposed use is not in accord with the state outdoor recreation plan. If the land is not, or ceases to be, used for public park purposes the land shall be conveyed back to the department of natural resources upon request of the department.

NEW SECTION. Sec. 2. The timber resources on any such state forest land transferred to the counties under section 1 of this act shall be managed by the department of natural resources to the extent that this is consistent with park purposes and meets with the approval of the board of county commissioners. Whenever the department of natural resources does manage the timber resources of such lands, it will do so in accordance with the general statutes relative to the management of all other state forest lands.

NEW SECTION. Sec. 3. Under provisions mutually agreeable to the board of county commissioners and the board of natural resources, lands approved for transfer to a county for public park purposes under the provisions of section 1 of this act shall be transferred to the county by deed.

NEW SECTION. Sec. 4. The provisions of this act shall be cumulative and nonexclusive and shall not repeal any other related statutory procedure established by law.

Passed the Senate March 20, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 7, 1969  
Filed in office of Secretary of State April 7, 1969

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CHAPTER 48  
[Senate Bill No. 241]  
COUNTY TREASURER--WARRANT REGISTER--  
INTEREST PAID

AN ACT Relating to interest to be noted on warrants; and amending section 36.29.050, chapter 4, Laws of 1963 and RCW 36.29.050.

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

Section 1. Section 36.29.050, chapter 4, Laws of 1963 and RCW 36.29.050 are each amended to read as follows:

When the county treasurer redeems any warrant on which interest is due, he (~~shall note thereon the amount of interest paid and~~) shall enter on his warrant register account the amount of interest paid,

distinct from the principal.

Passed the Senate March 18, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 7, 1969  
Filed in office of Secretary of State April 7, 1969

CHAPTER 49  
[Senate Bill No. 270]  
SCHOOL DISTRICTS--IMPROVEMENTS  
AND PURCHASE--PROCEDURE

AN ACT Relating to education; amending section 1, chapter 224, Laws of 1961 and RCW 28.58.135, amending section 28A.58.135, chapter ..., Laws of 1969 (HB58) and RCW 28A.58.135; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 1, chapter 224, Laws of 1961 and RCW 28.58-.135 are each amended to read as follows:

When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements or repairs, or other work or purchases, except books, will equal or exceed the sum of twenty-five hundred dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board: PROVIDED, That the board may without giving such notice make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair do not exceed the sum of two thousand five hundred dollars. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection. The contract for the work or

purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911. Any or all bids may be rejected for good cause. On any work or purchase of more than five hundred dollars, the board shall provide bidding information to any qualified bidder or his agent, requesting it in person, and if more than one supplier is available, it shall seek competitive bidding in such manner as it deems in the best interests of the district.

In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.58.135, chapter ..., Laws of 1969 (HB58) and RCW 28A.58.135 are each amended to read as follows:

When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements or repairs, or other work or purchases, except books, will equal or exceed the sum of twenty-five hundred dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair do not exceed the sum of twenty-five hundred dollars. The bids shall be in writing and shall be opened and read

in public on the date and in the place named in the notice and after being opened shall be filed for public inspection. The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911. Any or all bids may be rejected for good cause. On any work or purchase of more than five hundred dollars, the board shall provide bidding information to any qualified bidder or his agent, requesting it in person, and if more than one supplier is available, it shall seek competitive bidding in such manner as it deems in the best interests of the district.

In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

#### Part III. Construction

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the

1969 education code, any repealing provisions of Part II shall 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. 4. 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 March 19, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 7, 1969  
Filed in office of Secretary of State April 7, 1969

CHAPTER 50  
[Senate Bill No. 65]  
CITIES AND TOWNS-- POPULATION  
AS BASIS FOR STATE AID

AN ACT Relating to cities and towns; providing for determination of the populations thereof and of territory annexed thereto; amending section 35.13.260, chapter 7, Laws of 1965, as amended by section 2, chapter 42, Laws of 1967 ex. sess., and RCW 35.13.260; and amending section 43.62.030, chapter 8, Laws of 1965 and RCW 43.62.030.

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

Section 1. Section 35.13.260, chapter 7, Laws of 1965, as amended by section 2, chapter 42, Laws of 1967 ex. sess., and RCW 35.13.260 are each amended to read as follows:

Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the planning and community affairs agency within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the agency shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the city or town. Such certificates shall be in such form and contain such information as shall be prescribed by the agency. 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 agency shall furnish certification forms to any city or town.

~~((Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the agency, and shall be used for the allocation and distribution of state funds to cities and towns commencing January 1st next following. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year.))~~ The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the city or town. 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 agency. 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 agency in determining the population of such city or town.

Upon approval of the annexation certificate, the agency 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 agency 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.

Sec. 2. Section 43.62.030, chapter 8, Laws of 1965 and RCW 43.62.030 are each amended to read as follows:

The ~~((beard))~~ planning and community affairs agency shall ~~((as of April 1, 1957, and))~~ annually ~~((thereafter))~~ as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate ~~((and of a certificate showing the determination of all population increases of cities and towns resulting from annexations that become effective prior to September 1st in any year))~~ shall be forwarded by the ~~((beard))~~ agency to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the ~~((beard))~~ agency: PROVIDED, That whenever territory is annexed to a city or town, the population of the annexed territory shall be added to the population of the annexing city or town upon the effective date of the annexation as specified in the relevant ordinance, and upon approval of the agency as provided in RCW 35.13.260, as now or hereafter amended, a revised certificate reflecting the determination of the population as increased from such annexation shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and upon and after the date of the commencement of the

next quarterly period, the population determination indicates in such revised certificate shall be used as the basis for allocation and payment of state funds to such city or town until the next annual population determination becomes effective: PROVIDED FURTHER, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the ((beard)) agency shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: PROVIDED FURTHER, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the ((beard)) agency shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the ((beard)) agency of the incorporation of each new city and town and of the disincorporation of any cities or towns.

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 due to an annexation is forwarded by the agency 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.

NEW SECTION. Sec. 3. The allocation of state funds to cities and towns for the calendar year 1969 shall be made on the basis of the laws in effect prior to the effective date of this act.

Passed the Senate March 14, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 7, 1969  
Filed in office of Secretary of State April 7, 1969

CHAPTER 51  
[Engrossed Senate Bill No. 177]  
CITIES AND TOWNS--WATER,  
SEWER, GARBAGE, FACILITIES

AN ACT Relating to municipal corporations; adding a new section to chapter 7, Laws of 1965 and to chapter 35.67 RCW; amending section 35.67.340, chapter 7, Laws of 1965 and RCW 35.67.340; adding a new section to chapter 7, Laws of 1963 and to chapter 35.13 RCW; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.14 RCW; and repealing sections 35.67.320 and 35.67.330, chapter 7, Laws of 1965 and RCW 35.67.320 and 35.67.330.

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

NEW SECTION. Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.67 RCW a new section to read as follows:

A city or town may by ordinance provide that its water system, sewerage system, and garbage and refuse collection and disposal system may be acquired, constructed, maintained and operated jointly, either by combining any two of such systems or all three. All powers granted to cities and towns to acquire, construct, maintain and operate such systems may be exercised in the joint acquisition, construction, maintenance and operation of such combined systems: PROVIDED, That if a general indebtedness is to be incurred to pay a part or all of the cost of construction, maintenance, or operation of such a combined system, no such indebtedness shall be incurred without such indebtedness first being authorized by a vote of the people at a special or general election conducted in the manner prescribed by law: PROVIDED FURTHER, That nothing in this amendatory act shall be construed to supersede charter provisions to the contrary.

Sec. 2. Section 35.67.340, chapter 7, Laws of 1965 and RCW 35.67.340 are each amended to read as follows:

The operation ~~((of))~~ by a city or town ~~((waterworks-system-of which-the-system-of-sewerage-has-been-made-a-part-shall-thereafter))~~ of a combined facility as provided for in section 1 of this 1969

amendatory act shall be governed by the statutes relating to the establishment and maintenance of a city ((and)) or town ((waterworks systems)) water system if the water system is one of the systems included in the combined acquisition, construction, or operation; otherwise the combined system shall be governed by the statutes relating to the establishment and maintenance of a city or town sewerage system.

NEW SECTION. Sec. 3. Sections 35.67.320 and 35.67.330, chapter 7, Laws of 1965 and RCW 35.67.320 and 35.67.330 are each repealed.

NEW SECTION. Sec. 4. There is added to chapter 7, Laws of 1963 and to chapter 35.13 RCW a new section to read as follows:

Whenever a portion of a water or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property included within the district falls or lies within a city or town by reason of any original incorporation of such city or town or by reason of annexation, or both, or by reason of any consolidation or merger of cities or towns, the city or town may acquire all of the facilities of such water district or sewer district under the procedure prescribed for acquisition of water district or sewer district facilities pursuant to annexations under RCW 35.13.220, 35.13.243 and 35.13.250 as now exist or hereafter amended: PROVIDED, That as a condition precedent to such acquisition the city or town shall offer to employ every full time employee of the district who is employed by the district on the date on which such city or town acquires the district facilities.

Whenever a city or town employs a person who was employed immediately prior thereto by the district, arrangements shall be made:

(1) For the retention of service credits under the pension plan of the district pursuant to RCW 41.04.070 through 41.04.110.

(2) For the retention of all sick leave standing to the employee's credit in the plan of such district.

(3) For a vacation with pay during the first year of employment equivalent to that to which he would have been entitled if he had

remained in the employment of the district.

NEW SECTION. Sec. 5. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.14 RCW a new section to read as follows:

Whenever a portion of a water or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property included within the district falls or lies within a city or town by reason of any original incorporation of such city or town or by reason of annexation, or both, or by reason of any consolidation or merger of cities or towns, the city or town may acquire all of the facilities of such water district or sewer district under the procedure prescribed for acquisition of water district or sewer district facilities pursuant to annexations under RCW 35A.14-.350, 35A.14.360 and 35A.14.600 as now exist or hereafter amended: PROVIDED, That as a condition precedent to such acquisition the city or town shall offer to employ every full time employee of the district who is employed by the district on the date on which such city or town acquires the district facilities.

Whenever a city or town employs a person who was employed immediately prior thereto by the district, arrangements shall be made:

(1) For the retention of service credits under the pension plan of the district pursuant to RCW 41.04.070 through 41.04.110.

(2) For the retention of all sick leave standing to the employee's credit in the plan of such district.

(3) For a vacation with pay during the first year of employment equivalent to that to which he would have been entitled if he had remained in the employment of the district.

Passed the Senate March 28, 1969  
Passed the House March 27, 1969  
Approved by the Governor April 7, 1969  
Filed in office of Secretary of State April 7, 1969

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CHAPTER 52  
[Engrossed Senate Bill No. 179]  
SCHOOL DISTRICTS--NEGOTIATIONS  
BY CERTIFICATED PERSONNEL

AN ACT Relating to education; amending section 6, chapter 143, Laws

of 1965 and RCW 28.72.060; amending section 7, chapter 143, Laws of 1965 and RCW 28.72.070; amending section 28A.72.060, chapter ..., Laws of 1969 (HB.58) and RCW 28A.72.060; amending section 28A.72.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.72.070; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 6, chapter 143, Laws of 1965 and RCW 28.72-.060 are each amended to read as follows:

In the event that any matter being jointly considered by the employee organization and the board of directors of the school district is not settled by the means provided in this chapter, either party, twenty four hours after serving written notice of their intended action to the other party, may request the assistance and advice of a committee composed of educators and school directors appointed by the state superintendent of public instruction. This committee shall make a written report with recommendations to both parties within (~~fifteen~~) twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of directors or the employee organization.

Sec. 2. Section 7, chapter 143, Laws of 1965 and RCW 28.72.070 are each amended to read as follows:

Boards of directors of school districts or any administrative officer thereof shall not discriminate against certified employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

Part II. Sections affecting proposed 1969 education code.

Sec. 3. Section 28A.72.060, chapter ..., Laws of 1969 (HB 58) and RCW 28A.72.060 are each amended to read as follows:

In the event that any matter being jointly considered by the employee organization and the board of directors of the school district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of their intended action to the other party, may request the assistance and advice of a committee composed of educators and school directors appointed by the state superintendent of public instruction. This committee shall make a written report with recommendations to both parties within ~~((fifteen))~~ twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of directors or the employee organization.

Sec. 4. Section 28A.72.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.72.070 are each amended to read as follows:

Boards of directors of school districts or any administrative officer thereof shall not discriminate against certificated employees or applicants for such positions because of their membership or non-membership in employee organizations or their exercise of other rights under this chapter.

### Part III. Construction

NEW SECTION. Sec. 5. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB...). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of

this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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 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 March 28, 1969

Passed the House March 27, 1969

Approved by the Governor April 7, 1969

Filed in office of Secretary of State April 7, 1969

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CHAPTER 53  
[Engrossed Senate Bill No. 198]  
INVENTORY AND RECORDS  
OF STATE LANDS AND EQUIPMENT

AN ACT Relating to the records of state owned and controlled land, land resources, and equipment; amending section 43.19.1917, chapter 8, Laws of 1965 and RCW 43.19.1917; amending section 43.07.030, chapter 8, Law of 1965 and RCW 43.07.030; repealing section 43.09.350, chapter 8, Laws of 1965 and RCW 43.09.350; and adding a new section.

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

NEW SECTION. Section 1. The planning and community affairs agency shall provide by administrative regulation for the maintenance of an inventory of all state owned or controlled land resources by all state agencies owning or controlling land. The planning and community affairs agency shall cooperate with the state departments and agencies charged with administering state owned and/or controlled land resources to assist them in developing and maintaining land resources inventories that will permit their respective inventories to be summarized into meaningful reports for the purposes of providing executive agencies with information for planning, budgeting and managing state owned or administered land resources and to

provide the legislature, its members, committees and staff with data needed for formulation of public policy.

Such departments or agencies shall maintain and make available such summary inventory information as may be prescribed by the rules and regulations of the planning and community affairs agency. That agency shall give each affected department or agency specific written notice of hearings for consideration, adoption or modification of such rules and regulations. All information submitted to the planning and community affairs agency as provided herein shall be a matter of public record and shall be available from said agency upon request.

Sec. 2. Section 43.19.1917, chapter 8, Laws of 1965 and RCW 43.19.1917 are each amended to read as follows:

The director of general administration, through the division of purchasing, shall maintain a perpetual record of ownership of state owned equipment, which shall be available in the division of purchasing for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state agencies owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.

All state agencies shall account to the division of purchasing at any and all times for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of purchasing.

Sec. 3. Section 43.07.030, chapter 8, Laws of 1965 and RCW 43.07.030 are each amended to read as follows:

The secretary of state shall:

(1) Keep a register of and attest the official acts of the governor;

(2) Affix the state seal, with his attestation, to commissions, pardons, and other public instruments to which the signature of the governor is required, and also attestations and authentications of certificates and other documents properly issued by the secretary;

(3) Record (~~(in proper books all conveyances made to the state; and~~) all articles of incorporation, letters patent, deeds, certified copies of franchises, or other papers filed in his office;

(4) Receive and file all the official bonds of officers required to be filed with him;

(5) Take and file in his office receipts for all books distributed by him;

(6) Certify to the legislature the election returns for all officers required by the Constitution to be so certified, and certify to the governor the names of all other persons who have received at any election the highest number of votes for any office the incumbent of which is to be commissioned by the governor;

(7) Furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

(8) Present to the speaker of the house of representatives, at the beginning of each regular session of the legislature, a full account of all purchases made and expenses incurred by him on account of the state;

(9) File in his office an impression of each and every seal in use by any state officer, and furnish state officers with new seals when necessary;

(10) Keep a fee book, in which must be entered all fees charged or received by him, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which must be verified annually by his affidavit entered therein.

NEW SECTION. Sec. 4. Within thirty days from the effective date of this act, the secretary of state shall transfer all records in his possession relating to conveyances made to the state to the planning and community affairs agency for their use in building and maintaining an inventory of state owned or controlled land resources.

NEW SECTION. Sec. 5. Section 43.09.350, chapter 8, Laws of 1965 and RCW 43.09.350 are each hereby repealed.

Passed the Senate March 19, 1969.

Passed the House March 29, 1969.

Approved by the Governor April 7, 1969.

Filed in office of Secretary of State April 7, 1969.

CHAPTER 54

[Engrossed Substitute Senate Bill No. 201]

SECOND CLASS SHORELANDS--  
SALE, LEASE, PLATTING

AN ACT Relating to certain public lands; and amending section 121, chapter 255, Laws of 1927 and RCW 79.01.484; and declaring an emergency.

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

Section 1. Section 121, chapter 255, Laws of 1927 and RCW 79.01.484 are each amended to read as follows:

If (Whenever) application is made to purchase or lease any shorelands of the second class (~~(or-when-ever)~~) and the (~~(commissioner of-public-lands)~~) department of natural resources shall deem it for the best public interest (~~(of-the-state)~~) to offer (~~(any)~~) said shorelands of the second class for sale or lease, (~~(he)~~) the department shall cause a notice to be (~~(personally)~~) served upon the abutting upland owner if he be a resident of this state, or if the upland owner be a nonresident of this state, shall mail to his last known post office address, as reflected in the county records a copy of a notice notifying him that (~~(application-has-been-made-for-the-purchase-of-such-shorelands-or-that-the-commissioner-deems-it-for-the-best-interest-of)~~) the state (~~(to-sell-the-same,-as-the-case-may-be)~~) is offering such shorelands for sale or lease, giving a description and the department's appraised fair market value of such shorelands for sale or lease, (~~(in-no-case-less-than-five-dollars-per-linear-chain~~

~~frontage)) and notifying such upland owner that he has a preference right to purchase or lease said shorelands at the appraised value thereof for a period of thirty days from the date of the service or mailing of said notice ((~~and no such shorelands shall be offered for sale, or sold, to any other person than the abutting upland owner until after the expiration of said thirty days from the date of the service or mailing of such notice;--If--the--upland owner--is--a nonresident of this state and his address is unknown to the commissioner of public lands, notice to him shall not be necessary or required~~)). If at the expiration of the thirty days from the service or mailing of the notice, as above provided, the abutting upland owner has failed to avail himself of his preference right to purchase or lease ((and paid)) or to pay to the ((~~commissioner of public lands~~) department) the appraised value for sale or lease of the shorelands described in said notice, then in that event, except as otherwise provided in this section, said shorelands may be offered for sale or lease and sold or leased in the manner provided for the sale or lease of state lands ((~~other than capital building lands~~)).~~

The department of natural resources shall authorize the sale or lease, whether to abutting upland owners or others, only if such sale or lease would be for the best public interest. It is the intent of the legislature that whenever it is in the best public interest, the shorelands of the second class managed by the department of natural resources shall not be sold but shall be maintained in public ownership for the use and benefit of the people of the state.

If, following an application by the abutting upland owner to either purchase or obtain an exclusive lease at appraised full market value or rental, the department deems that such sale or lease is not in the best public interest; or if property rights in state-owned second class shorelands are at any time withdrawn, sold or assigned in any manner authorized by law to a public agency for a use by the general public, the department shall within one hundred eighty days from receipt of such application to purchase or lease, or on reaching

a decision to withdraw, sell, or assign such shorelands to a public agency:

(1) Make a formal finding that the body of water adjacent to such shorelands is navigable;

(2) Find that the state or the public has an overriding interest inconsistent with a sale or exclusive lease to a private person, and specifically identify such interest and the factor or factors amounting to such inconsistency; and

(3) Provide for the review of said decision in accordance with the procedures prescribed by RCW 34.04.

Notwithstanding the above provisions, the (~~commissioner-of public-lands~~) department may cause any of such shorelands ((7)) to be platted as is provided for the platting of shorelands of the first class, and when so platted such lands shall be sold or leased in the manner (~~in-this-chapter~~) provided for the sale or lease of shorelands of the first class.

NEW SECTION. Sec. 2. 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 immediately.

Passed the Senate April 1, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

CHAPTER 55  
[Engrossed Senate Bill No. 492]  
WASHINGTON STATE SEASHORE  
CONSERVATION AREA

AN ACT Relating to seashore conservation area; amending sections 2, 3, 4, 5, 6 and 8, chapter 120, Laws of 1967 and RCW 43.51.655, 43.51.660, 43.51.665, 43.51.670, 43.51.675 and 43.51.685; adding a new section to chapter 120, Laws of 1967 and to chapter 43.51 RCW; and repealing sections 9, 11, 12 and 13, chapter 120, Laws of 1967 and RCW 43.51.690, 43.51.695, 43.51.700 and 43.51.705.

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

Section 1. Section 2, chapter 120, Laws of 1967 and RCW 43.51-.655 are each amended to read as follows:

There is established for the recreational use and enjoyment of the public the Washington State Seashore Conservation Area. It shall include all lands now or hereafter under state ownership or control lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation and occupying the area between the ~~((present))~~ line of ordinary high tide and the line of extreme low tide, as ~~((this-line-now-is))~~ these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located; and shall also include all state-owned nontrust accreted lands along the ocean: PROVIDED, That no such conservation area shall include any lands within the established boundaries of any Indian Reservation.

Sec. 2. Section 3, chapter 120, Laws of 1967 and RCW 43.51.660 are each amended to read as follows:

Except as otherwise provided in RCW 43.51.650 through ~~((43.51-705))~~ 43.51.685, the Washington State Seashore Conservation Area shall be under the jurisdiction of the Washington state parks and recreation commission, which shall administer RCW 43.51.650 through ~~((43.51-705))~~ 43.51.685 in accordance with the powers granted it herein and under the appropriate provisions of chapter 43.51 RCW.

Sec. 3. Section 4, chapter 120, Laws of 1967 and RCW 43.51.665 are each amended to read as follows:

The Washington state parks and recreation commission shall administer the Washington State Seashore Conservation Area in harmony with the broad principles set forth in RCW 43.51.650. Where feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged

in the area, unless specifically excluded or limited by the commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public recreation, other uses shall be allowed as provided in RCW 43.51.650 through ~~((43-51-705))~~ 43.51.685, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission.

Sec. 4. Section 5, chapter 120, Laws of 1967 and RCW 43.51.670 are each amended to read as follows:

In administering the Washington State Seashore Conservation Area, the Washington state parks and recreation commission shall seek the cooperation and assistance of federal agencies, other state agencies, and local political subdivisions. All state agencies, and the governing officials of each local subdivision shall cooperate with the commission in carrying out its duties. Except as otherwise provided in RCW 43.51.650 through ~~((43-51-705))~~ 43.51.685, and notwithstanding any other provision of law, other state agencies and local subdivisions shall perform duties in the Washington State Seashore Conservation Area which are within their normal jurisdiction, except when such performance clearly conflicts with the purposes of RCW 43.51.650 through ~~((43-51-705))~~ 43.51.685.

Sec. 5. Section 6, chapter 120, Laws of 1967 and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through ~~((43-51-705))~~ 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through ~~((43-51-705))~~ 43.51.685 be construed to interfere with the powers, duties and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area, notwithstanding the provisions of RCW 9.61.040: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 6. Section 8, chapter 120, Laws of 1967 and RCW 43.51-

.685 are each amended to read as follows:

~~((Subject to the qualification contained in REW-43-51-690, any accreted lands now or hereafter under the jurisdiction of the department of natural resources shall remain under the jurisdiction of that department;--PROVIDED, That no))~~ Jurisdiction over the accreted non-trust lands in which the state has an interest along the ocean is hereby transferred from the department of natural resources to the state parks and recreation commission. No such accreted lands shall be sold, leased, or otherwise disposed of, except as herein provided. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas: PROVIDED, That oil drilling rigs and equipment will not be placed on the seashore conservation area or state-owned accreted lands. Sale of sand from accretions shall be  
((limited)) made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the  
(( department of natural resources)) state parks and recreation commission to be reasonable, and not generally harmful or destructive to the character of the land  
((and such sales may be made by the department of natural resources from sands on the Washington State Seashore Conservation Area if approved by the state parks and recreation commission)): PROVIDED FURTHER, That the ((department of natural resources)) state parks and recreation commission may grant mining leases for the removal of "black sands" (minerals) from any state-owned nontrust accreted lands and tidelands between the north jetty at the mouth of the Columbia River and a line due west from the North Head Lighthouse: PROVIDED FURTHER, That the state parks and recreation commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Washington State Seashore Conservation Area: PROVIDED FURTHER, That net income from such leases shall be ((transmitted by the department of natural resources to the state treasurer for deposit in the state parks and

~~parkways-account)) deposited in the general fund ((for-expenditure-by the-state-parks-and-recreation-commission-for-the-development-and-protection-of-the-Washington-State-Seashore-Conservation-Area-and-state park-developments-operated-in-conjunction-there-with:--PROVIDED, The terms-and-conditions-of-such-mining-leases-are-agreeable-to-the-state parks-and-recreation-commission)).~~

NEW SECTION. Sec. 7. Sections 9, 11, 12 and 13, chapter 120, Laws of 1967 and RCW 43.51.690, 43.51.695, 43.51.700, and 43.51.705 are each repealed.

NEW SECTION. Sec. 8. No provision of this 1969 amendatory act shall be construed as affecting any private or public property rights.

Passed the Senate April 1, 1969  
Passed the House March 31, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

CHAPTER 56  
[Engrossed Senate Bill No. 22]  
OBSTRUCTING JUSTICE--  
TAMPERING WITH WITNESS

AN ACT Relating to crimes and punishment; amending section 111, chapter 249, Laws of 1909 and RCW 9.69.080; and prescribing penalties.

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

Section 1. Section 111, chapter 249, Laws of 1909 and RCW 9.69.080 are hereby amended to read as follows:

Every person who shall wilfully prevent or attempt to prevent, or who shall wilfully conspire to prevent, by persuasion, threats, or otherwise, any person from appearing before any court, or officer authorized to subpoena witnesses, as a witness in any action, proceeding, trial, ((or)) investigation, hearing, inquiry, or other proceedings authorized by law, with intent thereby to obstruct the course of justice, shall be guilty of a ((gross-misdemeanor)) felony and shall be punished by imprisonment in the state penitentiary for a term of five years.

Passed the Senate April 1, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

CHAPTER 57  
[Engrossed Senate Bill No. 34]  
EDUCATION--COMPULSORY COURSES

AN ACT Relating to education; amending section 1, chapter 203, Laws of 1941, as last amended by section 1, chapter 64, Laws of 1967, and RCW 28.05.050; amending section 28A.05.050, chapter ..., Laws of 1969 (HB 58) and RCW 28A.05.050; and providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted.

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

Section 1. Section 1, chapter 203, Laws of 1941, as last amended by section 1, chapter 64, Laws of 1967, and RCW 28.05.050 are each amended to read as follows:

To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the state board of education shall prescribe a one-year course of study in the history and government of the United States, and the equivalent of a one-semester course of study in the state of Washington's history and government. No person shall be graduated from ~~((any-eighth-grade-or))~~ high school without completing such courses of study: PROVIDED, That students in the twelfth grade who have not completed such a course of study in Washington's history and state government because of previous residence outside the state ~~((shall-be-graduated-upon-having-received-special-instruction-in-Washington-history-and-government-as-may-be-determined-by-the-local-school-authorities-as-equivalent-to-the-one-semester-course-required-by-this-section))~~ may have the foregoing requirement waived by their principal.

There shall also be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of education. No person shall be graduated from any of said schools without completing such course of

study, unless otherwise determined by the state board of education.

Sec. 2. Section 28A.05.050, chapter ..., Laws of 1969 (HB 58) and RCW 28A.05.050 are each amended to read as follows:

To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the state board of education shall prescribe a one-year course of study in the history and government of the United States, and the equivalent of a one-semester course of study in the state of Washington's history and government (~~or Pacific Northwest history and government~~). No person shall be graduated from (~~any eighth-grade or~~) high school without completing such courses of study: PROVIDED, That students in the twelfth grade who have not completed such a course of study in Washington's history and state government because of previous residence outside the state (~~shall be graduated upon having received special instruction in Washington or northwest history and government as may be determined by the local school authorities as equivalent to the one-semester course required by this section~~) may have the foregoing requirement waived by their principal.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of section 1 of the instant bill seek to change existing laws. The provisions of section 2 seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of section 1 shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of section 1 shall expire and the provisions of section 2 shall concomitantly become effective.

Passed the Senate April 1, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

CHAPTER 58  
[Engrossed Senate Bill No. 229]  
CORPORATIONS

AN ACT Relating to corporations; amending section 5, chapter 53, Laws of 1965 and RCW 23A.08.020; adding a new section to chapter 53, Laws of 1965 and to chapter 23A.08 RCW; and adding new sections to chapter 53, Laws of 1965 and to Title 23A RCW.

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

Section 1. Section 5, chapter 53, Laws of 1965 and RCW 23A.08.020 are each amended to read as follows:

Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money to its employees other than its officers and directors, and otherwise assist its employees, officers and directors.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and re-invest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this title in any state, territory, district, or possession of the United States, or in any foreign country.

(11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) To make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(14) In time of war to transact any lawful business in aid of the United States in the prosecution of the war.

~~{(15)--To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor, against expenses actually and reasonably incurred by him in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty to the corporation, and to make any other indemnification that shall be authorized~~

~~by the articles of incorporation or by any bylaw or resolution adopted by the shareholders after notice.)~~

(( ~~16~~ )) (15) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and employees.

(( ~~17~~ )) (16) To cease its corporate activities and surrender its corporate franchise.

(( ~~18~~ )) (17) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

NEW SECTION. Sec. 2. There is added to chapter 53, Laws of 1965 and to chapter 23A.08 RCW a new section to be known as RCW 23A.08.025 to read as follows:

(1) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, trustee, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner

which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(2) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, trustee, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application, that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(3) To the extent that a director, trustee, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (1) and (2), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(4) Any indemnification under subsections (1) and (2) above

(unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, trustee, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (1) and (2) above. Such determination shall be made (a) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (b) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs by independent legal counsel in a written opinion, or (c) by the shareholders.

(5) Expenses incurred in defending a civil or criminal action suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized in the manner provided in subsection (4) upon receipt of an undertaking by or on behalf of the director, trustee, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this section.

(6) The indemnification provided by this section shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, trustee, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(7) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, trustee, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture,

trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

NEW SECTION. Sec. 3. The provisions of section 2 of this 1969 amendatory act shall apply to any corporation, other than a municipal corporation, incorporated under any of the laws of the state of Washington.

NEW SECTION. Sec. 4. There is added to chapter 53, Laws of 1955 and to Title 23A RCW a new section to read as follows:

The enactment of chapter 53, Laws of 1965, and the repeal of any prior act thereby, shall not, with respect to any corporation in existence on July 1, 1967:

(1) Permit less than a unanimous vote of the shareholders of a corporation having cumulative voting on July 1, 1967, to limit or eliminate cumulative voting in the election of directors, or

(2) Limit or deny the right of any shareholder to demand and receive payment for his shares by reason of any corporate action, unless the shareholder and other holders of shares of the same class are entitled to vote as a class with respect to such corporate action under RCW 23A.16.030: PROVIDED, HOWEVER, That such right to demand and receive payment for shares shall be treated as a right to dissent, to be exercised and disposed of in accordance with RCW 23A.24.040, and to be denied with respect to those certain sales and mergers with respect to which RCW 23A.24.030 expressly denies the right to dissent.

The foregoing are declared to be among the rights accrued, acquired or established within the meaning of RCW 23A.44.145.

NEW SECTION. Sec. 5. There is added to chapter 53, Laws of 1965 and to Title 23A RCW a new section to read as follows:

Upon a showing to the superior court of the county in which the registered office of a corporation is situated that:

(1) The addresses of the shareholders of record are lost,

destroyed, incomplete or inadequate, and

(2) Notice of a meeting of shareholders for a purpose requiring the affirmative vote of the holders of two-thirds of any class of shares has been given in the manner required by law as nearly as may be done and has been published in a legal newspaper in Thurston county and in the county in which the registered office of the corporation is situated not less than ten nor more than fifty days before the date of the meeting, the court shall appoint a disinterested person to represent the missing shareholders of record at the meeting and to report his findings to the court which findings may include comments upon the showing made to the court as hereinabove provided. The court shall then approve any action taken at the meeting by the shareholders present in person or by proxy if the court is satisfied that it is in the best interests of the missing shareholders, and such approval shall have the same force and effect as an affirmative vote at the meeting by the missing shareholders. Said disinterested person shall receive reasonable compensation for his services from the corporation, to be fixed by the court.

Passed the Senate April 1, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

CHAPTER 59  
[Engrossed Senate Bill No. 376]  
COUNTIES--OFFICERS AND EMPLOYEES--  
LIABILITY INSURANCE

AN ACT Relating to comprehensive liability insurance.

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

NEW SECTION. Section 1. The board of county commissioners of each county may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

Passed the Senate April 1, 1969  
Passed the House March 29, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

CHAPTER 60  
[Senate Bill No. 462]  
STATE EXPENSES--AGENCY VENDOR  
PAYMENT REVOLVING FUND--  
PETTY CASH ACCOUNTS

AN ACT Relating to procedures for payment of state expenses; adding a new chapter to Title 42 RCW; repealing section 43.09.090, chapter 8, Laws of 1965 and RCW 43.09.090; and providing an effective date.

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

NEW SECTION. Section 1. An agency vendor payment revolving fund is hereby created in the state treasury. This fund is to be used for payment for services rendered or materials furnished to the state, which are properly payable from funds other than those appropriated from the state treasury: PROVIDED, That the use of this revolving fund by a state agency shall be optional: AND PROVIDED FURTHER, That payment of salaries and wages shall be subject to the provisions of chapter 42.16 RCW.

NEW SECTION. Sec. 2. The amount to be disbursed from the vendor payment revolving fund on behalf of an agency electing to utilize such fund shall be deposited therein by the agency on or before the day prior to scheduled disbursement. The deposit shall be made from funds held by the agency outside the state treasury pursuant to law and which are properly chargeable for the disbursement. Disbursements from the revolving fund created by this act shall be by warrant in accordance with the provisions of RCW 43.88.160.

NEW SECTION. Sec. 3. The budget director shall adopt such regulations as may be necessary or desirable to implement the provisions of this act relating to the establishment of an agency vendor payment revolving fund.

NEW SECTION. Sec. 4. The state treasurer is authorized to advance moneys from treasury funds to state agencies for the purpose of establishing petty cash accounts not to exceed fifteen thousand dollars for any agency. The amount so advanced shall be reflected in the state treasurer's accounts as an amount due from the agency to

the fund or account from which the advance was made.

NEW SECTION. Sec. 5. The agency requesting a petty cash account or an increase in the amount of petty cash advanced under the provisions of this act shall submit its request to the budget director in the form and detail prescribed by him. The agency's written request and the approval authorized by this chapter shall be the only documentation or certification required as a condition precedent to the issuance of such warrant. A copy of his approval shall be forwarded by the budget director to the state treasurer.

NEW SECTION. Sec. 6. The use of the petty cash account shall be restricted to miscellaneous petty or emergency expenditures, refunds legally payable by an agency, and for cash change to be used in the transaction of the agency's official business. All expenditures made from petty cash shall be charged to an existing appropriation for such purpose, except expenditures chargeable against funds for which no appropriation is required by law. All expenditures or refunds made from petty cash shall be reimbursed out of and charged to the proper appropriation or fund at the close of each month and such other times as may be necessary. employee

NEW SECTION. Sec. 7. The head of the agency or an employee designated by him shall have full responsibility as custodian for the petty cash account and its proper use under this act and applicable regulations of the budget director. The custodian of the petty cash account shall be covered by a surety bond in the full amount of the account at all times and all advances to it, conditioned upon the proper accounting for and legal expenditure of all such funds, in addition to other conditions required by law.

NEW SECTION. Sec. 8. If a post audit by the state auditor discloses the amount of the petty cash account of any agency under this act to be excessive or the use of the account to be in violation of requirements governing its operation, the budget director may require the return of the account or of the excessive amount to the state treasury for credit to the fund from which the advance was made.

NEW SECTION. Sec. 9. The budget director shall adopt such regulations as may be necessary or desirable to implement the provisions of this act. Such regulation shall include but not be limited to, (1) defining limitations on the use of petty cash, and (2) providing accounting and reporting procedures for operation of the petty cash account.

NEW SECTION. Sec. 10. Section 43.09.090, chapter 8, Laws of 1965 and RCW 43.09.090 are each repealed.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 42 RCW.

NEW SECTION. Sec. 12. This act shall take effect July 1, 1969.

Passed the Senate March 20, 1969  
Passed the House March 31, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

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CHAPTER 61  
[Senate Bill No. 463]  
INTERAGENCY CHARGES, CREDITS,  
TRANSFERS, AND ADVANCES

AN ACT Relating to interagency transactions; and adding new sections to chapter 239, Laws of 1967 and chapter 39.34 RCW.

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

NEW SECTION. Section 1. There is added to chapter 239, Laws of 1967 and chapter 39.34 RCW a new section to read as follows:

Except as otherwise provided by law, the full costs of a state agency incurred in providing services or furnishing materials to or for another agency under chapter 39.34 RCW or any other statute shall be charged to the agency contracting for such services or materials and shall be repaid and credited to the fund or appropriation against which the expenditure originally was charged. Amounts representing a return of expenditures from an appropriation shall be considered as returned loans of services or of goods, supplies or other materials furnished, and may be expended as part of the original appropriation to which they belong without further or additional appropriation. Such interagency transactions shall be subject to regulation by the budget director, including but not limited to provisions for the de-

termination of costs, prevention of interagency contract costs beyond those which are fully reimbursable, disclosure of reimbursements in the governor's budget and such other requirements and restrictions as will promote more economical and efficient operations of state agencies.

Except as otherwise provided by law, this section shall not apply to the furnishing of materials or services by one agency to another when other funds have been provided specifically for that purpose pursuant to law.

NEW SECTION. Sec. 2. There is added to chapter 239, Laws of 1967 and chapter 39.34 RCW a new section to read as follows:

The budget director may establish procedures whereby some or all payments between state agencies may be made by transfers upon the accounts of the state treasurer in lieu of making such payments by warrant or check. Such procedures, when established, shall include provision for corresponding entries to be made in the accounts of the affected agencies.

NEW SECTION. Sec. 3. There is added to chapter 239, Laws of 1967 and chapter 39.34 RCW a new section to read as follows:

State agencies are authorized to advance funds to defray charges for materials to be furnished or services to be rendered by other state agencies. Such advances shall be made only upon the approval of the budget director, or his order made pursuant to an appropriate regulation requiring advances in certain cases. An advance shall be made from the fund or appropriation available for the procuring of such services or materials, to the state agency which is to perform the services or furnish the materials, in an amount no greater than the estimated charges therefor.

NEW SECTION. Sec. 4. There is added to chapter 239, Laws of 1967 and chapter 39.34 RCW a new section to read as follows:

An advance made under sections 1 through 3 from appropriated funds shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual costs

of materials and services have been finally determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the advance shall be returned to the agency for credit to the fund or account from which it was made.

NEW SECTION. Sec. 5. There is added to chapter 239, Laws of 1967 and chapter 39.34 RCW a new section to read as follows:

The powers and authority conferred by sections 1 through 4 shall be construed as in addition and supplemental to powers or authority conferred by any other law, and not to limit any other powers or authority of any public agency expressly granted by any other statute.

Passed the Senate March 20, 1969  
Passed the House March 31, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

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CHAPTER 62  
[Engrossed Senate Bill No. 502]  
STATE SCHOOL FOR THE DEAF--  
SALE OF LANDS

AN ACT Relating to the state school for the deaf; and authorizing a sale of a portion of the land thereof.

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

NEW SECTION. Section 1. The director of the state department of institutions is authorized to sell a portion of the land of the state school for the deaf in Clark County, Washington, more particularly described as follows:

That portion of section 26, Township 2 North, Range 1 East of the Willamette Meridian bounded and described as follows: Beginning at a point on the West line of the land conveyed to B. F. Shaw, Joseph J. Healy and John D. Geoghegan, commissioners, by deed dated April 16, 1888 and recorded April 18, 1888 in Book "Z" of Deeds, page 617, records of Clark County, Washington at a point thereof 50.00 feet Northerly along said West line from the Northerly line of Fifth Street in the City of Vancouver and running thence South 0° 15' 45"

West along said West line 50.00 feet to the Northerly line of Fifth Street; thence South 74° 19' 45" East along said Northerly line 150.00 feet; thence North 0° 15' 45" East parallel with said Westerly line 50.00 feet; thence North 74° 19' 45" West parallel with the North line of Fifth Street 150.00 feet to the point of beginning. All located in the William Ryan D.L.C., Clark County, Washington.

Before any sale under the provisions of this act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale in one issue of a newspaper printed and published in the county in which the property is located.

The proceeds of the sale of said property shall be transmitted by the director to the state treasurer.

NEW SECTION. Sec. 2. The disposition shall in all respects be subject to the supervision of the governor.

Passed the Senate March 18, 1969  
Passed the House March 31, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

CHAPTER 63  
[Substitute Senate Bill No. 518]  
MOTOR VEHICLE DEALERS

AN ACT Relating to motor vehicles; regulating motor vehicle dealers and salesmen; amending section 3, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.011; amending section 6, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.041; amending section 46.70-.090, chapter 12, Laws of 1961 and RCW 46.70.090; and amending section 11, chapter 74, Laws of 1967 ex. sess. and RCW 46.70-.101.

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

Section 1. Section 3, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Motor vehicle" means any motor driven vehicle required to be registered and titled under Title 46, Motor Vehicles.

(2) "Motor vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (a) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new, or used motor vehicles, trailers or motorcycles.

(a) The term "motor vehicle dealer" does not include:

(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(ii) Public officers while performing their official duties; or

(iii) Employees of motor vehicle dealers when engaged in the specific performance of their duties as such employees; or

(iv) Any person engaged in an isolated sale of a motor vehicle in which he is the registered and/or legal owner thereof.

(v) Any person, firm, association, corporation or trust, engaged in selling equipment other than motor vehicles, used for agricultural or industrial purposes.

(3) "Motor vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease motor vehicles, trailers or motorcycles on behalf of a motor vehicle dealer.

(4) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(5) "Director" means the director of the department of motor vehicles.

(6) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused motor vehicles.

(7) "Distributor" means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused motor vehicle to motor vehicle dealers or who maintains factory representatives.

(8) "Factory branch" means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, motor vehicles to a distributor, wholesaler or motor vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused motor vehicles in this state of a particular brand or make to motor vehicle dealers.

(9) "Factory representative" means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their motor vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(10) "Established place of business" means a permanent, enclosed commercial building ((or structure, either owned-in-fee or leased, actually occupied and)) located within the state of Washington easily accessible and open to the public, ((located and constructed in conformity with applicable zoning laws, at which a permanent business of bartering, trading and selling of vehicles will be carried on as such, wherein)) at all reasonable times, with an improved automobile display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a motor vehicle dealer, including the display and repair of motor vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory

ordinances and in such building the public may contact the (~~owner~~) motor vehicle dealer or (~~operator~~) his motor vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display (~~a-permanent~~) an exterior sign (~~thereon~~) permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

Sec. 2. Section 6, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application shall contain the following information to the extent the same is applicable to the applicant:

(a) The applicant's honesty and reputation;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a motor vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(f) Any other information the director may require.

(2) If the applicant is a motor vehicle dealer, then information as to the type of business he will be engaged in, including:

(a) Name or names of new cars the motor vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer or distribu-

tor from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used motor vehicles, and if so, whether he has space available for servicing and repairs;

(d) A ~~((statement-by-the-chief-of-police-or-his-deputy))~~ certificate by a member of the department of motor vehicles that the applicant has "an established place of business" in the state of Washington as defined by this ((chapter-if-the-location-is-in-a-city-over-five-thousand-in-population,-otherwise,-by-a-member-of-the-Washington-state-patrol)) 1969 amendatory act.

(e) A copy of a current service agreement with a manufacturer or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty, to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell new or current-model motor vehicles with factory or distributor warranties.

(3) If the application is for a salesman's license, a certification by the motor vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character.

Sec. 3. Section 46.70.090, chapter 12, Laws of 1961 and RCW 46.70.090 are each amended to read as follows:

~~((The-dealer-license-plate-shall-be-displayed-upon-every-vehicle-demonstrated-by-such-dealer-whenever-the-same-is-operated-upon any-public-highway-in-this-state,-and-on-such-vehicles-as-may-be actually-owned-by-the-dealer-and-used-by-members-or-employees-of-his firm-for-the-purposes-for-which-said-dealer-license-was-actually-issued-))~~ Dealer license plates shall be used only under the following conditions:

(1) To demonstrate an automobile for sale provided that (a)

a dated demonstration permit or purchase order identifying the sale or the potential sale is carried in the vehicle and (b) once the sale is completed the dealer will register and title the vehicle in question no later than the finish of the second business day.

(2) On vehicles assigned permanently to officers of the corporation, partnership or proprietorship, and to the bona fide, full time employees of the dealer: PROVIDED, That the director will twice each year inspect the records of every licensed dealer to determine that the above conditions have been met.

(3) On vehicles being tested for repair.

(4) On vehicles being transported for resale.

Failure to comply with the provisions of this section shall be cause for the suspension or revocation of the dealer license. Dealer license plates shall not be used upon any vehicle for the transportation of any person, produce, freight or commodities, except there shall be permitted the use of such dealer license plates on a vehicle transporting commodities in course of demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration: PROVIDED, That nothing herein shall be interpreted in such manner as to prevent a dealer from moving, by vehicle bearing a dealer license plate, another vehicle or vehicles upon which the said dealer might have used his dealer license plate: PROVIDED FURTHER, That transportation of dealers' own tools, parts and equipment, in a vehicle bearing a dealer license plate, to a total net weight not to exceed five hundred pounds shall not be considered a violation of the use of said dealer license.

Sec. 4. Section 11, chapter 74, Laws of 1967 ex. sess., and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend or revoke the license of any motor vehicle dealer or salesman if he finds that the order is in the public interest and that the applicant, or licensee, or in the

case of a motor vehicle dealer, any partner, officer or director or majority stockholder:

(1) Was previously the holder of a license issued under 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;

(2) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving fraud, misrepresentation or conversion;

(3) Has made a false statement of a material fact in his application or in any data attached thereto;

(4) Has failed to comply with the applicable provisions of 46.12 RCW any rule or regulation or order issued under this chapter;

(5) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a motor vehicle;

(6) Has forged the signature of the registered or legal owner on a certificate of title;

(7) Has purchased, sold, or disposed of a motor vehicle which such applicant or licensee knows or has reason to know has been stolen or appropriated without the consent of the owner;

(8) Has wilfully failed to deliver to a purchaser a certificate of ownership to a motor vehicle which the applicant or licensee has sold;

(9) Has suffered or permitted the cancellation of a fidelity bond or the exhaustion of the penalty thereof;

(10) Has failed to comply with the provisions of this chapter including notices, or reports of transfers of vehicles, or the maintenance of records, or has caused or suffered or is permitting the unlawful use of the dealer license certificate or dealer license plates;

(11) Has committed any act in violation of RCW 46.70.180;

(12) Is a motor vehicle dealer who:

(a) Does not have an established place of business as defined in this chapter;

(b) Employs an unlicensed salesman;

(c) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(d) Knowingly employs a salesman whose license has been denied, or revoked within the last year, or is currently suspended;

(e) Sells a new or current-model motor vehicle to which a factory new-vehicle warranty attaches and fails to have a valid, written service agreement as required by this 1969 amendatory act or having such agreement, refuses to honor or repudiates the same.

(13) Is an applicant for a salesman's license who was previously the holder of, or was a partner in a partnership, or was an officer, director, or stockholder involved in management of a corporation which was the holder, of a license which was revoked for cause and never reissued or was suspended and the terms of the suspension have not been terminated;

(14) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they may mature.

Passed the Senate March 21, 1969  
Passed the House March 31, 1969  
Approved by the Governor April 8, 1969  
Filed in office of Secretary of State April 8, 1969

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CHAPTER 64  
[Engrossed Senate Bill No. 662]  
SCHOOL BUSES--LEASES,  
BOY SCOUT JAMBOREE

AN ACT Relating to school districts providing school bus transportation; and declaring an emergency.

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

NEW SECTION. Section 1. The directors of school districts are authorized to lease school buses to local troops of the Boy Scouts of America for transportation of boy scouts to the Boy Scout Jamboree to be held in Farragut, Idaho in the summer of 1969: PROVIDED, That

commercial bus transportation is not reasonably available to a scout troop.

The lease of the equipment shall be handled by the school directors on the local level. The school directors may establish the criteria for bus use and lease, including, but not limited to, minimum costs, and driver requirements.

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 institutions, and shall take effect immediately.

Passed the Senate April 1, 1969  
 Passed the House March 31, 1969  
 Approved by the Governor April 8, 1969  
 Filed in office of Secretary of State April 8, 1969

CHAPTER 65  
 [Engrossed Senate Bill No. 242]  
 PUBLIC HOSPITAL DISTRICTS--  
 BONDS, INTEREST RATE--DEBT LIMIT

AN ACT Relating to public hospital districts; amending section 6, chapter 264, Laws of 1945, as last amended by section 7, chapter 164, Laws of 1967 and RCW 70.44.060; amending section 12, chapter 264, Laws of 1945, as amended by section 1, chapter 56, Laws of 1955 and RCW 70.44.110; amending section 13, chapter 264, Laws of 1945, and RCW 70.44.120; and amending section 1, chapter 143, Laws of 1917, as last amended by section 4, chapter 107, Laws of 1967, and RCW 39.36.020.

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 7, chapter 164, Laws of 1967 and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

- (1) To make a survey of existing hospital facilities within and without such district.
- (2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and con-

vey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization: AND PROVIDED, FURTHER, That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available fa-

cilities of said hospitals, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospital.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and to issue bonds therefor, bearing interest at a rate not exceeding ((six)) eight percent per annum, payable semiannually, said bonds not to be sold for less than par and accrued interest; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed three mills or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said three mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the three mills herein specifically authorized. The commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed

and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six percent per annum.

(7) To enter into any contract with the United States government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all other things necessary to carry out the provisions of this chapter.

Sec. 2. Section 12, chapter 264, Laws of 1945, as amended by

section 1, chapter 56, Laws of 1955, and RCW 70.44.110 are each amended to read as follows:

Whenever the commission deems it advisable that the district acquire or construct a public hospital, or make additions or betterments thereto, or extensions thereof, it shall provide therefor by resolution, which shall specify and adopt the plan proposed, and declare the estimated cost thereof, and specify the amount of indebtedness, the amount of interest and the time in which all bonds shall be paid, not to exceed thirty years. (~~(( If the proposed general indebtedness will bring the indebtedness of the district to an amount exceeding one and one-half percent of the taxable property of the district; the proposition of incurring the indebtedness and the proposed plan shall be submitted to the electors of the district at the next general election held in the district; or at a special election called by the commissioners for that purpose. If a special election is called, it shall be held under the jurisdiction of the county auditor, acting as county supervisor of elections; and the returns of such special election shall be canvassed by the county canvassing board. A special election shall be conducted under the procedure set forth in RCW 29.13.030, 29.13.040 and 29.13.080, as such sections are amended from time to time.))~~ The incurring of such indebtedness shall be subject to the applicable limitations and requirements provided in section 1, chapter 143, Laws of 1917, as last amended by section 4, chapter 107, Laws of 1967, and RCW 39.36.020, as now or hereafter amended. If a proposition to incur any such indebtedness is to be submitted to the electors of the district it may be submitted at any general election or a special election called for that purpose pursuant to the applicable election laws.

Sec. 3. Section 13, chapter 264, Laws of 1945 and RCW 70.44.120 are each amended to read as follows:

~~((Whenever the commission (or majority of the qualified voters of such public hospital district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a sys-~~

~~tem or plan for any such public hospital, as aforesaid, and shall have authorized indebtedness therefor by a majority vote of the qualified voters of such district voting at said election, general or public hospital bonds may be used as hereinafter provided.~~) All bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear, said interest not to exceed (~~six~~) ten percent, and the place and dates of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public hospital district shall be affixed to each bond but not to the coupons: PROVIDED, HOWEVER, That said coupons, in lieu of being so signed, may have printed thereon a facsimile of the signatures of such officers.

Sec. 4. Section 1, chapter 143, Laws of 1917, as last amended by section 4, chapter 107, Laws of 1967, and RCW 39.36.020 are each amended to read as follows:

(1) No taxing district except counties, cities and towns and public hospital districts shall for any purpose become indebted in any manner to an amount exceeding one and one-half percent of the last assessed valuation of the taxable property in such taxing district, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percent of the last assessed valuation of the taxable property in such taxing district.

(2) Counties, cities, (~~and~~) towns and public hospital districts are limited to an indebtedness amount not exceeding one and one-half percent of the last assessed valuation of the taxable property in such counties, cities, (~~or~~) towns or public hospital districts without the assent of three-fifths of the voters therein voting

at an election to be held for that purpose. In cases requiring such assent counties, cities, ~~((and))~~ towns and public hospital districts are limited to five percent on the value of the taxable property therein (being twice the assessed valuation) as ascertained by the last completed and balanced tax rolls of such counties, cities, ~~((or))~~ towns and public hospital districts for county, city, ~~((or))~~ town or public hospital district purposes.

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

Passed the Senate March 26, 1969.

Passed the House March 24, 1969.

Approved by the Governor April 3, 1969, with the exception of section 4 which is vetoed.

Filed in office of Secretary of State April 10, 1969.

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

"...This bill makes a number of amendments to special statutes relating to public hospital districts, particularly to those statutes relating to the indebtedness which may be incurred by these districts. The bill increases the permissible interest rate on bonds issued by public hospital districts, and doubles the amount of bonds which a district may issue with the approval of 60% of the voters.

Section 4 amends RCW 39.36.020, which is the general statute relating to indebtedness of all taxing districts.

Section 3, chapter 142, Laws of 1969, passed at the regular session of the Forty-first Legislature, also amended RCW 39.36.020 in a manner that differs from the amendment contained in section 4 of Senate Bill 242. Fortunately, the object of the amendment contained in section 4 of this bill, which is to double the amount of bonds which a public hospital district

may issue with the approval of 60% of the voters of the district, was accomplished by the amendment of RCW 39.36.020 contained in section 3, chapter 142, Laws of 1969.

The deletion of section 4 of Senate Bill 242 will in no way defeat the purpose of this bill. It will prevent inconsistent amendments to the same section of the law from becoming effective and will therefore preserve the amendments of that section contained in the law passed in the regular session of the Forty-first Legislature.

Except for section 4 which I have vetoed, the remainder of Senate Bill 242 is approved.

CHAPTER 66  
[Engrossed House Bill No. 191]  
JUSTICE COURTS AND ADMINISTRATION

AN ACT Relating to justice courts and administration; amending section 10, chapter 299, Laws of 1961 as amended by section 5, chapter 110, Laws of 1965 ex. sess., and RCW 3.34.010; amending sections 12, 28, 34 and 43, chapter 299, Laws of 1961 and RCW 3.34.030, 3.38.040, 3.42.040 and 3.46.090; amending section 11, chapter 299, Laws of 1961 and RCW 3.34.020; and adding a new section to chapter 299, Laws of 1961 and to chapter 3.46 RCW.

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

Section 1. Section 10, chapter 299, Laws of 1961 as amended by section 5, chapter 110, Laws of 1965 ex. sess. and RCW 3.34.010 are each amended to read as follows:

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, (~~((four))~~) two; Chelan, (~~((four))~~) one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, two; Ferry, two; Franklin, one; Garfield, one; Grant, three; Grays Harbor, four; Island, three; Jefferson, one; King, twenty; ~~Kitsap~~, two; Kittitas, two; Klickitat, two; Lewis, (~~((four))~~) one; Lincoln, (~~((four))~~) two; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, (~~((two))~~) one; Snohomish, (~~((six))~~) eight; Spokane, seven; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six.

Sec. 2. Section 12, chapter 299, Laws of 1961 and RCW 3.34-

.030 are each amended to read as follows:

Notwithstanding the limitations of RCW 3.34.010 and 3.34.020 in any district having more than one justice of the peace, if any city or town elects to select under the provisions of chapter 3.50 a person other than a justice of the peace to serve as municipal judge, the board of county commissioners (~~shall~~) may reduce the number of justices of the peace required for the county and district by one for each one hundred and fifty thousand persons or fraction thereof residing in all such municipalities, electing to select a municipal judge who is not also a justice of the peace: PROVIDED, That in no case shall the number of justices of the peace in any county be less than one for each one hundred thousand persons or major fraction thereof in such county, nor shall the number of justices of the peace in any district be less than one for each one hundred and fifty thousand persons or major fraction thereof.

Sec. 3. Section 28, chapter 299, Laws of 1961 and RCW 3.38-.040 are each amended to read as follows:

The districting committee may meet for the purpose of amending the districting plan at any time on call of the county commissioners, the chairman of the committee or a majority of its members. Amendments to the plan shall be submitted to the county commissioners not later than March 15th of each year for adoption by the commissioners following the same procedure as with the original districting plan. Amendments shall be adopted not later than May 1st following submission by the districting committee. Any such amendment which would reduce the salary or shorten the term of any judge shall not be effective until the next regular (~~general~~) election for justice of the peace. All other amendments may be effective on a date set by the county commissioners.

Sec. 4. Section 34, chapter 299, Laws of 1961 and RCW 3.42.040 are each amended to read as follows:

Justice court commissioners shall receive such compensation as the county commissioners or city council shall provide.

Sec. 5. Section 43, chapter 299, Laws of 1961 and RCW 3.46.090 are each amended to read as follows:

The salary of a full time municipal judge shall be paid wholly by the city. The salary of a justice of the peace serving a municipal department part time shall be paid jointly by the county and the city in the same proportion as the time of the justice has been allocated to each. Salaries of court commissioners serving the municipal department shall be paid by the city.

NEW SECTION. Sec. 6. There is added to chapter 299, Laws of 1961 and to chapter 3.46 RCW a new section to read as follows:

The provisions of chapter 3.42 RCW shall apply to this chapter 3.46 RCW.

Sec. 7. Section 11, chapter 299, Laws of 1961 and RCW 3.34-.020 are each amended to read as follows:

In each justice court district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice of the peace; in each justice court district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each justice court district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each justice court district having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof: PROVIDED, That if a justice court district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county commissioners without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following: PROVIDED FURTHER, That upon any redistricting of the county thereafter RCW 3.34.010, as now or hereafter amended, shall again designate the

number of justices in the county: PROVIDED FURTHER, That the county commissioners may by resolution make a part time position a full time office if the district's population is not more than 10,000 less than the number required by this section for a full time justice of the peace.

Passed the House April 1, 1969

Passed the Senate March 26, 1969

Approved by the Governor April 10, 1969

Filed in office of Secretary of State April 10, 1969

CHAPTER 67

[Engrossed Substitute House Bill No. 592]

FIRE PROTECTION DISTRICTS--COMMISSIONERS

AN ACT Relating to fire commissioners; and amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 51, Laws of 1967 and RCW 52.12.010.

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

Section 1. Section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 51, Laws of 1967 and RCW 52.12.010 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three resident electors of the district. The members ~~((may))~~ of any district which owns or operates motor-powered fire fighting equipment shall each receive ~~((not-to-exceed-ten))~~ twenty-five dollars per day ~~((or))~~ , not to exceed ~~((thirty))~~ seventy-five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district ~~((to-be-fixed-by-resolution-and-entered-in-the-minutes-of-the-proceedings-of-the-board))~~. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged on district business, and ~~((may-participate-in))~~ shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That 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, ~~((may))~~ shall each receive ~~((not-to-exceed-fifteen))~~ twenty-five

dollars per day ((~~or~~)) , not to exceed ((seventy-five)) one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district ((~~to be fixed by resolution and entered in the minutes of the proceedings of the board~~)).

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. Only a commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall serve until after the next general election for the selection of commissioners and until their successors have been elected or appointed and have qualified.

Passed the House March 19, 1969  
Passed the Senate March 29, 1969  
Approved by the Governor April 10, 1969  
Filed in office of Secretary of State April 10, 1969

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CHAPTER 68  
[House Bill No. 613]  
DRIVERS LICENSE TO OPERATE  
VEHICLES REQUIRING SPECIAL SKILLS

AN ACT Relating to classified drivers license; amending section 1, chapter 20, Laws of 1967 ex. sess., and RCW 46.20.440; amending section 3, chapter 20, Laws of 1967 ex. sess., and RCW 46.20-.460; and amending section 4, chapter 20, Laws of 1967 ex. sess., and RCW 46.20.470.

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

Section 1. Section 1, chapter 20, Laws of 1967 ex. sess. and RCW 46.20.440 are each amended to read as follows:

It shall be unlawful for a person to operate for compensation upon the public highway any motor-truck, truck-tractor, school bus, auto stage or for-hire vehicle as defined by RCW 46.04.310, 46.04.650, 46.04.521, 46.04.050 and 46.04.190 respectively, found by the director to require special operating skills as hereafter provided, unless the driver shall have successfully completed an examination, in addition

to the examinations in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property: PROVIDED, That this requirement shall not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

The director may issue a temporary permit to an applicant for a period not to exceed ninety days. This temporary permit may be renewed for one additional ninety-day period. The director shall collect a two dollar fee for said temporary permit, or renewal, and the said fee shall be deposited in the highway safety fund.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met.

Sec. 2. Section 3, chapter 20, Laws of 1967 ex. sess. and RCW 46.20.460 are each amended to read as follows:

The director may in lieu of the special examination required in RCW 46.20.440 waive the requirement as to:

(1) Any person who (~~on January 1, 1968~~) is engaged in driving for compensation on the public highways a vehicle or vehicles classified pursuant to RCW 46.20.450; if

(a) His employer certifies that the applicant is well qualified by previous driving experience to operate the type of vehicle or vehicles covered by the special endorsement for which he has applied; or

(b) A self-employed driver who has been engaged in driving a vehicle or vehicles for a minimum of one year on the public highways and has passed a department approved driver training course or examination and/or his driving record on file with the department indicates that he is a safe and careful driver;

(2) Any driver who cannot qualify under subsection (1) of this section; if

(a) His employer certifies that he has satisfactorily completed

a training course given by his employer which course has been approved by the director; or

(b) He is a self-employed person who furnishes a certificate that he has satisfactorily completed a course that may be given by a person or persons who have given a training course or examination approved by the director.

(c) Where by contract, written or implied, a labor union is required upon notice to furnish qualified and competent drivers, the department may accept the certification of the dispatching union official that the driver is qualified and competent to drive the particular equipment.

The director may, however, notwithstanding subsections (1) and (2) of this section require the examination to be given by the department in any case where the applicant's driving record indicates that he has violated the traffic laws to an extent that it is in the public interest to require said examination.

Sec. 3. Section 4, chapter 20, Laws of 1967 ex. sess. and RCW 46.20.470 are each amended to read as follows:

There shall be an additional fee for the special endorsement for each class of vehicle in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each endorsement shall not exceed ten dollars for the original endorsement (~~((and-eight-dollars-for-the-renewal-thereof))~~). The said fee shall be deposited in the highway safety fund.

Passed the House April 3, 1969  
Passed the Senate April 1, 1969  
Approved by the Governor April 10, 1969  
Filed in office of Secretary of State April 10, 1969

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CHAPTER 69  
[House Bill No. 650]  
MOTOR VEHICLE VIOLATIONS--  
LIABILITY, OPERATOR AND/OR OWNER

AN ACT Relating to motor vehicles; adding a new section to chapter 12, Laws of 1961 and to chapter 46.16 RCW; adding a new section to chapter 12, Laws of 1961 and to chapter 46.37 RCW; and adding a new section to chapter 12, Laws of 1961 and to chap-

ter 46.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.44 RCW a new section to read as follows:

Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, if the operator of the vehicle is not the owner of such vehicle, but is so operating or moving the same with the express or implied permission of the owner, then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

Whenever an act or omission is declared to be unlawful in chapter 46.16 RCW, if the operator of the vehicle is not the owner of such vehicle, but is so operating or moving the same with the express or implied permission of the owner, then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.37 RCW a new section to read as follows:

Whenever an act or omission is declared to be unlawful in chapter 46.37 RCW, if the operator of the vehicle is not the owner of such vehicle, but is so operating or moving the same with the express or implied permission of the owner, then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner.

Passed the House April 3, 1969

Passed the Senate April 1, 1969

Approved by the Governor April 10, 1969

Filed in office of Secretary of State April 10, 1969

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CHAPTER 70  
[Engrossed Senate Bill No. 195]  
HEALTH DISTRICTS--  
BOARD, COMPOSITION

AN ACT Relating to health districts; amending section 3, chapter 183,  
Laws of 1945 as amended by section 5, chapter 51, Laws of 1967

ex. sess., and RCW 70.46.030; and repealing section 1, chapter 183, Laws of 1945 and RCW 70.46.010.

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

Section 1. Section 3, chapter 183, Laws of 1945 as amended by section 5, chapter 51, Laws of 1967 ex. sess., and RCW 70.46.030 are each amended to read as follows:

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the board of county commissioners of the county shall pass a resolution to organize such a health district under chapter 70.05 and RCW 70.46.020 through 70.46-090. The district board of health of such district shall consist of not less than five members, including the three members of the board of county commissioners of the county: PROVIDED, That if such health district consists of a county of the second class, the district board of health shall consist of not less than six members, including the three members of the board of county commissioners of the county and one person who is a qualified voter of an unincorporated rural area of the county and who is appointed by the legislative authority of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

NEW SECTION. Sec. 2. Section 1, chapter 183, Laws of 1945, and RCW 70.46.010 are each repealed.

Passed the Senate April 3, 1969  
Passed the House April 2, 1969  
Approved by the Governor April 10, 1969  
Filed in office of Secretary of State April 10, 1969

CHAPTER 71  
[Engrossed Senate Bill No. 180]  
ELECTRICIANS AND ELECTRICAL  
INSTALLATIONS

AN ACT Relating to electricians and electrical installations;  
amending section 5, chapter 207, Laws of 1963 and RCW 19.28-.065; amending section 4, chapter 169, Laws of 1935, as last amended by section 2, chapter 88, Laws of 1967, section 1, chapter 15, Laws of 1967 ex. sess., as reenacted by section 1, chapter ..., Laws of 1969 (1969 SB 12), and RCW 19.28.120; amending section 5, chapter 169, Laws of 1935, as amended by section 4, chapter 117, Laws of 1965 ex. sess., and RCW 19.28.180; and amending section 8, chapter 169, Laws of 1935 as last amended by section 3, chapter 88, Laws of 1967, and RCW 19.28.210;

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

Section 1. Section 5, chapter 207, Laws of 1963 and RCW 19-.28.065 are each amended to read as follows:

There is hereby created an electrical advisory board, consisting of seven members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, the adoption of rules and regulations pertaining to the electrical inspection division: PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the electrical advisory board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the electrical advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; one member shall be an employee or officer of a corporation or firm engaged in the

business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment or devices; one member shall be a person not related to the electrical industry to represent the public; one member shall be a recognized electrician; one member shall be a licensed professional engineer qualified to do business in the state of Washington; and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; the member representing the installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public shall serve two years; the member selected as the recognized electrician shall serve for two years; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the

chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid a per diem of ~~((ten))~~ twenty-five dollars for each day or portion thereof that the board is in session and each member shall receive in addition thereto his necessary and reasonable ~~((traveling))~~ transportation and other expenses recognized by the state of Washington which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 2. Section 4, chapter 169, Laws of 1935, as last amended by section 2, chapter 88, Laws of 1967, section 1, chapter 15, Laws of 1967 ex. sess., as reenacted by section 1, chapter ..., Laws of 1969 (1969 SB 12), and RCW 19.28.120 are each amended to read as follows:

It shall be unlawful for any person, firm or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current as it pertains to the electrical industry, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue, and the fee for such license shall be one hundred dollars. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus or appliances, or install material to enclose,

fasten, insulate, or support such wires or equipment, to be operated by such current, in any and all places in the state of Washington. The application for such license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund," and the department of labor and industries shall thereupon issue said license. Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon such work, taxes and contributions to the state of Washington, and all damages that may be

sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto. In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: PROVIDED, HOWEVER, If the license applicant has filed a cash deposit, the director shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account. The provisions of this chapter relating to the licensing of any person, firm or corporation, including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or bonds nor charge any fee for the same or a similar purpose. Any person who immediately prior to the effective date of this act held a valid license as an electrician issued by any city, town or county, shall be issued a state license as an electrician when he has met either the requirements of this act or the requirements which were in effect in the city, town or county which issued such license.

Sec. 3. Section 5, chapter 169, Laws of 1935, as amended by section 4, chapter 117, Laws of 1965 ex. sess., and RCW 19.28.180 are each amended to read as follows:

Any person, firm, or corporation sustaining any damage or injury by reason of the breach of the conditions of said bond by the principal therein may bring an action against the surety named therein, with or without joining in said action the principal named in said bond; said action may be brought in the superior court of any county in which the principal on said bond resides or transacts business, or in the county in which the work was performed as a result of which the breach is alleged to have occurred; said action shall be maintained and prosecuted as other civil actions. No action on said bond, or

failure to bring action thereon shall waive the right of any person, firm or corporation to sue the principal named in said bond for any damage or injury sustained by reason of the failure of the principal in said bond to comply with the provisions of this chapter: Claims or actions against the surety on such bonds shall be paid in full in the following order of priority: (1) labor, including employee benefits, (2) materials and equipment used upon such work, (3) taxes and contributions due the state, (4) damages sustained by any person, firm or corporation due to the failure of the principal to make the installation in accordance with the provisions of chapter 19.28 RCW, or any ordinance, building code, or regulation applicable thereto: PROVIDED, That the total liability of the surety on any such bond shall not exceed the sum of ((two)) three thousand dollars; and any such action shall be brought within one year from the completion of the work in the performance of which the breach is alleged to have occurred.

In the event that a cash or securities deposit has been made in lieu of the surety bond, and in the event of a judgment being entered against such depositor and deposit, the director shall upon receipt of a certified copy of a final judgment, pay said judgment from such deposit.

Sec. 4. Section 8, chapter 169, Laws of 1935, as last amended by section 3, chapter 88, Laws of 1967, and RCW 19.28.210 are each amended to read as follows:

The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect, all wiring, appliances, devices and equipment to which this chapter applies. Upon request, electrical inspections will be made by the electrical inspection department within forty-eight hours, excluding holidays, Saturdays and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect thereto, providing the necessary electrical

safe wiring label is displayed. Whenever the installation of any such wiring, device, appliance or equipment is not in accordance with the requirements of this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, or corporation owning, using or operating the same shall be notified by the director of labor and industries and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger therefrom to life or property and to make the same conform to the provisions of this chapter. The director of labor and industries through such inspector, assistant inspector or any deputy inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this chapter. Upon making such disconnection he shall attach thereto a notice stating that such conductors have been found dangerous to life or property or not in accordance with the requirements of this chapter; and it shall be unlawful for any person to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this chapter. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of his official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment or material contained thereon or therein. No electrical wiring or equipment subject to the requirements of this chapter shall be concealed until an inspection is applied for under this chapter and an inspection made and the work therein approved by the inspector making such inspection. It shall be the responsibility of those persons making electrical installations to obtain inspection and approval

from an authorized representative of the director of labor and industries as required by this chapter, prior to requesting the electric utility to connect to said installation. Electric utilities may connect such said installations if approval is clearly indicated by certification of the safe wiring label required to be affixed to each installation or by equivalent means, except that, increased or relocated services may be reconnected immediately, at the discretion of the utility, before approval, provided a safe wiring label is displayed. The labels shall be furnished upon payment to the department of labor and industries of a fee in accordance with the following schedule: For plug-in mobile homes, recreational vehicles or portable appliances, no fee; for single family residence, not more than one thousand square feet, ten dollars; for such wiring in excess of one thousand square feet but not more than two thousand square feet, twelve dollars; and for such wiring in excess of two thousand square feet, fourteen dollars. All other electrical installation fees will be as follows: Service installations of one hundred amperes or less, ten dollars; service installations in excess of one hundred amperes but not more than two hundred amperes, eighteen dollars; service installations in excess of two hundred amperes, but not more than three hundred amperes, thirty dollars; service installations in excess of three hundred amperes, but not more than four hundred amperes, forty-five dollars; service installations in excess of four hundred amperes, fifty-five dollars. Each new feeder installation shall be twenty-five percent of the fee for new service installations of like ampacity. For temporary construction service for lighting and power, three dollars. Each sign and outline lighting circuit, three dollars. All new circuits, circuit alterations and circuit extensions where service and feeder installations are existing, except in such electrical installations used for manufacturing, fabricating, assembling, finishing, packaging, or processing operations which have at all times two or more regular employees engaged solely in electrical installations or electrical maintenance work, the fee

shall be four dollars: PROVIDED FURTHER, That where circuit extensions are installed for controls and motors for central heating plants such as oil, gas, or electric furnaces the fee shall be two dollars. Fees for alterations requiring the increase or relocation of an existing service shall be as follows: Single family residence, four dollars; all other altered service installations, the fee shall be fifty percent of the fee for new service work. For yard pole meter loops, a fee of five dollars shall be charged. For each adjacent farm building other than the residence, a fee of three dollars shall be charged. Where a mobile home or a recreational vehicle service is installed in a mobile home or recreational park, the maximum fee shall be four dollars and fifty cents. Where the service is existing and a new or altered feeder is installed the fee shall be as per feeder schedule. Applications for labels shall be in writing and signed by the applicant; and labels when used by a licensed contractor shall bear the signature or seal of such contractor. The required label fees shall be paid within ten days after the completion of an electrical installation. In the event such fee is not paid in the time stated, the fees shall be double the amount specified in the above schedule.

Passed the Senate April 7, 1969

Passed the House April 3, 1969

Approved by the Governor April 16, 1969

Filed in office of Secretary of State April 16, 1969

CHAPTER 72  
[Engrossed House Bill No. 15]  
VOTERS PAMPHLETS--FORMS FOR  
APPLICATION TO RECEIVE BALLOTS

AN ACT Relating to elections; and adding a new section to chapter 9, Laws of 1965, and to chapter 29.81 RCW.

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

NEW SECTION. Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.81 RCW a new section to read as follows:

In addition to any other contents required by this chapter, every voter's pamphlet published shall contain therein an application form for a state general election absentee ballot and during presidential election

years an application form for a special presidential ballot which forms shall constitute sufficient notice upon receipt thereof by the appropriate election officers to assure the applicant of obtaining therefrom absentee ballots, upon being qualified therefor.

Passed the House March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 73  
[House Bill No. 36]  
GAME COMMISSION--CONTROL  
AND DISPOSITION OF PROPERTY

AN ACT Relating to game and game fish; and amending section 77.12-210, chapter 36, Laws of 1955 and RCW 77.12.210.

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

Section 1. Section 77.12.210, chapter 36, Laws of 1955 and RCW 77.12.210 are each amended to read as follows:

The commission, acting by and through the director, shall have full control of the maintenance and management of all hatcheries, eyeing stations, rearing ponds, brood ponds, trap sites, game animal, fur-bearing animal, game bird, nongame bird, and game fish farms, habitats and sanctuaries, public hunting and fishing areas, and of the access to any and all of the foregoing and of any and all other real or personal property in any wise owned, leased, or held by the state for game department purposes, and shall have full control of the construction of all buildings and structures of any kind and all improvements of every nature in or upon all such property. The commission may make rules and regulations in relation to the operation, maintenance and use of any such property and the conduct of all persons who are in or on the same.

The commission, acting by and through the director, may, from time to time, sell timber, gravel, sand and other materials or products from real property belonging to the state and held for game department purposes and may sell or lease any such real or like personal property or grant concessions in or grant rights of way for roads or utilities of any type in or upon the same when in its judg-

ment such action is advantageous to the state. If the commission shall determine to sell (~~(or-lease)~~) any real property, the director shall file with the (~~(state-land-commissioner)~~) department of natural resources a certificate containing the following: The legal description of the real property to be sold (~~(or-leased)~~); a statement that the property is not then necessary for the purposes for which it was acquired; (~~(whether-such-real-property-is-to-be-sold-or-leased)~~) and the minimum sale price (~~(or-rental)~~) to be received by the (~~(state land-commissioner)~~) department of natural resources therefor. Upon the filing of such certificate, the (~~(state-land-commissioner)~~) department of natural resources shall proceed to appraise and (~~(lease or)~~) sell such real property in accordance with the statutes relative to (~~(lease-or)~~) sale of public lands of this state: PROVIDED, That such lands shall not be sold (~~(or-leased)~~) for less than the amount fixed in the certificate as aforesaid.

All proceeds from such (~~(leases-or)~~) sales shall be transmitted by the (~~(state-land-commissioner)~~) department of natural resources to the state treasurer and by him credited to the state game fund.

Passed the House March 14, 1969  
 Passed the Senate April 8, 1969  
 Approved by the Governor April 17, 1969  
 Filed in office of Secretary of State April 17, 1969

CHAPTER 74  
 [House Bill No. 54]  
 MARINE RECREATION LAND ACT--  
 DETERMINING TAX ON MARINE FUEL

AN ACT Relating to taxation and revenue; providing for determination of the amount to be deposited in the marine fuel tax refund account; and amending section 3, chapter 5, Laws of 1965 and RCW 43.99.030.

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

Section 1. Section 3, chapter 5, Laws of 1965 and RCW 43-.99.030 are each amended to read as follows:

From time to time, but at least once each (~~(biennium)~~) four years, the director of motor vehicles shall determine the amount or proportion of moneys paid to him as motor vehicle fuel tax which is

tax on marine fuel. The director shall make or authorize the making of studies, surveys, or investigations to assist him in making such determination, and shall hold one or more public hearings on the findings of such studies, surveys, or investigations prior to making his determination. The director may delegate his duties and authority under this section to one or more persons of the department of motor vehicles if he finds such delegation necessary and proper to the efficient performance of these duties. Except as provided in RCW 43.99.160, costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in RCW 43.99.040.

Passed the House March 14, 1969.  
Passed the Senate April 8, 1969.  
Approved by the Governor April 17, 1969.  
Filed in office of Secretary of State April 17, 1969.

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CHAPTER 75  
[Engrossed House Bill No. 82]  
MOTOR VEHICLE LICENSES--  
APPLICATIONS--FEES

AN ACT Relating to motor vehicles; amending section 46.16.210, chapter 12, Laws of 1961 and RCW 46.16.210.

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

Section 1. Section 46.16.210, chapter 12, Laws of 1961 and RCW 46.16.210 are each amended to read as follows:

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed

from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the period from January 1st through February 1st may, not earlier than December 1st, but prior to January 1st, secure renewal of a vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of one dollar; fifty cents to be retained by the issuing agency, and fifty cents to be deposited in the highway safety fund, and excise tax as may be required by law.

Passed the House March 14, 1969

Passed the Senate April 8, 1969

Approved by the Governor April 17, 1969

Filed in office of Secretary of State April 17, 1969

CHAPTER 76  
[Engrossed House Bill No. 98]  
HORTICULTURE INSPECTION

AN ACT Relating to horticulture; amending section 15.04.100, chapter 11, Laws of 1961 and RCW 15.04.100; amending section 23, chapter 122, Laws of 1963 and RCW 15.17.230; and amending section 25, chapter 122, Laws of 1963 and RCW 15.17.250.

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

Section 1. Section 15.04.100, chapter 11, Laws of 1961 and RCW 15.04.100 are each amended to read as follows:

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the

trust fund shall not exceed seventy-five thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;

(3) Assist (~~(horticultural)~~) horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities ((-)) : PROVIDED, That districts receiving such assistance shall make repayment to the trust fund as district funds shall permit;

(4) Pay necessary administrative expenses for the division of plant industry attributable to the supervision of the horticulture inspection services.

Sec. 2. Section 23, chapter 122, Laws of 1963 and RCW 15.17-.230 are each amended to read as follows:

For the purpose of this chapter the state shall be divided into the following (~~(horticultural)~~) horticulture inspection districts to which the director may assign one or more inspectors-at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts:

District One: Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin

District Two: Spokane, Lincoln, Stevens, Ferry, Pend Oreille

District Three: Adams, Grant

District Four: Chelan, southern portion of Douglas

District Five: Yakima, Kittitas, Klickitat, Skamania

District Six: Clark, Cowlitz, Wahkiakum

District Seven: Lewis, Pacific, Thurston, Mason, Grays Harbor

District Eight: Pierce, Kitsap, Jefferson, Clallam

District Nine: King

District Ten: Whatcom, Snohomish, San Juan, Skagit, Island

District Eleven: Okanogan, northern portion of Douglas  
: PROVIDED, That for purposes of efficiency and economy the director may  
by rule promulgated in accordance with the Administrative Procedure Act  
adjust district boundaries or abolish any district: PROVIDED, HOWEVER,  
That there shall be at least six districts in existence at all times.

Sec. 3. Section 25, chapter 122, Laws of 1963 and RCW 15.17.250  
 are each amended to read as follows:

On the thirtieth day of June of each year the inspectors-at-large  
 shall render to the commissioners of every county in which such service  
 has been rendered in their districts, a complete account of the past year's  
 business. ~~((Should there remain on hand in any horticultural dis-~~  
~~trict fund after all expenses for said services have been paid,~~  
~~amounts in excess of these in the following schedule, they shall~~  
~~be returned to the contributors to the fund in proportion to the~~  
~~amount each contributed, Schedule: Districts 2, 6, and 7, each~~  
~~twenty-five thousand dollars, districts 1 and 8, each thirty thousand~~  
~~dollars, districts 9 and 10, each fifty thousand dollars, district 11,~~  
~~seventy-five thousand dollars, and districts 3, 4, and 5, each one~~  
~~hundred thousand dollars)) In the event that there is money remaining  
in any horticulture district fund after all expenses for such services  
have been paid, then, this amount shall be remitted to the contribu-  
tors to such fund to the extent that it is in excess of fifty percent  
of the greater of the following amounts: (1) the gross fee income  
of the district for the fiscal year from which said excess remains;  
(2) the higher gross fee income of the two fiscal years immediately  
preceding the fiscal year from which said excess remains: PROVIDED,  
That any remittance to a contributor under this section shall be in  
proportion to the amount such person contributed.~~

Passed the House March 14, 1969  
 Passed the Senate April 8, 1969  
 Approved by the Governor April 17, 1969  
 Filed in office of Secretary of State April 17, 1969

CHAPTER 77  
[Engrossed House Bill No. 172]  
INDUSTRIAL INSURANCE--"CHILD",  
"ACCREDITED SCHOOL", DEFINED

AN ACT Relating to industrial insurance; adding a new section to chapter 23, Laws of 1961 and to chapter 51.08 RCW; amending section 51.08.030, chapter 23, Laws of 1961 and RCW 51.08.030; and amending section 51.32.005, chapter 23, Laws of 1961 and RCW 51.32.005.

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

Section 1. Section 51.08.030, chapter 23, Laws of 1961 and RCW 51.08.030 are each amended to read as follows:

"Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and illegitimate child legitimated prior to the injury, all while under the age of eighteen years, or under the age of twenty-one years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent invalid child.

Sec. 2. Section 51.32.005, chapter 23, Laws of 1961 and RCW 51.32.005 are each amended to read as follows:

The term "child" whenever used in this chapter means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and illegitimate child legitimated prior to the injury, all while under the age of eighteen years, or under the age of twenty-one years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent invalid child.

NEW SECTION. Sec. 3. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

For the purposes of RCW 51.08.030 and 51.32.005, "accredited school" means a school or course of instruction which is:

(1) Approved by the state superintendent of public instruction, the state board of education, the state board for community college education, or the state division of vocational education of the coordi-

nating council for occupational education; or

(2) Regulated or licensed as to course content by any agency of the state or under any occupational licensing act of the state, or recognized by the apprenticeship council under an agreement registered with the apprenticeship council pursuant to chapter 49.04 RCW.

Passed the House March 14, 1969

Passed the Senate April 8, 1969

Approved by the Governor April 17, 1969

Filed in office of Secretary of State April 17, 1969

CHAPTER 78  
[Engrossed House Bill No. 215]  
CEMETERY DISTRICTS--  
ANNEXATION AND MERGERS

AN ACT Relating to cemetery districts; providing for annexation and mergers; and adding a new chapter to Title 68 RCW.

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

NEW SECTION. Section 1. Any territory contiguous to a cemetery district and not within the boundaries of a city or town other than as set forth in RCW 68.16.130 or other cemetery district may be annexed to such cemetery district by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such petition shall be filed with the cemetery commissioners of the cemetery district and if the said cemetery commissioners shall concur in the said petition they shall then file such petition with the county auditor who shall within thirty days from the date of filing such petition examine the signatures thereof and certify to the sufficiency or insufficiency thereof. After the county auditor shall have certified to the sufficiency of the petition, the proceedings thereafter by the board of county commissioners, and the rights and powers and duties of the board of county commissioners, petitions and objectors and the election and canvas thereof shall be the same as in the original proceedings to form a cemetery district: PROVIDED, That the board of county commissioners shall have authority and it shall be its duty to determine on an equitable basis, the amount of obligation which the territory to be annexed to the district shall assume, if any, to place the taxpayers of the existing

district on a fair and equitable relationship with the taxpayers of the territory to be annexed by reason of the benefits of coming into a going district previously supported by the taxpayers of the existing district, and such obligation may be paid to the district in yearly installments to be fixed by the county board if within the limits as outlined in RCW 68.16.230 and included in the annual tax levies against the property in such annexed territory until fully paid. The amount of the obligation and the plan of payment thereof filed by the county board shall be set out in general terms in the notice of election for annexation: PROVIDED, That the special election shall be held only within the boundaries of the territory proposed to be annexed to said cemetery district. Upon the entry of the order of the board of county commissioners incorporating such contiguous territory within such existing cemetery district, said territory shall become subject to the indebtedness, bonded or otherwise, of said existing district in like manner as the territory of said district. Should such petition be signed by sixty percent of the qualified registered electors residing within the territory proposed to be annexed, and should the cemetery commissioners concur therein, an election in such territory and a hearing on such petition shall be dispensed with and the board of county commissioners shall enter its order incorporating such territory within the said existing cemetery district.

NEW SECTION. Sec. 2. A cemetery district organized under chapter 68.16 RCW may merge with another such district lying adjacent thereto, upon such terms and conditions as they agree upon, in the manner hereinafter provided. The district desiring to merge with another district shall hereinafter be called the "merging district", and the district into which the merger is to be made shall be called the "merger district".

NEW SECTION. Sec. 3. To effect such a merger, a petition therefor shall be filed with the board of the merger district by the commissioners of the merging district. The commissioners of the merging

district may sign and file the petition upon their own initiative, and they shall file such a petition when it is signed by fifteen percent of the qualified electors resident in the merging district and presented to them. The petition shall state the reasons for the merger; give a detailed statement of the district's finances, listing its assets and liabilities; state the terms and conditions under which the merger is proposed; and pray for the merger.

NEW SECTION. Sec. 4. The board of the merger district may, by resolution, reject the petition, or it may concur therein as presented, or it may modify the terms and conditions of the proposed merger, and shall transmit the petition, together with a copy of its resolution thereon to the merging district. If the petition is concurred in as presented or as modified, the board of the merging district shall forthwith present the petition to the auditor of the county in which the merging district is situated, who shall within thirty days examine the signatures thereon and certify to the sufficiency or insufficiency thereof, and for that purpose he shall have access to all registration books and records in the possession of the registration officers of the election precincts included, in whole or in part, within the merging district. Such books and records shall be prima facie evidence of truth of the certificate. No signatures may be withdrawn from the petition after the filing.

NEW SECTION. Sec. 5. If the auditor finds that the petition contains the signatures of a sufficient number of qualified electors, he shall return it, together with his certificate of sufficiency attached thereto, to the board of the merging district. Thereupon such board shall adopt a resolution, calling a special election in the merging district, at which shall be submitted to the electors thereof, the question of the merger.

NEW SECTION. Sec. 6. The board of merging district shall notify the board of the merger district of the results of the election. If three-fifths of the votes cast at the election favor the merger, the respective district boards shall adopt concurrent resolu-

tions, declaring the districts merged, under the name of the merger district. Thereupon the districts are merged into one district, under the name of the merger district; the merging district is dissolved without further proceedings; and the boundaries of the merger district are thereby extended to include all the area of the merging district. Thereafter the legal existence cannot be questioned by any person by reason of any defect in the proceedings had for the merger.

NEW SECTION. Sec. 7. If three-fifths of all the qualified electors in the merging district sign the petition to merge, no election on the question of the merger is necessary. In such case the auditor shall return the petition, together with his certificate of sufficiency attached thereto, to the board of the merging district. Thereupon the boards of the respective districts shall adopt their concurrent resolutions of merger in the same manner and to the same effect as if the merger had been authorized by an election.

NEW SECTION. Sec. 8. None of the obligations of the merged districts or of a local improvement district therein shall be affected by the merger and dissolution, and all land liable to be assessed to pay any of such indebtedness shall remain liable to the same extent as if the merger had not been made, and any assessments theretofore levied against the land shall remain unimpaired and shall be collected in the same manner as if no merger had been made. The commissioners of the merged district shall have all the powers possessed at the time of the merger by the commissioners of the two districts, to levy, assess and cause to be collected all assessments against any land in both districts which may be necessary to provide for the payment of the indebtedness thereof, and until the assessments are collected and all indebtedness of the districts paid, separate funds shall be maintained for each district as were maintained before the merger: PROVIDED, That the board of the merged district may, with the consent of the creditors of the districts merged, cancel any or all assessments theretofore levied, in accordance with the terms and conditions of the merger, to the end that the lands in the respective

districts shall bear their fair and proportionate share of such indebtedness.

NEW SECTION. Sec. 9. The commissioners of the merging district shall, forthwith upon completion of the merger, transfer, convey, and deliver to the merged district all property and funds of the merging district, together with all interest in and right to collect any assessments theretofore levied.

NEW SECTION. Sec. 10. A part of one district may be transferred and merged with an adjacent district whenever such area can be better served by the merged district. To effect such a merger a petition, signed by not less than fifteen percent of the qualified electors residing in the area to be merged, shall be filed with the commissioners of the merging district. Such petition shall be promoted by one or more qualified electors within the area to be transferred. If the commissioners of the merging district act favorably upon the petition, then the petition shall be presented to the commissioners of the merger district. If the commissioners of the merger district act favorably upon the petition, an election shall be called in the area merged.

In the event that either board of cemetery commissioners should not concur with the petition, the petition may then be presented to a county review board established for such purposes, if there be no county review board for such purposes then to the state review board and if there be no state review board, then to the county commissioners of the county in which the area to be merged is situated, who shall decide if the area can be better served by such a merger; upon an affirmative decision an election shall be called in the area merged.

A majority of the votes cast shall be necessary to approve the transfer.

NEW SECTION. Sec. 11. If three-fifths of all the qualified electors in the area to be merged sign a petition to merge the districts, no election on the question of the merger is necessary, in

which case the auditor shall return the petition, together with his certificate of sufficiency attached thereto, to the boards of the merging districts. Thereupon the boards of the respective districts shall adopt their concurrent resolutions of transfer in the same manner and to the same effect as if the same had been authorized by an election.

NEW SECTION. Sec. 12. When a part of one cemetery district is transferred to another as provided by sections 10 and 11 of this chapter, said part shall be relieved of all liability for any indebtedness of the district from which it is withdrawn. However, the acquiring district shall pay to the losing district that portion of the latter's indebtedness for which the transferred part was liable. This amount shall not exceed the proportion that the assessed valuation of the transferred part bears to the assessed valuation of the whole district from which said part is withdrawn. The adjustment of such indebtedness shall be based on the assessment for the year in which the transfer is made. The boards of commissioners of the districts involved in the said transfer and merger shall enter into a contract for the payment by the acquiring district of the above-referred to indebtedness under such terms as they deem proper, provided such contract shall not impair the security of existing creditors.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act are each added as a new chapter in Title 68 RCW.

Passed the House March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 79  
[Engrossed Senate Bill No. 18]  
FIRE BOMBS

AN ACT Relating to fire bombs; adding new sections to chapter 9.40 RCW; and providing penalties.

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

NEW SECTION. Section 1. Sections 2 through 4 are added to chapter 9.40 RCW.

NEW SECTION. Sec. 2. For the purposes of this act unless

the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Fire bomb" means a breakable container containing a flammable liquid with a flash point of 170 degrees Fahrenheit or less, having a wick or similar device capable of being ignited. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for purposes of this section.

NEW SECTION. Sec. 3. Every person who possesses, manufactures, or disposes of a fire bomb is guilty of a felony.

NEW SECTION. Sec. 4. Section 3 of this act shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. Section 3 of this act shall not prohibit the manufacture or disposal of a fire bomb for the parties or purposes described in this section.

Passed the Senate March 14, 1969

Passed the House April 9, 1969

Approved by the Governor April 17, 1969

Filed in office of Secretary of State April 17, 1969

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CHAPTER 80  
[Substitute Senate Bill No. 205]  
FISCAL AGENCIES

AN ACT Relating to the state of Washington fiscal agency; adding new sections to chapter 8, Laws of 1965 and to chapter 43.80 RCW; repealing sections 43.80.010, 43.80.020, 43.80.030, 43.80.040, 43.80.050, and 43.80.060, chapter 8, Laws of 1965 and RCW 43-.80.010, 43.80.020, 43.80.030, 43.80.040, 43.80.050, and 43-.80.060; and providing an effective date.

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

NEW SECTION. Section 1. For the purposes of this act and un-

less the context shall clearly indicate otherwise:

(1) "Fiscal agencies" means those banks or trust companies as designated in sections 2 and 3 of this 1969 act.

(2) "Subdivision" means governmental agencies, counties, cities and towns, metropolitan municipal corporations, port districts, school districts, townships, toll bridge authority, public colleges and universities, public community colleges, municipal corporations, quasimunicipal corporations, and all other such governmental agencies authorized to borrow and issue tenders of indebtedness therefor. Subdivision does not mean housing authorities and public utility districts.

(3) "Cremation" means the destruction of canceled bonds or coupons by any approved method, including but not limited to, cremation facilities, incineration facilities, shredding facilities, or dissolving in acid facilities.

NEW SECTION. Sec. 2. Fiscal agencies shall be appointed for the payment of bonds and coupons issued by this state or by any subdivision thereof. The appointed fiscal agencies may be located in any major city of the country. No bonds hereafter issued by this state or by any affected subdivision thereof, shall be by their terms made payable at a specific place other than: (1) The office of the designated fiscal agencies; (2) offices of the state or local treasurers or fiscal offices of any affected subdivision; or (3) the offices of trustees if provided for in the indenture, as provided for by the terms of the bonds.

Bonds and coupons of subdivisions may be paid at one or more of the state's fiscal agents and/or at the office of the state treasurer or offices of local treasurers as provided for in the terms of the bonds.

NEW SECTION. Sec. 3. The state finance committee shall designate responsible banks or trust companies as fiscal agencies, each having a paid-up capital and surplus of not less than five million dollars. The state finance committee shall designate fiscal agencies

by any method deemed appropriate to the best interests of this state and its subdivisions.

The state finance committee shall make duplicate certificates of such designations, cause them to be attested under the seal of the state, and file one copy of each certification in the office of the secretary of state and transmit the other to the bank or trust company designated.

The banks or trust companies so designated shall continue to be such fiscal agencies for the term of four years from and after the filing of the certificate of its designation, and thereafter until the designation of other banks or trust companies as such fiscal agencies.

Until successors have been appointed, the banks or trust companies named shall act as the fiscal agencies of the state of Washington in accordance with such terms as shall be agreed upon between the state finance committee and the fiscal agencies so designated. The manner and amount of compensation of the fiscal agents shall be matters specifically left for the state finance committee to determine.

If no such banks or trust companies are willing to accept appointment as fiscal agencies, or if the state finance committee considers unsatisfactory the terms under which such banks or trust companies are willing so to act, the bonds and bond interest coupons normally payable at the fiscal agency, shall thereupon become payable at the state treasury or at the office of the treasurer or fiscal officer of the subdivision concerned, as the case may be.

NEW SECTION. Sec. 4. The fiscal agencies, on the receipt of any moneys transmitted to them by or for this state, or for any affected subdivision, for the purpose of paying therewith any of its bonds or coupons by their terms made payable at the situs of the state of Washington fiscal agencies, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the fiscal agencies at or after the maturity thereof, in the order of

their presentation insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state or affected subdivisions which issued them; and, concerning the same, report to the state and/or affected subdivision within thirty days following a maturity date the amount of bonds and coupons presented and paid to that date: PROVIDED, That nothing herein shall prevent the state or any of the subdivisions thereof from designating its fiscal agencies, or the trustee of any revenue bond issue, or both, also as its agencies for cremation and to provide by agreement therewith, that after one year any general or revenue obligation bonds or interest coupons that have been canceled or paid, may be destroyed as directed by the proper officers of the state or other subdivisions hereinbefore mentioned: PROVIDED FURTHER, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state or local subdivisions as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the canceled instruments or certificates of transmittal thereafter have been forwarded to said treasurer for recording, such canceled instruments may be forwarded to the fiscal agents designated as agents for cremation for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: PROVIDED, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates

shall be filed with those of the agencies for cremation herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or canceled.

NEW SECTION. Sec. 5. The state finance committee shall, immediately after the establishment of fiscal agencies, publish a notice thereof, once a week for two consecutive weeks, in some financial newspaper of general circulation in cities designated as headquarters of the fiscal agents. All bonds and coupons of this state or of any affected subdivision thereafter issued shall be paid at the designated fiscal agencies or at such other place as allowed by law and provided for in the bonds.

NEW SECTION. Sec. 6. Neither the state treasurer nor the treasurer or other fiscal officer of any subdivision thereof shall be held responsible for funds remitted to the fiscal agencies.

NEW SECTION. Sec. 7. Upon the written request of the state or local treasurer, after a period of one year after the last legal payment date on matured bonds of the state of Washington and of its subdivisions, the funds remitted to fiscal agencies to redeem coupons and bonds which are subsequently unredeemed by the holders of the bonds and coupons, shall herewith be returned to the state treasurer or the local treasurer as the case may be. The state or local treasurer shall remain obligated for the final redemption of the unredeemed bonds or coupons.

NEW SECTION. Sec. 8. This act shall take effect on April 1, 1971, or at such time that the present fiscal agent agreement, contracted through April 1, 1971, is abrogated.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act are added to chapter 8, Laws of 1965 and to chapter 43.80 RCW.

NEW SECTION. Sec. 10. Sections 43.80.010 through 43.80.060, chapter 8, Laws of 1965 and RCW 43.80.010 through 43.80.060 are each repealed.

Passed the Senate March 20, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 81  
[Engrossed Senate Bill No. 234]  
CODE CITIES--MAYOR PRO TEMPORE--  
ACCOUNTING--PLANNING

AN ACT Relating to the optional municipal code; amending section 35A.33.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.010; amending section 35A.33.075, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.075; amending section 35A.33.125, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.125; amending section 35A.63.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.030; amending section 35A.63.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.040; 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.13 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.13 RCW a new section to be designated as RCW 35A.13.035 to read as follows:

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilman, the remaining members by majority vote may appoint a councilman pro tempore to serve during the absence or disability.

Sec. 2. Section 35A.33.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following words as used in this chapter shall have the meaning herein pre-

scribed:

(1) "Clerk" as used in this chapter includes the officer performing the functions of a finance or budget director, comptroller, auditor, or by whatever title he may be known in any code city.

(2) "Department" as used in this chapter includes each office, division, service, system or institution of the city for which no other statutory or charter provision is made for budgeting and accounting procedures or controls.

(3) "Council" as used in this chapter includes the commissioners in cities having a commission form of government and any other group of city officials serving as the legislative body of a code city.

(4) "Chief administrative officer" as used in this chapter includes the mayor of cities having a mayor-council form of government, the commissioners in cities having a commission form of government, the city manager, or any other city official designated by the charter or ordinances of such city under the plan of government governing the same, or the budget or finance officer designated by the mayor, manager or commissioners, to perform the functions, or portions thereof, contemplated by this chapter.

(5) "Fiscal year" as used in this chapter means that fiscal period set by the code city pursuant to authority given under RCW 1-.16.030.

(6) "Fund", as used in this chapter and "funds" where clearly used to indicate the plural of "fund", shall mean the budgeting or accounting entity authorized to provide a sum of money for specified activities or purposes.

(7) "Funds" as used in this chapter where not used to indicate the plural of "fund" shall mean money in hand or available for expenditure or payment of a debt or obligation.

(8) Except as otherwise defined herein, municipal accounting terms used in this chapter have the meaning prescribed in (~~"Municipal Accounting and Auditing"; prepared by the National Committee on~~

~~Governmental-Accounting,-September-1951))~~ "Governmental Accounting, Auditing and Financial Reporting" prepared by the National Committee on Governmental Accounting, 1968.

Sec. 3. Section 35A.33.075, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.075 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals (~~for each-separate-fund-and-for-each-department-which-operates-from-the appropriations-of-the-same-fund~~) of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to the division of municipal corporations in the office of the state auditor, and to the association of Washington cities.

Sec. 4. Section 35A.33.125, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.125 are each amended to read as follows:

Liabilities incurred by any officer or employee of the city in excess of any budget appropriations shall not be a liability of the city. The clerk shall issue no warrant and the city council or other authorized person shall approve no claim for an expenditure in excess of (~~any-individual-budget-appropriation,-as-amended,-~~) the total amount appropriated for any individual fund, except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

Sec. 5. Section 35A.63.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.030 are each amended to read as follows:

Pursuant to the authorization of the legislative body, a code city planning agency may hold joint meetings with one or more city or county planning agencies (including city or county planning agencies in adjoining states) in any combination and may contract with another municipality for planning services. A code city may enter into cooperative arrangements with one or more municipalities (~~for jointly engaging a planning director and such other employees as may be required to operate a joint planning staff~~) and with any regional planning council organized under this chapter for jointly engaging a planning director and such other employees as may be required to operate a joint planning staff.

Sec. 6. Section 35A.63.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.040 are each amended to read as follows:

A code city with one or more (~~adjoining~~) municipalities within a region, otherwise authorized by law to plan, including municipalities of adjoining states, when empowered by ordinances of their respective legislative bodies, may cooperate to form, organize, and administer a regional planning commission to prepare a comprehensive plan and perform other planning functions for the region defined by agreement of the respective municipalities. (~~A code city may also cooperate with any department or agency of a state government having planning functions.~~) The various agencies may cooperate in all phases of planning, and professional staff may be engaged to assist in such planning. All costs shall be shared on a pro rata basis as agreed among the various entities. A code city may also cooperate with any department or agency of a state government having planning functions.

NEW SECTION. Sec. 7. This 1969 amendatory act shall take effect July 1, 1969.

Passed the Senate March 17, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 82  
[Senate Bill No. 261]  
PHARMACY BOARD--EMPLOYEES,  
POLICE POWERS

AN ACT Authorizing the exercise of police power by state pharmacy board employees in enforcing state drug laws; and adding a new section to chapter 38, Laws of 1963 and to chapter 18.64 RCW.

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

NEW SECTION. Section 1. There is added to chapter 38, Laws of 1963 and to chapter 18.64 RCW a new section to read as follows:

Employees of the Washington state board of pharmacy, who are so designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 69.04, 69.32, 69.33, 69.36 and 69.40 RCW.

Passed the Senate March 21, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 83  
[Engrossed Senate Bill No. 421]  
CORPORATIONS

AN ACT Relating to corporations; amending section 9, chapter 53, Laws of 1965 and RCW 23A.08.060; amending section 51, chapter 53, Laws of 1965 as amended by section 3, chapter 190, Laws of 1967 and RCW 23A.08.480; amending section 135, chapter 53, Laws of 1965, as amended by section 7, chapter 190, Laws of 1967 and RCW 23A.40.020; adding a new section; and declaring an emergency.

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

Section 1. Section 9, chapter 53, Laws of 1965 and RCW 23A.08-.060 are each amended to read as follows:

The exclusive right to the use of a corporate name may be reserved by:

(1) Any person intending to organize a corporation under this title.

(2) Any domestic corporation intending to change its name.

(3) Any foreign corporation intending to make application for a certificate of authority to transact business in this state.

(4) Any foreign corporation authorized to transact business in this state and intending to change its name.

(5) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this state.

The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by the applicant. If the secretary of state finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of one hundred and ((twenty)) eighty days. Such reservation shall be limited to one filing and shall not be renewable.

The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the secretary of state, a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

Sec. 2. Section 51, chapter 53, Laws of 1965, as amended by section 3, chapter 190, Laws of 1967 and RCW 23A.08.480 are each amended to read as follows:

Every corporation hereafter organized under this title, shall within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, and every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall, within thirty days after its annual meeting and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and

attested by its secretary, containing, as of the date of execution of the report:

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

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

(4) The names and respective addresses of the directors and officers of the corporation.

The secretary of state shall file such annual report in his office for the fee of one dollar. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last know address, as shown by the records of his office.

For every violation of this section there shall become due and owing to the state of Washington the sum of twenty-five dollars which sum shall be collected by the secretary of state who shall call upon the attorney general to institute a civil action for the recovery thereof if necessary.

Sec. 3. Section 135, chapter 53, Laws of 1965, as amended by section 7, chapter 190, Laws of 1967 and RCW 23A.40.020 are each amended to read as follows:

The secretary of state shall charge and collect for:

(1) Filing articles of amendment and issuing a certificate of

amendment, ten dollars;

(2) Filing restated articles of incorporation, ten dollars;

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, fifteen dollars;

(4) Filing an application to reserve a corporate name, ten dollars;

(5) Filing a notice of transfer of a reserved corporate name, five dollars;

(6) Filing a statement of change of address of registered office, revocation, resignation, ((e#)) change of registered agent, or ((beth,)) any combination, of these one dollar;

(7) Filing a statement of the establishment of a series of shares, ten dollars;

(8) Filing a statement of cancellation of shares, ten dollars;

(9) Filing a statement of reduction of stated capital, ten dollars;

(10) Filing a statement of intent to dissolve, five dollars;

(11) Filing a statement of revocation of voluntary dissolution proceedings, five dollars;

(12) Filing articles of dissolution, five dollars;

(13) Filing a certificate by a foreign corporation of the appointment of an agent residing in this state, or a certificate of the revocation of the appointment of such registered agent, or filing a notice of resignation by a registered agent, one dollar;

(14) Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, five dollars;

(15) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, five dollars;

(16) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ten dollars;

(17) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, fifteen dollars;

(18) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars;

(19) Filing any other statement or report, five dollars;

(20) Such other filings as are provided for by this title.

NEW SECTION. Sec. 4. There is added to chapter 53, Laws of 1965 and Title 23A RCW a new section to read as follows:

Nothing contained in this Title shall be construed to limit or repeal additional requirements imposed by statute on corporations subject to the jurisdiction of state regulatory agencies.

NEW SECTION. Sec. 5. Section 4 of 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 Senate March 18, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 84  
[Engrossed Senate Bill No. 525]  
MATERIALMEN'S LIENS

AN ACT Relating to materialmen's liens; and amending section 1, chapter 45, Laws of 1909, as last amended by section 1, chapter 98, Laws of 1965 and RCW 60.04.020.

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

Section 1. Section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 98, Laws of 1965, and RCW 60.04.020 are each amended to read as follows:

Every person, firm or corporation furnishing materials or supplies or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic

power, or any other building, or any other structure, or mining claim or stone quarry, shall (~~(7-not-later-than-sixty-days-after-the-date-of-the-first-delivery-of-such-materials-or-supplies-or-equipment-to-any-contractor-or-agent7)~~) give to the owner or reputed owner of the property on, upon or about which such materials or supplies or equipment is and/or were used, a notice in writing, which notice shall cover the material, supplies or equipment furnished or leased during the sixty days preceding the giving of such notice as well as all subsequent materials, supplies or equipment furnished or leased, stating in substance and effect that such person, firm or corporation is and/or has furnished materials and supplies, or equipment for use thereon, with the name of the contractor or agent ordering the same, and that a lien may be claimed for all materials and supplies, or equipment furnished by such person, firm or corporation for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner or reputed owner at his place of residence or reputed residence: PROVIDED, HOWEVER, That with respect to materials or supplies or equipment used in construction, alteration or repair of any single family residence or garage such notice must be given not later than ten days after the date of the first delivery of such materials or supplies or equipment. No materialmen's lien shall be enforced unless the provisions of this section have been complied with: PROVIDED, That in the event the notice required by this section is not given within the time specified by this section, any lien or claim of lien shall be enforceable only for materials and supplies or equipment delivered subsequent to such notice being given to the owner or reputed owner, and such lien or claim of lien shall be secondary to any lien or claim of lien established where such notice was given within the time limits prescribed by this section.

Passed the Senate March 21, 1969

Passed the House April 9, 1969

Approved by the Governor April 17, 1969

Filed in office of Secretary of State April 17, 1969

CHAPTER 85  
[House Bill No. 229]  
CAMP MURRAY--AEROSPACE SCIENCE  
AND MODELING CENTER

AN ACT Relating to state government; and conferring power on the state adjutant general to convey a certain portion of realty located at Camp Murray, Washington, for public educational purposes.

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

NEW SECTION. Section 1. Under the direction of the governor, the adjutant general is empowered to convey to any state or local educational agency sufficient state-owned land together with reasonable access thereto, included within the boundaries of Camp Murray, Washington; for the purpose of assisting such educational agency or agencies to develop and construct thereon an Aerospace Science and Modeling Center: PROVIDED, That the site to be conveyed shall be selected by the adjutant general and shall not exceed one acre in dimension.

Passed the House March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 86  
[House Bill No. 230]  
MILITARY PROPERTY--GOVERNOR MAY  
REGULATE USE AND DISPOSAL

AN ACT Relating to the state government; prescribing the governor's powers and duties with respect to state-owned property in the custody of the military department; and amending section 92, chapter 130, Laws of 1943 and RCW 38.08.090.

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

Section 1. Section 92, chapter 130, Laws of 1943 and RCW 38.08.090 are each amended to read as follows:

The governor, through the adjutant general, shall promulgate in orders such rules and regulations and amendments thereto not inconsistent with law as he may deem necessary for the organization, maintenance and training of the militia, and the acquisition, use,

issue or disposal of military property. The governor's regulatory powers herein with respect to military property shall include reasonable authority to make regulations controlling the use and temporary disposal of military property including real property for civic purposes where consistent with federal law and regulations, in a manner similar to the law pertaining to the use of armories. Such rules and regulations when so promulgated shall have the same force and effect as though herein enacted.

Passed the House March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 87  
[Engrossed House Bill No. 232]  
COUNTY WARRANTS

AN ACT Relating to issuance of warrants; and amending section 36.22-.050, chapter 4, Laws of 1963 and RCW 36.22.050.

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

Section 1. Section 36.22.050, chapter 4, Laws of 1963 and RCW 36.22.050 are amended to read as follows:

For claims allowed by the county commissioners, and also for cost bills and other lawful claims duly approved by the competent tribunal designated by law for their allowance, he shall draw a warrant on the county treasurer, made payable to the claimant or his order, bearing date from the time of and regularly numbered in the order of their issue but no warrant shall be issued within less than ten days after the date of its allowance. ~~((Unless there is sufficient cash in the county treasury to pay it on presentation, no warrant shall be issued for a greater amount than five hundred dollars. Nothing shall prevent claimants at the time of issuing of warrants from having the same broken or issued in smaller warrants by the auditor, using two or more warrants in lieu of one))~~ If there is not sufficient cash in the county treasury to cover such claims or cost bills, or if a claimant requests, the auditor may issue a number of smaller warrants, the total principal amounts of which shall equal the amount of said claim

or cost bill.

Passed the House March 24, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 88  
[House Bill No. 246]  
GOVERNOR-ELECT'S OFFICE  
AND STAFF, FUNDING

AN ACT Relating to the appropriation of funds for the governor-elect.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965, and to chapter 43.06 RCW a new section to read as follows:

The legislature preceding the gubernatorial election shall make an appropriation which may only be expended by a newly elected governor other than the incumbent for the purpose of providing office and staff for the governor-elect preparatory to his assumption of duties as governor. The funds for the appropriation shall be made available to him not later than thirty days prior to the date when the legislature will convene.

Passed the House March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 89  
[Engrossed House Bill No. 261]  
CITIES AND TOWNS--  
CONSOLIDATION--ANNEXATION

AN ACT Relating to cities and towns; amending section 35.10.200, chapter 7, Laws of 1965, and RCW 35.10.200; amending section 35.10.220, chapter 7, Laws of 1965, as amended by section 15, chapter 73, Laws of 1967, and RCW 35.10.220; amending section 35.10.230, chapter 7, Laws of 1965, as amended by section 16, chapter 73, Laws of 1967, and RCW 35.10.230; amending section 35.10.240, chapter 7, Laws of 1965, as amended by section 17, chapter 73, Laws of 1967, and RCW 35.10.240; amending section 35.10.250, chapter 7, Laws of 1965, and RCW 35.10.250; amending section 35.10.260, chapter 7, Laws of 1965, as amended by section 18, chapter 73, Laws of 1967, and RCW 35.10.260; amend-

ing section 35.10.300, chapter 7, Laws of 1965, and RCW 35.10-.300; amending section 35.10.310, chapter 7, Laws of 1965 and RCW 35.10.310; amending section 35.10.320, chapter 7, Laws of 1965, and RCW 35.10.320; repealing section 35.10.210, chapter 7, Laws of 1965, as amended by section 14, chapter 73, Laws of 1967, and RCW 35.10.210; repealing section 35.10.270, chapter 7, Laws of 1965, as amended by section 19, chapter 73, Laws of 1967, and RCW 35.10.270; repealing section 35.10.280, chapter 7, Laws of 1965, as amended by section 20, chapter 73, Laws of 1967, and RCW 35.10.280; repealing section 35.10.290, chapter 7, Laws of 1965, as amended by section 21, chapter 73, Laws of 1967, and RCW 35.10.290; repealing section 35.10.330, chapter 7, Laws of 1965, and RCW 35.10.330; repealing section 35.12.010, chapter 7, Laws of 1965, and RCW 35.12.010; repealing section 35.37.025, chapter 7, Laws of 1965, and RCW 35.37.025; and adding new sections to chapter 7, Laws of 1965 and to chapter 35.10 RCW.

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

Section 1. Section 35.10.200, chapter 7, Laws of 1965 and RCW 35.10.200 are each amended to read as follows:

Two or more contiguous municipal corporations located in the same or different counties may become consolidated into one corporation after (~~proceedings had~~) proceeding as required by this chapter either by consolidation or annexation by a city or town of all or a portion of another city or town. When municipal corporations are separated by water and/or tide or shore lands upon which no bona fide residence is maintained by any person, they shall be deemed contiguous for all the purposes of this chapter, and may be consolidated under the terms hereof, and upon such consolidation any such intervening water and/or tide or shore lands shall become a part of the consolidated corporation. Notwithstanding chapter 35.01 RCW and RCW 35.02.010 in the event of such a consolidation, the consolidated city shall have the same classification as the former corporation having the

largest population and the annexing city shall retain its same classification regardless of population.

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.10 RCW a new section to read as follows:

The legislative body of either of such contiguous corporations, upon receiving such petition signed by the qualified electors of either of such contiguous corporations equal in number to at least one-fifth of the votes cast at the last municipal general election held in such corporation requesting that a proposition with respect to the consolidation of two or more contiguous corporations be submitted to the voters, shall, within ninety days after receiving it, or the legislative bodies of any contiguous municipal corporations meeting in joint session upon their own initiative by joint resolution, cause to be submitted to the electors of each of such corporations, at a special election to be held for that purpose, the proposition of whether such corporations shall be consolidated into one corporation. The petition or joint resolution may provide that the consolidation proposition may include (1) the form of government, (2) provision in regard to the assumption of indebtedness, (3) the name of the proposed corporation, and (4) whether a community municipal corporation shall be created for the smaller city or town as provided in RCW 35.14.010 through 35.14.060, or that any one or more of these items may be submitted to the voters as a separate proposition.

NEW SECTION. Sec. 3. There is added to chapter 7, Laws of 1965 and to chapter 35.10 RCW a new section to read as follows:

A petition may be signed by the qualified electors of either of such contiguous corporations equal in number to at least one-fifth of the votes cast at the last municipal general election held in such corporation requesting the legislative bodies of contiguous corporations to meet jointly to determine that a study of the consolidation or annexation of such corporations would be desirable or the legislative body of any city or town may request the legislative body of any contiguous corporation to meet jointly to make such determination. If such a finding is made, such

legislative bodies shall thereupon within six months immediately following the filing of such petition cause to be developed a proposed consolidation or annexation plan, including but not limited to, whether in connection with the submission of a proposition for the consolidation or annexation of contiguous corporations to the electors, to have the voters also determine to what extent, if any, the indebtedness approved by the voters, contracted, or incurred prior to the date of consolidation by either of the former of such corporations, should be assumed by the other corporations in which the indebtedness did not originate. On or before the expiration of such six month period, such legislative bodies meeting in joint session shall, by majority vote of each, approve the proposed consolidation or annexation plan, or some modification thereof and shall cause to be submitted to the electors of each of such corporations the question (1) whether such corporations shall become consolidated into one corporation, and (2) in case the existing corporations are operating under different forms of government or are operating under the same form of government and desire to consider a different form of government, the question as to which of the forms of government shall be the form of government under which the new corporation shall be organized and operated, (3) a separate proposition "For assumption of indebtedness," and "Against assumption of indebtedness," or words equivalent thereto, and (4) the name or names, not to exceed two, in alphabetical order of the proposed new corporation, and (5) may submit a separate proposition in regard to whether a community municipal corporation for the smaller city or town as provided in RCW 35.14.010 through 35.14.060 should be created: PROVIDED, That in lieu of submitting each of these propositions or questions separately, they may be submitted as a part of the consolidation proposition: PROVIDED FURTHER, That in all cases wherein any city or town desires to be annexed to another city or town, the question of consolidation, the form of government, and the name of the corporation shall not be submitted to the electors of the annexing city or town, but a separate proposition for or against assumption of indebtedness by the other corporation(s) in

which the indebtedness approved by the voters, contracted, or incurred prior to the date of annexation, did not originate, and a separate proposition in regard to whether a community municipal corporation in the city or town being annexed as provided in RCW 35.14.010 through 35.14.060 should be created, may be submitted to the electors.

NEW SECTION. Sec. 4. There is added to chapter 7, Laws of 1965 and to chapter 35.10 RCW a new section to read as follows:

Three other methods are available for the annexation of all or a part of a city or town to another city or town:

(1) A petition for an election to vote upon the annexation of all or a part of a city or town to another city or town signed by qualified electors of the city or town proposed to be annexed equal in number to at least one-fifth of the votes cast at the last municipal general election held therein may be filed with the legislative body of the city or town to be annexed. Such legislative body, in turn, shall, by resolution, advise the legislative body of the city or town to which annexation is proposed of the receipt of such petition and request the latter legislative body to indicate by resolution whether it will accept the proposed annexation, and if so, on what terms. If such resolution of the annexing city states that its legislative body is favorably disposed toward such annexation, the legislative body of the city or town to be annexed shall submit to the electors in such territory proposed to be annexed, the question of whether such territory shall be annexed and such other propositions as are deemed appropriate.

(2) The legislative body of a city or town may on its own initiative by resolution indicate its desire to be annexed to a city or town either in whole or in part. In case such resolution is passed, such resolution shall be transmitted to the city or town to which it desires to be annexed, and the legislative body of such city or town shall by resolution indicate whether it will accept the proposed annexation, and if so, on what terms.

(3) In the event there are no qualified electors residing within

a part of a city or town which said city or town wishes to have annexed to another contiguous city or town, then the issue of annexation will be decided by the legislative body of the city or town from which the territory is to be withdrawn. This decision, which shall be by majority vote of said legislative body, shall be considered as if it was an election by qualified voters of said territory and handled accordingly under the other applicable sections of this amendatory act.

If the legislative body of the city or town to which annexation is proposed indicates a willingness to accept the annexation, then the question of whether such territory shall be annexed to such corporation and become a part thereof and such other propositions as are deemed appropriate shall be submitted to the electors in the territory to be annexed by the legislative body of the city or town or part thereof to be annexed at an election which such legislative body shall cause to be called for that purpose.

Sec. 5. Section 35.10.220, chapter 7, Laws of 1965, as amended by section 15, chapter 73, Laws of 1967, and RCW 35.10.220 are each amended to read as follows:

The legislative body receiving such petition shall designate a day upon which such special election shall be held in each of the corporations proposed to be consolidated to determine whether such consolidation or creation of a community municipal corporation, or both, as the case may be, shall be effected, and shall give written notice thereof to the legislative body of each of the corporations proposed to be consolidated, or in case the legislative bodies of contiguous municipal corporations by joint resolution initiate a proposal to consolidate such corporations, the day on which such special election is to be held shall be specified in such resolution. ~~((which))~~ Such notice shall designate the suggested name or names in alphabetical order of the proposed new corporation in all cases except in the case of the proposed annexation of all or a portion of any city or town ~~((cities-or-towns-of-the-third-or-fourth-class))~~ to ~~((a))~~ another city or town ~~((of-the-first-class))~~.

Sec. 6. Section 35.10.230, chapter 7, Laws of 1965, as amended by section 16, chapter 73, Laws of 1967, and RCW 35.10.230 are each amended to read as follows:

Upon the giving and/or receiving of such notice, it shall be the duty of the legislative body of each of the corporations proposed to be consolidated or consolidated with provision for creation of a community municipal corporation, ~~((except the legislative body of a city of the first class in case of the proposed annexation of cities or towns of the third or fourth class to such city of the first class))~~ or in case of a proposed annexation of all or a portion of a city or town to another city or town the legislative body of the city or town proposed to be annexed, to cause ~~((to be called a special election and in addition to))~~ the election notice required by ~~((chapter 29.27))~~ RCW 29.27.080 to ~~((give notice))~~ be given of ((such)) each special election ~~((by publication for four weeks prior to such election, in a legal newspaper published in such corporation, or in case no legal newspaper is published therein, then in a legal newspaper published in the county and of general circulation in such corporation)).~~ Such notice shall distinctly state the propositions to be submitted, the names of the corporations proposed to be consolidated, the name or names in alphabetical order of the proposed new corporation, and the class to which such proposed new corporation will belong, and the question of assumption of indebtedness by the other corporations in which the indebtedness did not originate, and shall invite the electors to vote upon such proposition by placing a cross "X" upon their ballots after the words "For consolidation" or "Against consolidation," and, if appropriate, the words "For creation of community municipal corporation" and "Against creation of community municipal corporation" or words equivalent thereto or "For consolidation and creation of community municipal corporation" or "Against consolidation and creation of community municipal corporation" and, in case the question of the form of government of the proposed new corporation is submitted, to place a cross "X" upon their ballots after the words describing the forms being submitted, for example "For commis-

sion form of government" or "For councilmanic form of government" or "For council-manager form of government": PROVIDED, HOWEVER, That in the event of such annexation no proposition in regard to the name or form of government is to be submitted to the voters.

Sec. 7. Section 35.10.240, chapter 7, Laws of 1965, as amended by section 17, chapter 73, Laws of 1967, and RCW 35.10.240 are each amended to read as follows:

In all cases of consolidation or annexation, (~~except the proposed annexation of cities or towns of the third or fourth classes to a city of the first class~~), the county canvassing board or boards shall canvass the votes cast thereat.

In an election on the question of consolidation the votes cast in each of such corporations shall be canvassed separately, and (~~the~~) a statement shall (~~show~~) be prepared showing the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, the number of votes cast for creation of a community municipal corporation and the number of votes cast against creation of a community municipal corporation, or both, as the case may be, in each of such corporations. In case the question of the form of government of the new corporation shall have been submitted at such election, the votes thereon and on the name of the new corporation shall be canvassed (~~in like manner as the votes on consolidation~~), and the result of such canvass shall be included in the statement, showing the total number of votes cast in all of the corporations for each form of government submitted. A certified copy of such statement shall be filed with the legislative body of each of the corporations affected.

If it shall appear upon such statement of canvass that a majority of the votes cast in each of such corporations were in favor of consolidation or consolidation and creation of a community municipal corporation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legis-

lative body of that one of the corporations having the largest population as shown by the last United States census ~~((r))~~ or the determination of the planning and community affairs agency on or before the second Monday next succeeding the receipt of the statement of canvass to prepare ~~((an-abstract))~~ a statement of votes cast ~~((incorporating-therein-the-information-contained-in-the-statement-of-canvass))~~ and declaring the consolidation adopted or consolidation adopted and a community municipal corporation created, and if such issue were submitted, declaring the form of government to be that form for which a majority of all the votes on that issue were cast and the name of the consolidated city to be that name for which the greatest number of votes were cast.

In an election on the question of the annexation of all or a part of a city or town to another city or town, the votes cast in the city or town or portion thereof to be annexed shall be canvassed, and if a majority of the votes cast be in favor of annexation, the results shall be included in a statement indicating the total number of votes cast.

Both with respect to consolidation and annexation, a proposition for the assumption of indebtedness outside the forty mill limit by the other corporation(s) in which the indebtedness did not originate shall be deemed approved if a majority of at least three-fifths of the electors of the corporation in which the indebtedness did not originate votes 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 corporations in which indebtedness did not originate at the last preceding general election: PROVIDED, HOWEVER, That if general obligation bond indebtedness was incurred by action by the city legislative body, a proposition for the assumption of such indebtedness by the other corporation(s) in which such indebtedness did not originate shall be deemed approved if a majority of the electors of the corporation in which such indebtedness did not

originate votes in favor thereof.

A duly certified copy of such ~~((abstract))~~ statement of either a consolidation or annexation election shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state and the planning and community affairs agency a duly certified copy of the record of such ~~((abstract))~~ statement.

NEW SECTION. Sec. 8. There is added to chapter 7, Laws of 1965 and to chapter 35.10 RCW a new section to read as follows:

The legislative body of the consolidated or the annexing city or town may, in its discretion, divide the city by ordinance, into a convenient number of wards of substantially equal population and fix the boundaries thereof, and change the same from time to time. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance.

Sec. 9. Section 35.10.250, chapter 7, Laws of 1965, and RCW 35.10.250 are each amended to read as follows:

Immediately after the filing of the ~~((abstract))~~ statement of a consolidation election, ~~((the legislative body of that one of such corporations))~~ the mayor of the city or town having the largest population, as shown by the last ~~((United States))~~ census ~~((7))~~ of the planning and community affairs agency, shall call a meeting of the legislative authorities of the cities and/or towns to be consolidated. Such legislative authorities shall cause to be called a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class and form of government to which such new cor-

poration belongs, which election shall be held within six months thereafter: PROVIDED, That if the next regular general election of officers in cities of the class and form of government of such new corporation will be held within one year and not less than two months from the date of such consolidation election, then the officers of such new corporation shall be elected at the said next regular election. Such regular or special election shall be called and conducted and canvassed in all respects in the manner prescribed, or that may be hereafter prescribed, by law for municipal elections in corporations of the class of such new corporation, and the results transmitted by the canvassing authority to the legislative body, who shall immediately declare the result thereof and cause the same to be entered upon its journal, and file certified copies of such result with the legislative body of each of the other corporations affected, who in like manner shall cause the same to be entered upon its journal and a copy thereof shall be filed with the secretary of state.

NEW SECTION. Sec. 10. There is added to chapter 7, Laws of 1965 and to chapter 35.10 RCW a new section to read as follows:

Immediately after the filing of the statement of an annexation election, the legislative body of the annexing city may, if it deems it wise or expedient, adopt an ordinance providing for the annexation. Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the annexing city or town. The clerk of the annexing city shall transmit a certified copy of this ordinance to the secretary of state and the planning and community affairs agency.

Sec. 11. Section 35.10.260, chapter 7, Laws of 1965, as amended by section 18, chapter 73, Laws of 1967, and RCW 35.10.260 are each amended to read as follows:

From and after the date of such entry such corporations shall be deemed to be consolidated into one corporation under the name and style of "The City, (or town as the case may be) of . . . . ."  
(naming it), with the powers conferred, or that may hereafter be con-

ferred, by law, upon municipal corporations of the class to which the same shall belong, and the officers elected at such election, upon qualifying as provided by law, shall be entitled to enter immediately upon the duties of their respective offices, and shall hold such offices respectively until the next (~~regular~~) municipal general election to be held in such city or town, and until their successors are elected and qualified. The consolidation shall become effective on the date on which the persons elected at such election have qualified and assumed office and in any event such date shall not extend beyond the third Tuesday following such election. If the proposition also provided for the creation of a community municipal corporation, such corporation shall be deemed organized with the powers granted to such corporation by this 1967 amendatory act.

Sec. 12. Section 35.10.300, chapter 7, Laws of 1965, and RCW 35.10.300 are each amended to read as follows:

Upon the consolidation of two or more corporations, or the annexation of any city or town (~~of the third or fourth class~~) to ((a)) another city (~~of the first class~~) or town, as provided in this chapter, the title to all property and assets owned by, or held in trust for, such former corporation, or city or town, shall vest in such consolidated corporation, or annexing city (~~of the first class~~) or town, as the case may be: PROVIDED, That if any such former corporation, or city or town, shall be indebted, the proceeds of the sale of any such property and assets not required for the use of such consolidated corporation, or annexing city (~~of the first class~~), shall be applied to the payment of such indebtedness, if any exist at the time of such sale.

Sec. 13. Section 35.10.310, chapter 7, Laws of 1965, and RCW 35.10.310 are each amended to read as follows:

Such consolidation, or annexation, shall in no wise affect or impair the validity of claim or chose in action existing in favor of or against, any such former corporation or city or town so consolida-

ted or annexed, or any proceeding pending in relation thereto, but such consolidated corporation, or annexing city (~~(of the first class)~~) or town, (~~(as the case may be)~~) shall collect such claims in favor of such former corporation, or cities or towns (~~(of the third or fourth classes)~~), and shall apply the proceeds to the payment of any just claims against them respectively, and shall when necessary levy and collect taxes against the taxable property within any such former corporation, or city or town, sufficient to pay all just claims against it.

NEW SECTION. Sec. 14. There is added to chapter 7, Laws of 1965 and to chapter 35.10 RCW a new section to read as follows:

Upon the consolidation of two or more corporations, or the annexation of any city or town after March 1st and prior to the date of adopting the final budget and levying the property tax millage on the first Monday in October for the next calendar year, the legislative body of the consolidated city or the annexing city is authorized to adopt the final budget and to levy the property tax millage for the consolidated cities or towns and any city or town annexed.

NEW SECTION. Sec. 15. There is added to chapter 7, Laws of 1965 and to chapter 35.10 RCW a new section to read as follows:

Upon the consolidation of two or more corporations, or the annexation of any city or town, the consolidated or annexing city shall receive all state funds to which the component cities or towns would have been entitled to receive during the year when such consolidation or annexation became effective.

Sec. 16. Section 35.10.320, chapter 7, Laws of 1965, and RCW 35.10.320 are each amended to read as follows:

All ordinances in force within any such former corporation, at the time of consolidation or annexation, not in conflict with the laws governing the consolidated corporation, or with the ordinances of the former corporation having the largest population, as shown by the last (~~United States~~) census of the planning and community affairs agency

~~((and all ordinances in force within a city or town of the third or fourth class, not in conflict with the laws governing, or the charter or ordinances of, the city of the first class to which it is annexed))~~ shall remain in full force and effect until superseded or repealed by the legislative body of the consolidated corporation, or annexing city ~~((of the first class))~~ or town, ~~((as the case may be))~~ and shall be enforced by such corporation or city or town, but all ordinances of such former corporations, ~~((cities or towns of the third or fourth class))~~ in conflict with such laws, charters or ordinances shall be deemed repealed by, and from and after, such consolidation or annexation, but nothing in this section shall be construed to discharge any person from any liability, civil or criminal, for any violation of any ordinance of such former corporation ~~((city or town of the third or fourth class))~~ incurred prior to such consolidation or annexation.

NEW SECTION. Sec. 17. There is added to chapter 7, Laws of 1965, and to chapter 35.10 RCW a new section to read as follows:

Unless indebtedness approved by the voters, contracted, or incurred prior to the date of consolidation or annexation as provided herein has been assumed by the voters in the other corporation(s) in which such indebtedness did not originate, such indebtedness continues to be the obligation of the city or town in which it originated, and the legislative body of the consolidated or annexing city shall continue to levy the necessary taxes within the former corporation that incurred this indebtedness to amortize such indebtedness.

NEW SECTION. Sec. 18. The following acts or parts of acts are hereby repealed:

(1) Section 35.10.210, chapter 7, Laws of 1965, as amended by section 14, chapter 73, Laws of 1967, and RCW 35.10.210;

(2) Section 35.10.270, chapter 7, Laws of 1965, as amended by section 19, chapter 73, Laws of 1967, and RCW 35.10.270;

(3) Section 35.10.280, chapter 7, Laws of 1965, as amended by

section 20, chapter 73, Laws of 1967, and RCW 35.10.280;

(4) Section 35.10.290, chapter 7, Laws of 1965, as amended by section 21, chapter 73, Laws of 1967, and RCW 35.10.290;

(5) Section 35.10.330, chapter 7, Laws of 1965, and RCW 35.10-.330;

(6) Section 35.12.010, chapter 7, Laws of 1965, and RCW 35.12-.010; and

(7) Section 35.37.025, chapter 7, Laws of 1965, and RCW 35.37-.025.

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 March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in Office of Secretary of State April 17, 1969

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CHAPTER 90  
[Engrossed House Bill No. 278]  
FIREARMS--ALIENS, LICENSE  
REQUIRED--EXEMPTION

AN ACT Relating to crimes and punishments; exempting Canadian citizens engaged in hunting or in bona fide shooting contests from special firearms licensing for aliens; and amending section 1, chapter 109, Laws of 1953 and RCW 9.41.170.

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

Section 1. Section 1, chapter 109, Laws of 1953 and RCW 9.41-.170 are each amended to read as follows:

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of ~~((license))~~ motor vehicles, and such license is not to be issued by the director of ~~((license))~~

motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Passed the House March 28, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 91  
[House Bill No. 293]  
OYSTER RESERVES--  
TAKING SHELLFISH FROM

AN ACT Relating to food fish and shellfish; and amending sections 75.24.060 and 75.28.290, chapter 12, Laws of 1955 and RCW 75.24.060 and 75.28.290.

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

Section 1. Section 75.24.060, chapter 12, Laws of 1955 and RCW 75.24.060 are each amended to read as follows:

It is hereby declared to be the policy of the state to improve the oyster reserves of the state to the end that all may finally become productive, and to have these reserves yield a revenue sufficient for their maintenance and betterment. In fixing

the price at which oysters and other shellfish shall be sold from the reserves, the director shall take into consideration such policy. It is further declared to be the policy of the state to maintain the oyster reserves for the purpose of furnishing a supply of shellfish to growers and processors and for the stocking of public beaches: PROVIDED, That shellfish may be harvested for personal use as prescribed by the director.

The director shall protect all reserves, reseed, replant, issue cultch permits and do such other things as in his judgment are necessary for their care and protection.

Sec. 2. Section 75.28.290, chapter 12, Laws of 1955 and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required of any person taking shellfish for commercial purposes from the reserves of this state. The fee for such license is fifteen dollars per annum.

Passed the House March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 92  
[Engrossed House Bill No. 632]  
CORPORATIONS

AN ACT Relating to corporations; amending section 96, chapter 53, Laws of 1965 and RCW 23A.28.130; amending section 139, chapter 53, Laws of 1965 and RCW 23A.40.060; amending section 140, chapter 53, Laws of 1965 and RCW 23A.40.070; adding a new section to chapter 53, Laws of 1965 and to chapter 23A.40 RCW; repealing section 97, chapter 53, Laws of 1965 and RCW 23A.28-.140; and repealing section 143, chapter 53, Laws of 1965 and RCW 23A.40.100.

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

Section 1. Section 96, chapter 53, Laws of 1965 and RCW 23A-.28.130 are each amended to read as follows:

A corporation may be dissolved involuntarily by a decree of the superior court in an action filed by the attorney general when it is established that:

~~((1))~~ ~~The corporation has failed to pay its annual license fee when the same becomes due and payable, or~~

~~((2))~~ (1) The corporation procured its articles of incorporation through fraud; or

~~((3))~~ (2) The corporation has continued to exceed or abuse the authority conferred upon it by law; or

~~((4))~~ (3) The corporation has failed for thirty days to appoint and maintain a registered agent in this state; or

~~((5))~~ (4) The corporation has filed for thirty days after change of its registered office or registered agent to file in the office of the secretary of state a statement of such change.

Sec. 2. Section 139, chapter 53, Laws of 1965 and RCW 23A.40-.060 are amended to read as follows:

For the privilege of doing business, every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall make and file an affidavit as to the amount of its authorized capital stock, and shall pay, on or before the first day of July of each and every year, to the secretary of state, and it shall be the duty of the secretary of state to collect, for the use of the state, an annual license fee of thirty dollars for the first fifty thousand dollars or less of its authorized capital stock; and one-twentieth of one percent additional on all amounts in excess of fifty thousand dollars, and not exceeding one million dollars; and one-fiftieth of one percent additional on all amounts in excess of one million dollars, and not exceeding four million dollars; and one one-hundredth of one percent additional on all amounts in excess of four million dollars; but in no case shall an annual license fee exceed the sum of two thousand five hundred dollars.

Sec. 3. Section 140, chapter 53, Laws of 1965 and RCW 23A.40-.070 are each amended to read as follows:

In the event any corporation, foreign or domestic, shall ~~((fail to pay))~~ do business in this state without having paid its annual license fee when due, there shall become due and owing the state of Washington an additional license fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the date it should have been paid to the date when it is paid: PROVIDED, That the minimum additional license fee due under the provisions of this section shall be two dollars and fifty cents.

~~((Corporations incorporated prior to the effective date of this title shall be deemed to have been incorporated on July 1st of the year of their incorporation.~~

~~No action for dissolution by the attorney general for failure to pay any fees under this section shall be commenced sooner than four months after the date when the fees shall have become due and payable under this section.)~~

NEW SECTION. Sec. 4. There is added to chapter 53, Laws of 1965 and to chapter 23A.40 RCW a new section to read as follows:

The annual license fee required by RCW 23A.40.060, as now or hereafter amended, and RCW 23A.40.140 is a tax on the privilege of doing business as a corporation in the state of Washington, but is not a tax on the privilege of existing as a corporation. No corporation shall do business in this state without first having paid its annual license fee, except as provided in RCW 23A.36.010 and 23A.36.020.

Failure of the corporation to pay its annual license fees shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

Every domestic corporation which shall fail for three consecutive years to acquire an annual license for the privilege of doing

business in this state shall cease to exist as a corporation on the third anniversary of the date it was last licensed to do business in this state or in the case of a corporation which has never been licensed, on the third anniversary of the date of filing its articles of incorporation. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 23A.28.250 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

A domestic corporation which has not ceased to exist by operation of law may restore its privilege to do business by paying the current annual license fee and a restoration fee which shall include a sum equivalent to the amount of annual license fees the corporation would have paid had it continuously maintained its privilege to do business plus an additional fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the time it would have been paid had the corporation maintained its privilege to do business to the date when the corporation restored its privilege to do business: PROVIDED, That the minimum additional license fee due under this section shall be two dollars and fifty cents. Upon payment of the above fees, restoration shall be effective, and the corporation shall have all the rights and privileges it would have possessed had it continually maintained its privilege to do business.

When any domestic corporation loses its privilege to do business for failure to pay its annual license fee when due, the secretary of state shall mail to the corporation at its registered office, by certified mail, return receipt requested, a notice that the corporation no longer has the privilege of doing business in this state, and that the corporation's privilege may be restored as provided in this section, and a notice that, if the privilege is not restored for three consecutive years, the existence of the corporation shall cease without further notice.

NEW SECTION. Sec. 5. Section 97, chapter 53, Laws of 1965 and RCW 23A.28.140; section 143, chapter 53, Laws of 1965 and RCW 23A.40-.100 are each repealed.

Passed the House March 24, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 93  
[House Bill No. 638]  
IRRIGATION DISTRICT LANDS--  
ASSESSMENT PRIOR TO WATER AVAILABILITY

AN ACT Relating to irrigation; and amending section 9, chapter 13, Laws of 1939 as amended by section 9, chapter 192, Laws of 1961 and RCW 87.04.090.

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

Section 1. Section 9, chapter 13, Laws of 1939 as amended by section 9, chapter 192, Laws of 1961 and RCW 87.04.090 are each amended to read as follows:

Lands in a district so divided into director divisions, which are to receive water from a system of works to be constructed by the federal government or under a contract between the district and the federal government shall not be assessed more than ((~~two~~)) five cents an acre in any one calendar year until the secretary of the interior announces that water is ready for delivery to the land: PROVIDED, That this section shall not be applicable to districts comprising less than two hundred thousand acres.

Passed the House March 14, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 94  
 [Engrossed House Bill No. 606]  
 HORSE RACING

AN ACT Relating to horse racing; amending section 1, chapter 55, Laws of 1933 as amended by section 1, chapter 236, Laws of 1949, and RCW 67.16.010; adding a new section to chapter 55, Laws of 1933 and to chapter 67.16 RCW; declaring an emergency and providing an effective date.

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

Section 1. Section 1, chapter 55, Laws of 1933 as amended by section 1, chapter 236, Laws of 1949, and RCW 67.16.010 are each amended to read as follows:

Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Person" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred ~~((or))~~ standard bred ~~((and))~~ harness, or quarter horse racing where the parimutuel system is used.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

NEW SECTION. Sec. 2. There is added to chapter 55, Laws of 1933 and to chapter 67.16 RCW a new section to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of six days or less, and which have a total annual handle of two hundred thousand dollars or less, at a daily licensing fee of ten dollars and a payment to the commission of one percent of the gross receipts of all parimutuel pools during such race meet, and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of the com-

mission: PROVIDED, That the commission on or after January 1, 1971 may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

(2) Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of six days or less, and which have a total annual handle of two hundred thousand dollars or less, shall be permitted to retain fourteen percent of the gross receipts of all parimutuel pools during such race meet.

(3) Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of six days or less, and which has a total annual handle of two hundred thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

(4) As a condition to the reduction in fees as provided for in subsection (1) hereof, all fees charged to horse owners, trainers, or jockeys, or any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

NEW SECTION. Sec. 3. 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 May 1, 1969.

Passed the House March 24, 1969.

Passed the Senate April 4, 1969.

Approved by the Governor April 15, 1969, with the exception of section 1 which is vetoed.

Filed in office of Secretary of State April 17, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill authorizes the racing commission to license race meets which are non-profit, of six days or less, and having a total annual handle of \$200,000 or less. Section 1 of the bill amends the definition of "race meet". The amendments are not designed to make any substantive changes but are rather technical im-

provements to the original wording.

In the regular session, the legislature passed House Bill No. 617, now chapter 22, Laws of 1969. This act added "appaloosa horse racing" to the definition of "race meet". Engrossed House Bill No. 606 makes no mention of this earlier bill. While not demonstrably inconsistent, the printing of both of the sections in the code will cause unnecessary confusion.

The amendment to the definitions contained in RCW 67.16.010 is not necessary for the purpose of Engrossed House Bill No. 606. In order to save the confusion of printing both sections in the Revised Code of Washington, I have vetoed section 1 of Engrossed House Bill No. 606.

The remainder of the bill is approved."

CHAPTER 95  
[Engrossed Senate Bill No. 299]  
CITIES AND TOWNS--BUDGETS

AN ACT Relating to cities and towns; amending section 35.33.020, chapter 7, Laws of 1965 and RCW 35.33.020; adding new sections to chapter 7, Laws of 1965 and to chapter 35.33 RCW; repealing section 35.33.030, chapter 7, Laws of 1965 and RCW 35.33.030; repealing section 35.33.040, chapter 7, Laws of 1965 and RCW 35.33.040; repealing section 35.33.050, chapter 7, Laws of 1965 and RCW 35.33.050; repealing section 35.33.060, chapter 7, Laws of 1965 and RCW 35.33.060; repealing section 35.33.070, chapter 7, Laws of 1965 and RCW 35.33.070; repealing section 35.33.080, chapter 7, Laws of 1965 and RCW 35.33.080; repealing section 35.33.090, chapter 7, Laws of 1965 and RCW 35.33.090; repealing section 35.33.100, chapter 7, Laws of 1965 and RCW 35.33.100; repealing section 35.33.105, chapter 7, Laws of 1965 and RCW 35.33.105; repealing section 35.33.110, chapter 7, Laws of 1965 and RCW 35.33.110; repealing section 35.33.120, chapter 7, Laws of 1965 and RCW 35.33.120; repealing section 35.33.130, chapter 7, Laws of 1965 and RCW 35.33.130; repealing section 35.33.140, chapter 7, Laws of 1965 and RCW 35.33.140; repealing section 35.33.150, chapter 7, Laws of 1965, as amended by section 1, chapter 14, Laws of 1965 extraordinary session,

and RCW 35.33.150; repealing section 35.33.160, chapter 7, Laws of 1965 and RCW 35.33.160; repealing section 35.27.420, chapter 7, Laws of 1965 and RCW 35.27.420; repealing section 35.27.430, chapter 7, Laws of 1965 and RCW 35.27.430; repealing section 35.27.440, chapter 7, Laws of 1965 and RCW 35.27.440; repealing section 35.27.450, chapter 7, Laws of 1965 and RCW 35.27.450; repealing section 35.27.460, chapter 7, Laws of 1965 and RCW 35.27.460; repealing section 35.27.470, chapter 7, Laws of 1965 and RCW 35.27.470; repealing section 35.27.480, chapter 7, Laws of 1965 and RCW 35.27.480; and repealing section 35.33.010, chapter 7, Laws of 1965 and RCW 35.33.010.

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

NEW SECTION. Section 1. Unless the context clearly indicates otherwise, the following words as used in this act shall have the meaning herein prescribed:

(1) "Clerk" as used in this act includes the officer performing the functions of a finance or budget director, comptroller, auditor, or by whatever title he may be known in any city or town.

(2) "Department" as used in this act includes each office, division, service, system or institution of the city or town for which no other statutory or charter provision is made for budgeting and accounting procedures or controls.

(3) "Legislative body" as used in this act includes council, commission or any other group of officials serving as the legislative body of a city or town.

(4) "Chief administrative officer" as used in this act includes the mayor of cities or towns having a mayor-council form of government, the commissioners in cities or towns having a commission form of government, the city manager, or any other city or town official designated by the charter or ordinances of such city or town under the plan of government governing the same, or the budget or finance officer designated by the mayor, manager or commissioners,

to perform the functions, or portions thereof, contemplated by this act.

(5) "Fiscal year" as used in this act means that fiscal period set by the city or town pursuant to authority given under RCW 1.16.030.

(6) "Fund", as used in this act and "funds" where clearly used to indicate the plural of "fund", shall mean the budgeting or accounting entity authorized to provide a sum of money for specified activities or purposes.

(7) "Funds" as used in this act where not used to indicate the plural of "fund" shall mean money in hand or available for expenditure or payment of a debt or obligation.

(8) Except as otherwise defined herein, municipal accounting terms used in this act have the meaning prescribed in "Governmental Accounting, Auditing, and Financial Reporting," prepared by the National Committee on Governmental Accounting, 1968.

Sec. 2. Section 35.33.020, chapter 7, Laws of 1965 and RCW 35.33.020 are each amended to read as follows:

The provisions of this chapter apply to cities of the first class which have a population of less than three hundred thousand ~~((and))~~ to all cities of the second and third classes, and to all towns.

NEW SECTION. Sec. 3. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's or town's next fiscal year, or at such other time as the city or town may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city or town to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk,

prepared in accordance with the requirements and classification established by the division of municipal corporations in the office of the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his office. The chief administrative officers of the city or town shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

NEW SECTION. Sec. 4. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor through the division of municipal corporations after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

NEW SECTION. Sec. 5. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

On or before the first business day in the third month prior to the beginning of the fiscal year of a city or town or at such other time as the city or town may provide by ordinance or charter, the clerk or other person designated by the charter, by ordinances, or by the chief administrative officer of the city or town shall submit to the chief administrative officer a proposed preliminary budget which shall set forth the complete financial program of the city or town for the ensuing fiscal year, showing the expenditure program requested by each department and the sources of revenue by which each such program is proposed to be financed.

The revenue section shall set forth in comparative and tabular form for each fund the actual receipts for the last completed fiscal year, the estimated receipts for the current fiscal year and the estimated receipts for the ensuing fiscal year, which shall include the amount to be raised from ad valorem taxes and unencumbered fund balances estimated to be available at the close of the current fiscal year.

The expenditure section shall set forth in comparative and tabular form for each fund and every department operating within each fund the actual expenditures for the last completed fiscal year, the appropriations for the current fiscal year and the estimated expenditures for the ensuing fiscal year. The salary or salary range for each office, position or job classification shall be set forth separately together with the title or position designation thereof: PROVIDED, That salaries may be set out in total amounts under each department if a detailed schedule of such salaries and positions be attached to and made a part of the budget document.

NEW SECTION. Sec. 6. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

The chief administrative officer shall prepare the preliminary budget in detail, making any revisions or additions to the reports of the department heads deemed advisable by such chief administrative officer and at least sixty days before the beginning of the city's or town's next fiscal year he shall file it with the clerk as the recommendation of the chief administrative officer for the final budget. The clerk shall provide a sufficient number of copies of such preliminary budget and budget message to meet the reasonable demands of taxpayers therefor and have them available for distribution not later than six weeks before the beginning of the city's or town's next fiscal year.

NEW SECTION. Sec. 7. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

In every city or town a budget message prepared by or under

the direction of the city's or town's chief administrative officer shall be submitted as a part of the preliminary budget to the city's or town's legislative body at least sixty days before the beginning of the city's or town's next fiscal year and shall contain the following:

- (1) An explanation of the budget document;
- (2) An outline of the recommended financial policies and programs of the city for the ensuing fiscal year;
- (3) A statement of the relation of the recommended appropriation to such policies and programs;
- (4) A statement of the reason for salient changes from the previous year in appropriation and revenue items;
- (5) An explanation for any recommended major changes in financial policy.

Prior to the final hearing on the budget, the legislative body or a committee thereof, shall schedule hearings on the budget or parts thereof, and may require the presence of department heads to give information regarding estimates and programs.

NEW SECTION. Sec. 8. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

Immediately following the filing of the preliminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk; that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city or town will meet on the first business day of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of such notice shall be made in the official newspaper of the city or town if there is one, otherwise in a newspaper of general circulation in the city or town or if there be no newspaper

of general circulation in the city or town, then by posting in three public places fixed by ordinance as the official places for posting the city's or town's official notices.

NEW SECTION. Sec. 9. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

The council shall meet on the day fixed by section 8 of this 1969 amendatory act for the purpose of fixing the final budget of the city or town at the time and place designated in the notice thereof. Any taxpayer may appear and be heard for or against any part of the budget. The hearing may be continued from day to day but not later than the twenty-fifth day prior to commencement of the city's or town's fiscal year.

NEW SECTION. Sec. 10. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to the division of municipal corporations in the office of the state auditor, and to the association of Washington cities.

NEW SECTION. Sec. 11. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

Upon the happening of any emergency caused by violence of

nature, casualty, riot, insurrection, war, or other unanticipated occurrence requiring the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property which has been damaged or destroyed by accident, or for public relief from calamity, or in settlement of approved claims for personal injuries or property damages, or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, or to cover expenses incident to preparing for or establishing a new form of government authorized or assumed after adoption of the current budget, including any expenses incident to selection of additional or new officials required thereby, or incident to employee recruitment at any time, the city or town legislative body, upon the adoption of an ordinance, by the vote of one more than the majority of all members of the legislative body, stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

NEW SECTION. Sec. 12. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

If a public emergency which could not reasonably have been foreseen at the time of filing the preliminary budget requires the expenditure of money not provided for in the annual budget, and if it is not one of the emergencies specifically enumerated in section 11 of this 1969 amendatory act, the city or town legislative body before allowing any expenditure therefor shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

Such ordinance shall not be voted on until five days have elapsed after its introduction, and for passage shall require the vote of one more than the majority of all members of the legislative body of the city or town.

Any taxpayer may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption

thereof.

NEW SECTION. Sec. 13. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

All expenditures for emergency purposes as provided in this chapter shall be paid by warrants from any available money in the fund properly chargeable with such expenditures. If, at any time, there is insufficient money on hand in a fund with which to pay such warrants as presented, the warrants shall be registered, bear interest and be called in the same manner as other registered warrants as prescribed in section 16 of this 1969 amendatory act.

NEW SECTION. Sec. 14. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

In adopting the final budget for any fiscal year, the legislative body shall appropriate from estimated revenue sources available, a sufficient amount to pay the principal and interest on all outstanding registered warrants issued since the adoption of the last preceding budget except those issued and identified as revenue warrants and except those for which an appropriation previously has been made: PROVIDED, That no portion of the revenues which are restricted in use by law may be appropriated for the redemption of warrants issued against a utility or other special purpose fund of a self-supporting nature: PROVIDED FURTHER, That all or any portion of the city's or town's outstanding registered warrants may be funded into bonds in any manner authorized by law.

NEW SECTION. Sec. 15. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

Notwithstanding the appropriations for any salary, or salary range of any employee or employees adopted in a final budget, the legislative body of any city or town may, by ordinance, change the wages, hours, and conditions of employment of any or all of its appointive employees if sufficient funds are available for appropriation to such purposes.

NEW SECTION. Sec. 16. There is added to chapter 7, Laws of

1965 and to chapter 35.33 RCW a new section to read as follows:

The division of municipal corporations in the office of the state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

NEW SECTION. Sec. 17. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

The expenditures as classified and itemized in the final budget shall constitute the city's or town's appropriations for the ensuing fiscal year. Unless otherwise ordered by a court of competent jurisdiction, and subject to further limitations imposed by ordinance of the city or town, the expenditure of city or town funds or the incurring of current liabilities on behalf of the city or town shall be limited to the following:

(1) The total amount appropriated for each fund in the budget for the current fiscal year, without regard to the individual items contained therein, except that this limitation shall not apply to wage adjustments authorized by section 15 of this 1969 amendatory act; and

(2) The unexpended appropriation balances of a preceding budget which may be carried forward from prior fiscal years pursuant to section 24 of this 1969 amendatory act; and

(3) Funds received from the sale of bonds or warrants which have been duly authorized according to law; and

(4) Funds received in excess of estimated revenues during the current fiscal year, when authorized by an ordinance amending the original budget; and

(5) Expenditures required for emergencies, as authorized in sections 11 and 12 of this 1969 amendatory act.

Transfers between individual appropriations within any one fund may be made during the current fiscal year by order of the city's or town's chief administrative officer subject to such regulations,

if any, as may be imposed by the city or town legislative body. Notwithstanding the provisions of RCW 43.09.210 or of any statute to the contrary, transfers, as herein authorized, may be made within the same fund regardless of the various offices, departments or divisions of the city or town which may be affected.

The city or town legislative body, upon a finding that it is to the best interests of the city or town to decrease, revoke or recall all or any portion of the total appropriations provided for any one fund, may, by ordinance, approved by the vote of one more than the majority of all members thereof, stating the facts and findings for doing so, decrease, revoke or recall all or any portion of an unexpended fund balance, and by said ordinance, or a subsequent ordinance adopted by a like majority, the moneys thus released may be reappropriated for another purpose or purposes, without limitation to department, division or fund, unless the use of such moneys is otherwise restricted by law, charter, or ordinance.

NEW SECTION. Sec. 18. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

Liabilities incurred by any officer or employee of the city or town in excess of any budget appropriations shall not be a liability of the city or town. The clerk shall issue no warrant and the city or town legislative body or other authorized person shall approve no claim for an expenditure in excess of the total amount appropriated for any individual fund, except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

NEW SECTION. Sec. 19. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

Moneys received from the sale of bonds or warrants shall be used for no other purpose than that for which they were issued and no expenditure shall be made for that purpose until the bonds have been duly authorized. If any unexpended fund balance remains from the proceeds realized from the bonds or warrants after the accomplishment of the purpose for which they were issued it shall be used

for the redemption of such bond or warrant indebtedness. Where a budget contains an expenditure program to be financed from a bond issue to be authorized thereafter, no such expenditure shall be made or incurred until after the bonds have been duly authorized.

NEW SECTION. Sec. 20. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

At a time fixed by the city's or town's ordinance or city charter, not later than the first Monday in October of each year, the chief administrative officer shall provide the city's or town's legislative body with current information on estimates of revenues from all sources as adopted in the budget for the current year, together with estimates submitted by the clerk under section 5 of this 1969 amendatory act. The city's or town's legislative body and the city's or town's administrative officer or his designated representative shall consider the city's or town's total anticipated financial requirements for the ensuing fiscal year, and the legislative body shall determine and fix by ordinance the amount to be raised by ad valorem taxes. Upon adoption of the ordinance fixing the amount of ad valorem taxes to be levied, the clerk shall certify the same to the board of county commissioners as required by RCW 84.52.020.

NEW SECTION. Sec. 21. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

At such intervals as may be required by city charter or city or town ordinance, however, being not less than quarterly, the clerk shall submit to the city's or town's legislative body and chief administrative officer a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding reporting period and like information for the whole of the current fiscal year to the first day of the current reporting period together with the unexpended balance of each appropriation. The report shall also show the receipts from all sources.

NEW SECTION. Sec. 22. There is added to chapter 7, Laws of

1965 and to chapter 35.33 RCW a new section to read as follows:

Every city or town may create and maintain a contingency fund to provide moneys with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or from which to provide moneys for those emergencies described in sections 11 and 12 of this 1969 amendatory act. Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law, or also may be supported by a transfer from other unexpended or decreased funds made available by ordinance as set forth in section 17 of this 1969 amendatory act: PROVIDED, That the total amount accumulated in such fund at any time shall not exceed the equivalent of one and one-half mills on each dollar of assessed valuation of property within the city or town at such time. Any moneys in the contingency fund at the end of the fiscal year shall not lapse except upon reappropriation by the council to another fund in the adoption of a subsequent budget.

NEW SECTION. Sec. 23. There is added to chapter 7, Laws of 1965 and chapter 35.33 RCW a new section to read as follows:

No money shall be withdrawn from the contingency fund except by transfer to the appropriate operating fund authorized by a resolution or ordinance of the legislative body of the city or town, adopted by a majority vote of the entire legislative body, clearly stating the facts constituting the reason for the withdrawal or the emergency as the case may be, specifying the fund to which the withdrawn money shall be transferred.

NEW SECTION. Sec. 24. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

All appropriations in any current operating fund shall lapse at the end of each fiscal year: PROVIDED, That this shall not prevent payments in the following year upon uncompleted programs or improvements in progress or on orders subsequently filled or claims subsequently billed for the purchase of material, equipment and supplies or for personal or contractual services not completed or fur-

nished by the end of the fiscal year, all of which have been properly budgeted and contracted for prior to the close of such fiscal year but furnished or completed in due course thereafter.

All appropriations in a special fund authorized by ordinance or by state law to be used only for the purpose or purposes therein specified, including any cumulative reserve funds lawfully established in specific or general terms for any municipal purpose or purposes, or a contingency fund as authorized by section 23 of this 1969 amendatory act, shall not lapse, but shall be carried forward from year to year until fully expended or the purpose has been accomplished or abandoned, without necessity of reappropriation.

The accounts for budgetary control for each fiscal year shall be kept open for twenty days after the close of such fiscal year for the purpose of paying and recording claims for indebtedness incurred during such fiscal year; any claim presented after the twentieth day following the close of the fiscal year shall be paid from appropriations lawfully provided for the ensuing period, including those made available by provisions of this section, and shall be recorded in the accounts for the ensuing fiscal year.

NEW SECTION. Sec. 25. There is added to chapter 7, Laws of 1965 and to chapter 35.33 RCW a new section to read as follows:

Upon the conviction of any city or town official, department head or other city or town employee of knowingly failing, or refusing, without just cause, to perform any duty imposed upon such officer or employee by this chapter, or city charter or city or town ordinance, in connection with the giving of notice, the preparing and filing of estimates of revenues or expenditures or other information required for preparing a budget report in the time and manner required, or of knowingly making expenditures in excess of budget appropriations, he shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars for each separate violation.

NEW SECTION. Sec. 26. The following acts or parts thereof are hereby repealed:

- (1) Section 35.33.030, chapter 7, Laws of 1965 and RCW 35-.33.030;
- (2) Section 35.33.040, chapter 7, Laws of 1965 and RCW 35.33.040;
- (3) Section 35.33.050, chapter 7, Laws of 1965 and RCW 35-.33.050;
- (4) Section 35.33.060, chapter 7, Laws of 1965 and RCW 35-.33.060;
- (5) Section 35.33.070, chapter 7, Laws of 1965 and RCW 35-.33.070;
- (6) Section 35.33.080, chapter 7, Laws of 1965 and RCW 35-.33.080;
- (7) Section 35.33.090, chapter 7, Laws of 1965 and RCW 35-.33.090;
- (8) Section 35.33.100, chapter 7, Laws of 1965 and RCW 35-.33.100;
- (9) Section 35.33.105, chapter 7, Laws of 1965 and RCW 35-.33.105;
- (10) Section 35.33.110, chapter 7, Laws of 1965 and RCW 35.33.110;
- (11) Section 35.33.120, chapter 7, Laws of 1965 and RCW 35.33.120;
- (12) Section 35.33.130, chapter 7, Laws of 1965 and RCW 35.33.130;
- (13) Section 35.33.140, chapter 7, Laws of 1965 and RCW 35.33.140;
- (14) Section 35.33.150, chapter 7, Laws of 1965 as amended by section 1, chapter 14, Laws of 1965 extraordinary session, and RCW 35.33.150;
- (15) Section 35.33.160, chapter 7, Laws of 1965 and RCW 35.33.160;
- (16) Section 35.27.420, chapter 7, Laws of 1965 and RCW 35.27.420;

- (17) Section 35.27.430, chapter 7, Laws of 1965 and RCW 35-.27.430;
- (18) Section 35.27.440, chapter 7, Laws of 1965 and RCW 35.27.440;
- (19) Section 35.27.450, chapter 7, Laws of 1965 and RCW 35.27.450;
- (20) Section 35.27.460, chapter 7, Laws of 1965 and RCW 35.27.460;
- (21) Section 35.27.470, chapter 7, Laws of 1965 and RCW 35.27.470;
- (22) Section 35.27.480, chapter 7, Laws of 1965 and RCW 35.27.480; and
- (23) Section 35.33.010, chapter 7, Laws of 1965 and RCW 35.33.010.

Passed the Senate March 21, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 96  
[Senate Bill No. 358]  
YOUTH DEVELOPMENT AND  
CONSERVATION CORPS

AN ACT Relating to youth development and conservation committee;  
amending section 1, chapter 215, Laws of 1961 and RCW 43.51-500; amending section 43.51.520; chapter 8, Laws of 1965 and RCW 43.51.520; and amending section 43.51.530, chapter 8, Laws of 1965 and RCW 43.51.530.

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

Section 1. Section 1, chapter 215, Laws of 1961 and RCW 43-.51.500 are each amended to read as follows:

The purpose of RCW 43.51.500 through 43.51.570 is to provide:

(1) The opportunity for healthful employment of (~~(young-men)~~) youths in programs of conservation, developing, improving, and maintaining natural and artificial recreational areas for the welfare of the general public; (2) the opportunity for our (~~(young-men)~~) youths to learn vocational and work skills, develop good work habits and a

sense of responsibility and contribution to society, improvement in personal physical and moral well being, and an understanding and appreciation of nature.

Sec. 2. Section 43.51.520, chapter 8, Laws of 1965 and RCW 43.51.520 are each amended to read as follows:

There is established a committee of advisors to be known as the youth development and conservation committee (hereinafter referred to as the "committee"). The committee shall be composed of nine members as follows: A member of the state parks and recreation commission, representatives of the: Department of commerce and economic development, state board of education, department of fisheries, department of game, employment security department, commissioner of public lands, department of ~~((conservation))~~ water resources, and one member to be appointed by the governor. The members of the committee shall serve without compensation for their time and expenses in fulfilling their duties, except that public employees shall be eligible for their normal compensation as in the performance of regular duties. The committee shall name one of its members as chairman. The committee shall meet on call by the chairman, or as needed to review the operations of the program and recommend in general: The kind of work performed, the training and development provided the enrollers, the public lands designated as project areas, and improvements in the general program.

Sec. 3. Section 43.51.530, chapter 8, Laws of 1965 and RCW 43.51.530 an each amended to read as follows:

Composition of the corps shall consist of ~~((male-individuals))~~ youths who are citizens of the United States and residents of the state of Washington of good character and health, and who are not ~~((less-than-sixteen-ner))~~ more than twenty-one years of age. In order to enroll, an individual must agree to comply with rules and regulations promulgated by the commission. The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the com-

mission an individual may reenroll, but his total enrollment shall not exceed forty weeks. Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas.

Passed the Senate March 20, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 97  
[Senate Bill No. 372]  
PUBLIC LANDS--  
HARBOR AREA LEASES

AN ACT Relating to public lands; amending section 128, chapter 255, Laws of 1927 and RCW 79.01.512; amending section 129, chapter 255, Laws of 1927 and RCW 79.01.516; amending section 130, chapter 255, Laws of 1927 and RCW 79.01.520.

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

Section 1. Section 128, chapter 255, Laws of 1927 and RCW 79.01.512 are each amended to read as follows:

If the owner of any lease of harbor area upon tidal waters shall desire to construct thereon any wharf, dock or other convenience of navigation or commerce, or to extend, enlarge or improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area during the remainder of the term of his lease, he may make application to the ~~((commissioner))~~ department of natural resources for a new lease of such harbor area for a period not exceeding thirty years. Upon the filing of such application accompanied by such proper plans, drawings or other data, the ~~((commissioner))~~ department shall forthwith investigate the same and if ~~((he))~~ it shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs, ~~((he))~~ it shall by order fix the terms and conditions and the rate of rental for such new lease, such

rate of rental to be a fixed percentage during the term of such lease on the true and fair value in money of such harbor area, determined from time to time by the ~~((county-assessor))~~ department of natural resources as ~~((hereinafter))~~ provided in RCW 79.01.520. The ~~((commissioner))~~ department may propose modifications of the proposed wharf, dock or other convenience or extensions, enlargements or improvements thereon. The ~~((commissioner))~~ department shall, within ninety days from the filing of such application notify the said applicant in writing of the terms and conditions upon which such new lease will be granted, and of the rental to be paid and if the applicant shall within ninety days thereafter elect to accept a new lease of such harbor area upon the terms and under the conditions and at the rental prescribed by the ~~((commissioner))~~ department, the ~~((commissioner))~~ department shall make a new lease for such harbor area for the term applied for and the existing lease shall thereupon be surrendered and canceled.

Sec. 2. Section 129, chapter 255, Laws of 1927 and RCW 79.01-.516 are each amended to read as follows:

Upon the expiration of any lease of harbor area upon tidal waters hereafter expiring the owner thereof may apply for a re-lease of such harbor area for a period not exceeding thirty years. Such application shall be accompanied with maps showing the existing improvements upon such harbor area and the tidelands adjacent thereto and with proper plans, drawings and other data showing any proposed extensions or improvements of existing structures. Upon the filing of such application the ~~((commissioner))~~ department of natural resources shall forthwith investigate the same and if ~~((he))~~ it shall determine that the character of the wharfs, docks or other conveniences of commerce and navigation are reasonably adequate for the public needs and in the public interest, ~~((he))~~ it shall by order fix and determine the terms and conditions upon which such re-lease shall be granted and the rate of rental to be paid which rate shall be a fixed percentage during the term of such lease on the true and fair value in

money of such harbor area determined from time to time by the (~~county-assessor~~) department of natural resources as (~~herein~~) provided in RCW 79.01.520.

Sec. 3. Section 130, chapter 255, Laws of 1927 and RCW 79.01-520 are each amended to read as follows:

~~((Upon the filing of any application for the))~~ 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 the effective date of this 1969 amendatory act and no less frequently than every five years for all prior leases, the (~~commissioner shall certify to the county assessor of the county in which such harbor area is situated, a description of such harbor area with a request to value the same under this chapter. The assessor~~) department of natural resources shall (~~thereupon~~) determine the true and fair value in money of such harbor area (exclusive of the improvements thereon) (~~as of March 1st preceding the date of the filing of such application and certify the same to the commissioner~~), which (~~true and fair~~) value (~~in money of such harbor area~~) shall be the value at which the property would be taken in payment of a just debt from a solvent debtor. (~~Such values shall be the basis of rental until the assessor's next valuation as herein provided. The assessor shall thereafter in every even numbered year as of March 1st place a valuation on such harbor area (exclusive of improvements) as above provided, and certify the same to the commissioner and such valuation shall be the basis of rental for the two year period following such valuation. Such assessor shall keep a record of such valuation separate from his records of assessments for taxation purpose~~) 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, (~~or the state, through the commissioner~~) being dissatisfied with the valuation as fixed by the

((~~assesse~~<sub>7</sub>)) department of natural resources shall have the right of appeal from the findings of the ((~~assesse~~)) 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 days after receipt of notice of the ((~~assesse~~<sub>19</sub>)) department of natural resources' valuation, be personally served upon each member of the board of county commissioners and upon the county treasurer ((and)) 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 ((~~commissio~~)) 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 val-

uation shall be final and conclusive on all parties.

Passed the Senate March 18, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 98  
[Engrossed Senate Bill No. 458]  
COORDINATING COUNCIL FOR  
OCCUPATIONAL EDUCATION--  
FIRE SERVICE TRAINING

AN ACT Relating to the coordinating council for occupational education; and adding a new section to chapter 8, Laws of 1967 ex. sess., and to chapter 28.85 RCW, unless or until the proposed education code of 1969 (HB 58) shall become effective, at which time it shall be added to chapter 28B.50 thereof.

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

NEW SECTION. Section 1. In addition to its other powers and duties, the coordinating council shall have the following powers and duties:

(1) Administer any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of congress insofar as the provisions thereof may apply to the administration of fire service training;

(2) Establish and conduct fire service training courses;

(3) Construct, equip, maintain and operate necessary fire service training facilities: PROVIDED, That the board's authority to construct, equip and maintain such facilities shall be subject to the provisions of chapter 43.19 RCW;

(4) Purchase, lease, rent or otherwise acquire real estate necessary to establish and operate fire service training facilities in the manner provided by law;

(5) Cooperate with the common schools, the institutions of higher education, and any department or division of the state government or of any county or municipal cooperation, in establishing and maintaining instruction in fire service training in accordance with the provisions of any act of congress and legislation enacted by the

legislature in pursuance thereof, and in establishing, building and operating training facilities; and

(6) Administer the funds provided by the federal government, and by the state under the provisions of any federal acts and of the acts passed by the legislature for the promotion of fire service training: PROVIDED, That the provisions of this act apply only to the structural fire services and do not include those funds now or hereafter used for the forest fire services and do not include those funds now or hereafter used for the forest fire services training programs.

NEW SECTION. Sec. 2. The code reviser is hereby directed to add the provisions of section 1 of this act to chapter 8, Laws of 1967 ex. sess., and to chapter 28.85 RCW, unless or until such time as the education code of 1969 (HB 58) shall become effective, at which time it shall be added to chapter 28B.50 RCW thereof.

Passed the Senate March 18, 1969  
 Passed the House April 9, 1969  
 Approved by the Governor April 17, 1969  
 Filed in office of Secretary of State April 17, 1969

CHAPTER 99  
 [Senate Bill No. 652]  
 CEMETERIES--ADMINISTRATION--  
 FEES--ENDOWMENT CARE FUNDS

AN ACT Relating to cemeteries, administration and regulation of endowment care funds, and raising maximum fees; amending section 46, chapter 290, Laws of 1953 and RCW 68.05.170; amending section 48, chapter 290, Laws of 1953 and RCW 68.05.210; amending section 50, chapter 290, Laws of 1953 and RCW 68.05.220; amending section 51, chapter 290, Laws of 1953 and RCW 68.05-230; and adding a new section to chapter 290, Laws of 1953 and to chapter 68.05 RCW.

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

Section 1. Section 46, chapter 290, Laws of 1953 and RCW 68-.05.170 are each amended to read as follows:

(1) Whenever the board finds, after notice and hearing, that any endowment care funds have been invested in violation of this

title, it shall by written order mailed to the person or body in charge of the fund require the reinvestment of the funds in conformity with this title within the period specified by it which shall be not ~~((less))~~ more than ~~((two-years-where-the-investment-was-made-prior-to-June-11,-1953-and-not-less-than))~~ six months ~~((when-made-after-June-11,-1953))~~. Such period may be extended by the board in its discretion.

(2) The board may bring actions for the preservation and protection of endowment care funds in the superior court of the county in which the cemetery is located and the court shall appoint substitute trustees and make any other order which may be necessary for the preservation, protection and recovery of endowment care funds, whenever a cemetery authority or the trustees of its fund have:

(a) transferred or attempted to transfer any property to, or made any loan from, the endowment care funds for the benefit of the cemetery authority or any director, officer, agent or employee of the cemetery authority or trustee of any endowment care funds; or,

(b) failed to reinvest endowment care funds in accordance with a board order issued under subsection one of this amendatory act; or,

(c) invested endowment care funds in violation of this title;  
or,

(d) taken action or failed to take action to preserve and protect the endowment care funds, evidencing a lack of concern therefor; or,

(e) become financially irresponsible or transferred control of the cemetery authority to any person who, or business entity which, is financially irresponsible; or,

(f) is in danger of becoming insolvent or has gone into bankruptcy or, receivership; or,

(g) taken any action in violation of Title 68 RCW or failed to take action required by Title 68 RCW or has failed to comply with lawful rules, regulations and orders of the board.

(3) Whenever the board has reason to believe that endowment care funds are in danger of being lost or dissipated during the time required for notice and hearing, it may immediately apply to the superior court of the county in which the cemetery is located for any order which appears necessary for the preservation and protection of endowment care funds, including, but not limited to, immediate substitutions of trustees.

Sec. 2. Section 48, chapter 290, Laws of 1953 and RCW 68.05-.210 are each amended to read as follows:

The board may require such proof as it deems advisable concerning the compliance by such applicant to all the laws, rules, regulations, ordinances and orders applicable to it. The board shall also require proof that the applicant and its officers and directors are financially responsible, trustworthy and have good personal and business reputations, in order that only cemeteries of permanent benefit to the community in which they are located will be established in this state.

Sec. 3. Section 50, chapter 290, Laws of 1953 and RCW 68.05-.220 are each amended to read as follows:

The regulatory charges for cemetery certificates at all periods of the (~~{fiseal}~~) year are the same as provided in this chapter. All regulatory charges are payable at the time of the filing of the application and in advance of the issuance of the certificates. All certificates shall be issued for the (~~{fiseal}~~) year and shall expire at midnight, the thirtieth day of January of each (~~{fiseal}~~) year, or at whatever time during any year that ownership or control of any cemetery authority is transferred or sold. Cemetery certificates shall not be transferable. Failure to pay the regulatory charge fixed by the board (~~{prior-to-January-1,-1954,-and}~~) prior to the first day of February for any (~~{sueceeding}~~) year automatically shall suspend the certificate of authority. Such certificate may be restored upon payment to the board of the prescribed charges.

Sec. 4. Section 51, chapter 290, Laws of 1953 and RCW 68.05-

.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge (~~((7-not-to-exceed-twenty-five dollars,))~~) to be fixed by the board, based on the number of interments, entombments and inurnments made during the preceding full calendar year, but not exceeding twenty-five dollars for one hundred or less, fifty dollars for one hundred one to three hundred fifty, seventy-five dollars for three hundred fifty-one to seven hundred, one hundred dollars for seven hundred one or more; plus an additional charge of not more than (~~((fifteen))~~) fifty cents per interment, entombment and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery (~~((fund))~~) account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules and regulations of the board, the board will issue a certificate of authority.

NEW SECTION. Sec. 5. There is added to chapter 290, Laws of 1953 and to chapter 68.05 RCW a new section to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds during such transfer. Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report showing the status of said funds immediately before and immediately after such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer

in violation of this section shall be void.

Passed the Senate March 21, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 100  
[Engrossed House Bill No. 99]  
AGRICULTURAL COMMODITIES--  
WEIGHMASTERS AND WEIGHERS--  
CERTIFIED WEIGHTS

AN ACT Relating to certified weights; repealing sections 15.80.010 through 15.80.260, chapter 11, Laws of 1961 and RCW 15.80.010 through 15.80.260; providing penalties; and making an effective date.

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

NEW SECTION. Section 1. Terms used in this act shall have the meaning given to them in sections 2 through 11 of this act unless the context where used shall clearly indicate to the contrary.

NEW SECTION. Sec. 2. "Department" means the department of agriculture of the state of Washington.

NEW SECTION. Sec. 3. "Director" means the director of the department or his duly appointed representative.

NEW SECTION. Sec. 4. "Person" means a natural person, individual, or firm, partnership, corporation, company, society, or association. This term shall import either the singular or plural, as the case may be.

NEW SECTION. Sec. 5. "Licensed public weighmaster" also referred to as weighmaster, means any person, licensed under the provisions of this act, who weighs, measures or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure or count accepted as the accurate weight, or count upon which the purchase or sale of any commodity or upon which the basic charge or payment for services rendered is based.

NEW SECTION. Sec. 6. "Weigher" means any person who is licensed under the provisions of this act and who is an agent or employee of a weighmaster and authorized by the weighmaster to issue

certified statements of weight, measure or count.

NEW SECTION. Sec. 7. "Vehicle" means any device, other than a railroad car, in, upon, or by which any commodity, is or may be transported or drawn.

NEW SECTION. Sec. 8. "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a weighmaster or weigher in accordance with the provisions of this act or any regulation adopted thereunder.

NEW SECTION. Sec. 9. "Commodity" means anything that may be weighed, measured or counted in a commercial transaction.

NEW SECTION. Sec. 10. "Thing" means anything used to move, handle, transport or contain any commodity for which a certified weight, measure or count is issued when such thing is used to handle, transport, or contain a commodity.

NEW SECTION. Sec. 11. "Retail merchant" means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of said merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

NEW SECTION. Sec. 12. The director shall enforce and carry out the provisions of this act and may adopt the necessary rules to carry out its purpose. The adoption of rules shall be subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act), as enacted or hereafter amended, concerning the adoption of rules.

NEW SECTION. Sec. 13. It shall be a violation of this act to transport by highway any hay, straw or grain which has been purchased by weight or will be purchased by weight, unless it is weighed and a certified weight ticket is issued thereon, by the first licensed public weighmaster which would be encountered on the ordinary route to the destination where the hay, straw or grain is to be unloaded: PROVIDED, HOWEVER, That this section shall not apply to the following:

(1) The transportation of, or sale of, hay, straw or grain by the primary producer thereof;

(2) The transportation of hay, straw or grain by an agriculturalist for use in his own growing, or animal or poultry husbandry endeavors;

(3) The transportation of grain by a party who is either a warehouseman or grain dealer and who is licensed under the grain warehouse laws and who makes such shipment in the course of the business for which he is so licensed;

(4) The transportation of hay, straw or grain by retail merchants, except for the provisions of sections 14 and 15 of this act;

(5) The transportation of grain from a warehouse licensed under the grain warehouse laws when the transported grain is consigned directly to a public terminal warehouse.

NEW SECTION. Sec. 14. Certificates of weight issued by licensed public weighmasters and invoices for sales by a retail merchant, if the commodity is being hauled by or for such retail merchant, shall be carried with all loads of hay, straw or grain when in transit.

NEW SECTION. Sec. 15. The driver of any vehicle previously weighed by a licensed public weighmaster may be required to reweigh the vehicle and load at the nearest scale.

The driver of any vehicle operated by or for a retail merchant which vehicle contains hay, straw, or grain may be required to weigh the vehicle and load at the nearest scale, and if the weight is found to be less than the amount appearing on the invoice, a copy of which is required to be carried on the vehicle, the director shall report the finding to the consignee and may cause such retail merchant to be prosecuted in accordance with the provisions of this act.

NEW SECTION. Sec. 16. Any person may apply to the director for a weighmaster's license. Such application shall be on a form prescribed by the director and shall include:

(1) The full name of the person applying for such license and

if the applicant is a partnership, association or corporation, the full name of each member of the partnership or the names of the officers of the association or corporation;

(2) The principal business address of the applicant in this state and elsewhere;

(3) The names of the persons authorized to receive and accept service of summons and legal notice of all kinds for the applicant;

(4) The location of any scale or scales subject to the applicant's control and from which certified weights will be issued; and

(5) Such other information as the director feels necessary to carry out the purposes of this act.

Such annual application shall be accompanied by a license fee of twenty dollars for each scale from which certified weights will be issued and a bond as provided for in section 19 of this act.

NEW SECTION. Sec. 17. The director shall issue a license to an applicant upon his satisfaction that the applicant has satisfied the requirements of this act and the rules adopted hereunder and that such applicant is of good moral character, not less than twenty-one years of age, and has the ability to weigh accurately and make correct certified weight tickets. Any license issued under this act shall expire on June 30th following the date of issuance.

NEW SECTION. Sec. 18. If an application for renewal of any license provided for in this act is not filed prior to July 1st of any one year, there shall be assessed and added to the renewal fee as a penalty therefor fifty percent of said renewal fee which shall be paid by the applicant before any renewal license shall be issued: PROVIDED, That such penalty shall not apply if the applicant furnishes an affidavit that he has not acted as a weighmaster or weigher subsequent to the expiration of his prior license.

NEW SECTION. Sec. 19. Any applicant for a weighmaster's license shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Such bond shall

be in the sum of one thousand dollars. The bond shall be of standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this act and the rules adopted hereunder. Said bond shall be to the state for the benefit of every person availing himself of the services and certifications issued by a weighmaster, or weigher subject to his control. The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face value of such bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled. All such sureties on a bond, as provided herein, shall only be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of RCW 19.72.110, as enacted or hereafter amended, concerning notice and proof of service, but this shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in RCW 19.72.110, as enacted or hereafter amended, concerning notice and proof of service, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

NEW SECTION. Sec. 20. Any weighmaster may file an application with the director for a license for any employee or agent to operate and issue certified weight tickets from a scale which such weighmaster is licensed to operate under the provisions of this act. Such application shall be submitted on a form prescribed by the director and shall contain the following:

- (1) Name of the weighmaster;
- (2) The full name of the employee or agent and his resident address;
- (3) The position held by such person with the weighmaster;

(4) The scale or scales from which such employee or agent will issue certified weights; and

(5) Signature of the weigher and the weighmaster.

Such annual application shall be accompanied by a license fee of five dollars.

NEW SECTION. Sec. 21. Upon the director's satisfaction that the applicant is of good moral character, has the ability to weigh accurately and make correct certified weight tickets and that he is an employee or agent of the weighmaster, the director shall issue a weigher's license which will expire on June 30th following the date of issuance.

NEW SECTION. Sec. 22. A licensed public weighmaster shall:

(1) Keep the scale or scales upon which he weighs any commodity or thing, in conformity with the standards of weights and measures; (2) carefully and correctly weigh and certify the gross, tare and net weights of any load of any commodity or thing required to be weighed; and (3) without charge, weigh any commodity or thing brought to his scale by an inspector authorized by the director, and issue a certificate of the weights thereof.

NEW SECTION. Sec. 23. Certification of weights shall be made by means of an impression seal, the impress of which shall be placed by the weighmaster or weigher making the weight determination upon the weights shown on the weight tickets. The impression seal shall be procured from the director upon the payment of an annual fee of five dollars and such fee shall accompany the applicant's application for a weighmaster's license. Such impression seal shall be used only at the scale to which it is assigned and shall remain the property of the state and shall be returned forthwith to the director upon the termination, suspension or revocation of the weighmaster's license.

NEW SECTION. Sec. 24. The certified weight ticket shall be of a form approved by the director and shall contain the following information:

(1) The date of issuance;

- (2) The kind of commodity weighed, measured, or counted;
- (3) The name of owner, agent, or consignee of the commodity weighed;
- (4) The name of seller, agent or consignor;
- (5) The accurate weight, measure or count of the commodity weighed, measured or counted; including the entry of the gross, tare and/or net weight, where applicable;
- (6) The identifying numerals or symbols, if any, of each container separately weighed and the motor vehicle license number of each vehicle separately weighed;
- (7) The means by which the commodity was being transported at the time it was weighed, measured or counted;
- (8) The name of the city or town where such commodity was weighed;
- (9) The complete signature of weighmaster or weigher who weighed, measured or counted the commodity; and
- (10) Such other available information as may be necessary to distinguish or identify the commodity.

Such weight certificates when so made and properly signed and sealed shall be prima facie evidence of the accuracy of the weights, measures or count shown, as a certified weight, measure or count.

NEW SECTION. Sec. 25. Certified weight tickets shall be made in triplicate, one copy to be delivered to the person receiving the weighed commodity at the time of delivery, which copy shall accompany the vehicle that transports such commodity, one copy to be forwarded to the seller by the carrier of the weighed commodity, and one copy to be retained by the weighmaster that weighed the vehicle transporting such commodity. The copy retained by the weighmaster shall be kept at least for a period of one year, and such copies and such other records as the director shall determine necessary to carry out the purposes of this act shall be made available at all reasonable business hours for inspection by the director.

NEW SECTION. Sec. 26. No weighmaster or weigher shall enter

a weight value on a certified weight ticket that he has not determined and he shall not make a weight entry on a weight ticket issued at any other location: PROVIDED, HOWEVER, That if the director determines that an automatic weighing or measuring device can accurately and safely issue weights in conformance with the purpose of this act, he may adopt a regulation to provide for the use of such a device for the issuance of certified weight tickets. The certified weight ticket shall be so prepared that it will show the weight or weights actually determined by the weighmaster. In any case in which only the gross, the tare or the net weight is determined by the weighmaster he shall strike through or otherwise cancel the printed entries for the weights not determined or computed by him.

NEW SECTION. Sec. 27. A licensed public weighmaster shall, in making a weight determination as provided for in this act, use a weighing device that is suitable for the weighing of the type and amount of commodity being weighed. The director shall cause to be tested for proper state standards of weight all weighing or measuring devices utilized by any licensed public weighmaster. Certified weights shall not be issued over a device that has been rejected or condemned for repair or use by the director until such device has been repaired.

NEW SECTION. Sec. 28. A weighmaster shall not use a weighing device to determine the weight of a load when the weight of such load exceeds the manufacturer's maximum rated capacity for such weighing device. If upon inspection the director declares that the maximum rated capacity of any weighing device is less than the manufacturer's maximum rated capacity, the weighmaster shall not weigh a load that exceeds the director's declared maximum rated capacity for such weighing device.

NEW SECTION. Sec. 29. No weighmaster shall weigh a vehicle or combination of vehicles to determine the weight of such vehicle or combination of vehicles unless the weighing device has a platform of sufficient size to accommodate such vehicle or combination of

vehicles fully and completely as one entire unit. When a combination of vehicles must be broken up into separate units in order to be weighed as prescribed, each separate unit shall be entirely disconnected before weighing and a separate certified weight ticket shall be issued for each separate unit.

NEW SECTION. Sec. 30. The director is hereby authorized to deny, suspend, or revoke a license subsequent to a hearing, if a hearing is requested, in any case in which he finds that there has been a failure to comply with the requirements of this act or rules adopted hereunder. Such hearings shall be subject to chapter 34.04 RCW (Administrative Procedure Act), as enacted or hereafter amended, concerning contested cases.

NEW SECTION. Sec. 31. For hearings for revocations, suspension, or denial of a license, the director shall give the licensee or applicant such notice as is required under the provisions of chapter 34.04 RCW, as enacted or hereafter amended. Such hearings shall be held in the county where the licensee resides.

NEW SECTION. Sec. 32. The director, for the purposes of this act, may issue subpoenas to compel the attendance of witnesses, and/or the production of books and/or documents anywhere in the state. The party shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director.

NEW SECTION. Sec. 33. It shall be unlawful for any person not licensed pursuant to the provisions of this act to:

(1) Hold himself out, in any manner, as a weighmaster or weigher; or

(2) Issue any ticket as a certified weight ticket.

NEW SECTION. Sec. 34. It shall be unlawful for a weighmaster or weigher to falsify a certified weight ticket, or to cause an incorrect weight, measure or count to be determined, or delegate his authority to any person not licensed as a weigher, or to pre seal a

weight ticket with his official seal before performing the act of weighing.

NEW SECTION. Sec. 35. Any person who shall mark, stamp or write any false weight ticket, scale ticket, or weight certificate, knowing it to be false, and any person who influences, or attempts to wrongfully influence any licensed public weighmaster or weigher in the performance of his official duties shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment of not less than thirty days nor more than one year in the county jail, or by both such fine and imprisonment.

NEW SECTION. Sec. 36. Any person violating any provision of this act, except as provided in section 35 of this act, or rules adopted hereunder, is guilty of a misdemeanor and upon a second or subsequent offense, shall be guilty of a gross misdemeanor: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 37. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy available at law.

NEW SECTION. Sec. 38. This act shall take effect on July 1, 1969.

NEW SECTION. Sec. 39. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional.

NEW SECTION. Sec. 40. Sections 15.80.010 through 15.80.260, chapter 11, Laws of 1961 and RCW 15.80.010 through 15.80.260 are each hereby repealed.

Passed the House March 24, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 101  
[Engrossed House Bill No. 103]  
PACIFIC MARINE FISHERIES COMPACT

AN ACT Relating to the Pacific Marine Fisheries Compact; and amending section 75.40.030, chapter 12, Laws of 1955, as amended by section 1, chapter 7, Laws of 1959 ex. sess., and RCW 75.40.030.

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

NEW SECTION. Section 1. The provisions of this 1969 amendatory act shall not take effect until such time as the proposed amendment to the Pacific Marine Fisheries Compact contained herein is approved by the congress of the United States.

Sec. 2. Section 75.40.030, chapter 12, Laws of 1955, as amended by section 1, chapter 7, Laws of 1959 ex. sess., and RCW 75.40.030 are each amended to read as follows:

Should congress, by virtue of the authority vested in it under article 1, section 10, of the Constitution of the United States, providing for compacts and agreements between the states, ratify The Pacific Marine Fisheries Compact (~~(,--recommended-by-the Interstate-Committee-on-Offshore-Fisheries-of-the-Western-Regional Legislative-Conferenee-of-the-Council-of-State-Governments,)~~) after the enactment of this compact by (~~(two-or-more-of)~~) the states of Alaska, California, Idaho, Oregon and Washington, then, and in that event, there shall exist between the contracting states a definite compact and agreement, the purport of which shall be substantially as follows:

THE PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

ARTICLE I.

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the com-

pacting states (~~(of California, Oregon and Washington)~~) jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the compacting (~~(aforesaid)~~) states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

#### ARTICLE II.

This agreement shall become operative immediately as to those states executing it whenever (~~two or more of~~) the compacting states (~~(of California, Oregon and Washington)~~) have executed it in the form that is in accordance with the laws of the executing states and the congress has given its consent.

#### ARTICLE III.

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as The Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be a body with the powers and duties set forth herein.

The term of each commissioner of The Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

ARTICLE IV.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states signatory to this compact (~~(of-California-Oregon-and-Washington)~~) jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the signatory states (~~(of-California-Oregon-and-Washington)~~) jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state(~~(s)~~) its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

#### ARTICLE V.

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

#### ARTICLE VI.

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

#### ARTICLE VII.

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of The Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

ARTICLE VIII.

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

ARTICLE IX.

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

ARTICLE X.

~~((The states agree to make funds available annually to the support of the commission in proportion to the primary market value of the products of their fisheries as recorded in the latest published reports (five-year average)---PROVIDED, No state shall contribute less than two thousand dollars per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars.~~

~~The states agree to make available annual funds in the amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five-year catch record. Subsequent budgets shall be recommended by a majority of the commission and the total amount thereof allocated equitably among the states in accordance with the above formula.~~

SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS

California	.....\$11,000
Oregon	.....--2,000
Washington	.....--2,000
	.....
Total	.....\$15,000))

The states agree to make available annual funds for the support of the commission on the following basis:

Eighty percent of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean; not

less than five percent of the annual budget shall be contributed by any other member state; the balance of the annual budget shall be shared by those member states, having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

The annual contribution of each member state shall be figured to the nearest one hundred dollars.

This amended article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon, and Washington and upon ratification by congress by virtue of the authority vested in it under Article I, section 10 of the Constitution of the United States.

#### ARTICLE XI.

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

#### ARTICLE XII.

The states of Alaska or Hawaii, or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs.

This article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon and Washington and upon ratification by congress by virtue of the authority vested in it under article 1, section 10, of the Constitution of the United

States.

Passed the House March 14, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 102  
[Engrossed Substitute House Bill No. 201]  
MILK AND DAIRY PRODUCTS--  
IMITATION AND SUBSTITUTE PRODUCTS

AN ACT Relating to fluid milk, fluid milk products, dairy products, fluid imitation and fluid substitute dairy products and all substitute dairy products; amending section 15.32.120, chapter 11, Laws of 1961 and RCW 15.32.120; amending section 15.36.540, chapter 11, Laws of 1961 and RCW 15.36.540; adding new sections to chapter 11, Laws of 1961 and to chapter 15.36 RCW; adding new sections to chapter 11, Laws of 1961 and to Title 15 RCW; and repealing section 15.36.010, chapter 11, Laws of 1961 and RCW 15.36.010.

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

NEW SECTION. Section 1. There is added to chapter 11, Laws of 1961 and to Title 15 RCW a new section to read as follows:

The director of agriculture, by rule, may establish and/or amend definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products promulgated by the secretary of the United States department of health, education and welfare. The director of agriculture, by rule, may likewise establish and/or amend definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of this act or chapter 15.32 RCW as enacted or hereafter amended. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.

All such products compounded or manufactured to resemble or in

semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.

In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils" or "vegetable oil, may be cottonseed, coconut or soybean oil."

The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are necessary to meet legal requirements for labeling: PROVIDED, That the term "nondairy" may be used as an informative statement.

The director may adopt any other rules necessary to carry out the purposes of chapters 15.36 and 15.38 RCW: PROVIDED, That these rules shall not restrict the display or promotion of products covered under section 1 of this act. The adoption of all rules provided for in this section shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules.

NEW SECTION. Sec. 2. The definitions constituting section 15.36-.010, chapter 11, Laws of 1961 and RCW 15.36.010 as hereinafter in section 7 of this 1969 amendatory act repealed are hereby constituted and declared to be operative and to remain in force as the rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture.

NEW SECTION. Sec. 3. There is added to chapter 11, Laws of 1961 and to chapter 15.36 RCW a new section to read as follows:

For the purpose of this chapter, no fluid milk or fluid milk product shall be deemed to be adulterated if such fluid milk or fluid milk product contains an added ingredient or substance in the amount

and kind prescribed or allowed by a rule or regulation promulgated by the director subsequent to a public hearing pursuant to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended.

NEW SECTION. Sec. 4. There is added to chapter 11, Laws of 1961 and to Title 15 RCW a new section to read as follows:

The director may bring an action to enjoin the violation of any provision of chapters 15.36 and 15.38 RCW or any rule adopted thereunder in the superior court of the county in which the defendant resides or maintains his principal place of business, notwithstanding any other remedy at law.

Sec. 5. Section 15.32.120, chapter 11, Laws of 1961 and RCW 15.32.120 are each amended to read as follows:

Adulterated within the meaning of this chapter means:

(1) Milk, skimmed milk, buttermilk or cream which has been reduced, altered or changed in any respect by the addition of water or other substance: PROVIDED, That no milk, skimmed milk, buttermilk or cream shall be deemed to be adulterated if such milk, skimmed milk, buttermilk or cream contains any added ingredient or substance in the amount and kind prescribed or allowed by a rule or regulation promulgated by the director subsequent to a public hearing pursuant to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended; and

(2) Milk and milk products which do not conform to the definitions and standards set forth in RCW 15.32.010 through 15.32.050.

Sec. 6. Section 15.36.540, chapter 11, Laws of 1961 and RCW 15.36.540 are each amended to read as follows:

Save as in this chapter provided this law shall be enforced by the director in accordance with the interpretation contained in the 1965 edition of the United States public health service milk code ((as from-time-to-time-adopted-and-amended)): PROVIDED, That the director may by rule adopt any subsequent amendments to such code as interpretations for the enforcement of this chapter whenever he determines

that any such amendments are necessary to carry out the purposes of this 1969 amendatory act.

NEW SECTION. Sec. 7. Section 15.36.010, chapter 11, Laws of 1961 and RCW 15.36.010 are each repealed.

Passed the House March 14, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 103  
[House Bill No. 326]  
WATER RESOURCES ADVISORY COUNCIL

AN ACT Relating to the water resources advisory council; amending section 10, chapter 242, Laws of 1967 and RCW 43.27A.100; and amending section 6, chapter 242, Laws of 1967 and RCW 43-.27A.060.

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

Section 1. Section 10, chapter 242, Laws of 1967 and RCW 43-.27A.100 are each amended to read as follows:

It shall be the duty of the members of the advisory council to advise the director on each of the following subjects:

(1) Rules and regulations proposed for promulgation by the director pursuant to chapter 34.04 RCW, other than rules relating to procedural matters or emergencies;

(2) Proposed positions to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the development, use, conservation or preservation of the water resources of the state, other than positions relating to permits, approvals, or authorizations pertaining to works or improvements in navigable waters proposed for issuance by the United States army corps of engineers;

(3) Any comprehensive water resources plan or policy proposed for adoption by the department as a state plan for water resources;

(4) Any legislation proposed by the department with regard to water resources and its management;

(5) Any other matters relating to the administration and man-

agement of water resources as requested by the director.

Sec. 2. Section 6, chapter 242, Laws of 1967 and RCW 43-.27A.060 are each amended to read as follows:

The advisory council shall meet ((monthly)) quarterly at a date, time, and place of its choice, and also at such other times as shall be designated by the director. For every meeting of the committee actually attended by a committee member who is not otherwise employed by the state or some subdivision thereof, such committee member shall receive compensation in the amount of fifty dollars per day, together with a mileage and per diem allowance as authorized for other state employees by RCW 43.03.050 and 43.03.060.

Passed the House March 14, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 104  
[Engrossed House Bill No. 348]  
DEPARTMENT OF REVENUE--  
TAXPAYER INFORMATION,  
CONFIDENTIALITY

AN ACT Relating to revenue and taxation; and amending section 82.32-.330, chapter 15, Laws of 1961, as amended by section 10, chapter 28, Laws of 1963 ex. sess., and RCW 82.32.330.

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

Section 1. Section 82.32.330, chapter 15, Laws of 1961, as amended by section 10, chapter 28, Laws of 1963 ex. sess., and RCW 82.32.330 are each amended to read as follows:

Except as hereinafter provided it shall be unlawful for the ((tax-commission)) department of revenue or any member, deputy, clerk, agent, employee, or representative thereof or any other person to make known or reveal any facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof. The foregoing, however, shall not be construed to prohibit the ((commission)) department of revenue or a member or employee thereof from: (1) Giving such facts or information in evidence

in any court action involving tax imposed hereunder or involving a violation of the provisions hereof or involving another state department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3) publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof; (4) giving such facts or information, for official purposes only, to the governor or attorney general, or to any state department or any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions; (5) permitting its records to be audited and examined by the proper state officer, his agents and employees; (6) giving any such facts or information to the proper officer of the internal revenue service of the United States or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or (7) giving any such facts or information to the Department of Justice or the army or navy departments of the United States, or any authorized representative thereof, for official purposes.

Any person acquiring knowledge of such facts or information in the course of his employment with the (~~tax-commission~~) department of revenue and any person acquiring knowledge of such facts and information as provided under (4), (5), (6) and (7) above, who reveals or makes known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine of not exceeding one thousand dollars and, if the offender or person guilty of such violation is an officer or employee of the state, he shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

Passed the House March 24, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 105  
[House Bill No. 410]  
WASHINGTON TRAFFIC SAFETY COMMISSION

AN ACT Relating to the membership of the Washington traffic safety commission; amending section 3, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.030.

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

Section 3, chapter 147, Laws of 1967 ex. sess. and RCW 43.59-.030 are each amended to read as follows:

The governor shall be assisted in his duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be comprised of the governor as chairman, the superintendent of public instruction, the director of motor vehicles, the director of highways, the chief of the state patrol, the director of the state department of health, a representative of the association of Washington cities to be appointed by the governor, a member of the association of county commissioners to be appointed by the governor, and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment.

Passed the House March 24, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 106  
[Engrossed House Bill No. 471]  
CONTINUITY OF GOVERNMENT

AN ACT Providing for the continuity of the government of the state and of the governments of its political subdivisions in the event of an attack upon the United States; adding new sections to chapter 203, Laws of 1963 and to chapter 42.14 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 203, Laws of 1963 and to chapter 42.14 RCW, a new section to read as follows:

Whenever, in the judgment of the governor, it becomes impracticable, due to an emergency resulting from enemy attack or natural

disaster, to convene the legislature in the usual seat of government at Olympia, the governor may call the legislature into emergency session in any location within this or an adjoining state. The first order of business of any legislature so convened shall be the establishment of temporary emergency seats of government for the state. After any emergency relocation, the affairs of state government shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency.

NEW SECTION. Sec. 2. There is added to chapter 203, Laws of 1963 and to chapter 42.14 RCW a new section to read as follows:

Whenever, due to a natural disaster, an attack or an attack is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at the regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency.

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

Passed the House March 24, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 107  
[House Bill No. 620]  
INITIATIVE AND REFERENDUM--  
CANVASS--STATISTICAL SAMPLING

AN ACT Relating to elections; amending section 29.79.200, chapter 9, Laws of 1965 and RCW 29.79.200; amending section 29.79.220, chapter 9, Laws of 1965 and RCW 29.79.220, and repealing section 29.79.240, chapter 9, Laws of 1965 and RCW 29.79.240.

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

Section 1. Section 29.79.200, chapter 9, Laws of 1965 and RCW 29.79.200 are each amended to read as follows:

Upon filing the volumes of an initiative petition proposing a measure for submission to the legislature at its next regular session, the secretary of state shall forthwith in the presence of at least one person representing the advocates and one person representing the opponents of the proposed measure, should either desire to be present, proceed to canvass and count the names of the legal voters thereon. The secretary of state may use any statistical sampling techniques for this canvass which have been approved by the state canvassing board established by RCW 29.62.100: PROVIDED, That no petition will be rejected on the basis of any statistical method employed: PROVIDED FURTHER, That no petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains less than one hundred ten percent of the requisite number of signatures of legal voters. If ((he)) the secretary of state finds the same name signed to more than one petition he shall reject the name as often as it appears. If the petition is found to be sufficient, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session together with a certificate of the facts relating to the filing of the petition and the canvass thereof.

Sec. 2. Section 29.79.220, chapter 9, Laws of 1965 and RCW 29.79.220 are each amended to read as follows:

Upon filing the volumes of a referendum petition or an initiative petition for submission of a measure to the people, the secretary of state shall canvass the names of the petition within sixty days after filing in the manner provided in RCW 29.79.200 as it now exists or may hereinafter be amended and like proceedings shall and may be had thereon as provided in RCW 29.79.200 ((7)) and 29.79.210 ((7-and 29.79.240)).

Sec. 3. Section 29.79.240, chapter 9, Laws of 1965 and RCW

29.79.240 are each repealed.

Passed the House March 14, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 108  
[Engrossed House Bill No. 531]  
ELEVATORS, LIFTING DEVICES,  
AND MOVING WALKS

AN ACT Relating to elevators and conveyances in buildings; amending section 1, chapter 26, Laws of 1963 and RCW 70.87.010; amending section 5, chapter 26, Laws of 1963 and RCW 70.87.050; amending section 13, chapter 26, Laws of 1963 and RCW 70.87.130; and amending section 20, chapter 26, Laws of 1963 and RCW 70.87.200.

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

Section 1. Section 1, chapter 26, Laws of 1963 and RCW 70.87-.010, are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator and moving walk, all as defined herein;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or the plans and specifications for which have been filed with and approved by the department of labor and industries before the effective date of this chapter and work on the erection of which was begun not more than twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors or landings of a building or structure;

(a) "Passenger elevator" means an elevator on which passengers are permitted to ride and may be used to carry freight or materials

when the load carried does not exceed the capacity of the elevator;

(b) "Freight elevator" means an elevator used primarily for carrying freight and on which only the operator, the persons necessary for loading and unloading and such employees as may be approved by the department of labor and industries are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator which operates between a sidewalk or other area exterior to the buildings and floor levels inside the building below such area, which has no landing opening into the building at its upper limit of travel and which is not used to carry automobiles;

(5) "Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, whose total inside height, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed five hundred pounds and is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator located in either a stationary or horizontally moving hoistway and used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator and where no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a type of passenger carrying device on which passengers stand or walk and whose passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a device consisting of a power driven endless belt provided with steps or platforms and hand hold attached to it for the transportation of personnel from floor to floor;

(10) "Division" means the division of safety of the department

of labor and industries;

(11) "Supervisor" means the supervisor, of the division of safety of the department of labor and industries;

(12) "Inspector" means any safety or elevator inspector of the division including assistant and deputy inspectors, or the mechanical or elevator inspectors of the municipality having in effect an elevator ordinance as hereinafter set forth;

(13) "Permit" means a permit issued by the supervisor to construct, install or operate a conveyance.

(14) "One man capacity manlift" means a single passenger, hand powered counterweighted device, or electric powered device, which travels vertically in guides and serves two or more landings.

Sec. 2. Section 5, chapter 26, Laws of 1963 and RCW 70.87.050 are each amended to read as follows:

~~((In the event that municipalities otherwise exempted herein, which occupy any building or structure exclusively or jointly with a county or other political subdivision, these municipalities shall govern the operation, erection, installation, alteration, inspection and repair of any conveyance located in such building or structure))~~ The operation, erection, installation, alteration, inspection, and repair of any conveyance located in, or used in connection with any building owned by the state, county, or any political subdivision not otherwise exempted by this 1969 amendatory act, even though located within a city having an elevator code, shall be under the jurisdiction of the Washington state department of labor and industries.

Sec. 3. Section 13, chapter 26, Laws of 1963 and RCW 70.87.130 are each amended to read as follows:

(1) Before a permit is issued for the construction, alteration, relocation or installation of a conveyance subject to the provisions of this chapter, application for such permit shall be made to the supervisor accompanied by a fee as set forth in the fee schedule in this section. No work shall be done until the permit has been issued. Construction and alteration permits shall be valid for one year

from date of issue. Renewals may be obtained for one dollar for each permit. No permit or fees shall be required for ordering repairs and replacement of damaged, broken or worn parts necessary for normal maintenance and no permit or fee shall be required for any conveyance exempted by RCW 70.87.200.

The construction and alteration fee schedule shall be:

TOTAL COST	FEE
\$250.00 to and \$1,000.....	\$10.00
\$1,001 to and including \$15,000	
For first \$1,001.....	15.00
For each additional \$1,000.....	2.00
\$15,001 to and including \$50,000	
For each \$15,001.....	43.00
For each additional \$1,000 or fraction.....	1.00
Over \$50,001	
For first \$50,001.....	78.00
For each additional \$1,000 or fraction.....	.50

(2) Fees for annual operation shall be paid in accordance with the following schedule and no annual operating permit shall be issued for the operation of a conveyance until such fees have been received by the division.

CONVEYANCE	ANNUAL FEE
Each power operated passenger and freight elevator.....	\$15.00
Each belt manlift.....	8.00
<u>Each one-man capacity manlift.....</u>	<u>5.00</u>
Each dumbwaiter.....	8.00
Each escalator.....	7.50
Each moving walk.....	8.00
Each automobile parking elevator.....	15.00

Sec. 4. Section 20, chapter 26, Laws of 1963, and RCW 70.87-.200 are each amended to read as follows:

The provisions of this chapter shall not apply where:

~~(1) ((Conveyances are permanently removed from service and made effectively inoperative;~~

~~{2)--Where the conveyance is of a temporary nature erected or for use during or for the duration of construction work only;))~~ A conveyance is permanently removed from service and/or made effectively inoperative or to lifts, man hoists or material hoists which are erected temporarily for use during, or for the duration of construction work only and are of such design that they must be operated by a workman stationed at the hoisting machine.

(2) Municipalities having in effect an elevator code prior to the adoption of the original act of 1963 may continue to assume jurisdiction over the operation, erection, installation, alteration or repair of elevators, escalators, dumbwaiters, moving walks, manlifts and parking elevators and may inspect, issue permits, collect fees and prescribe minimum requirements for the construction, design, use and maintenance of such conveyances providing such requirements are equal to or in conformity with the requirements of this act and to all rules and regulations pertaining to such conveyances as adopted and administered by the Washington state department of labor and industries. Upon the failure of any municipality to carry out the provisions of this 1969 amendatory act with regard to any conveyances or conveyance the Washington state department of labor and industries may assume jurisdiction over any such conveyances. A municipality upon electing not to maintain jurisdiction over certain conveyances located therein, may mutually enter into a written agreement with the Washington state department of labor and industries transferring exclusive jurisdiction of such conveyances to said department.

~~((3)--Conveyances are located within and are subject to the inspection of any municipality having in effect an elevator code prior to the adoption of this chapter, and the provisions of which municipal elevator code are equal to or in conformity with the provisions and safety standards of the American Standard Safety Code for Elevators, Dumbwaiters and Escalators,~~

~~(4) -- Belt manlifts are installed and used exclusively by persons enumerated by or governed by Title 51 RCW and which are subject to inspection as required by RCW 49.16.120.))~~

Passed the House March 24, 1969

Passed the Senate April 9, 1969

Approved by the Governor April 17, 1969

Filed in office of Secretary of State April 17, 1969

CHAPTER 109  
[Senate Bill No. 414]  
COMPULSORY SCHOOL ATTENDANCE

AN ACT Relating to education; amending section 1, page 364, Laws of 1909 and RCW 28.27.010; amending section 28A.27.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.010; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 1, page 364, Laws of 1909 and RCW 28.27-.010 are each amended to read as follows:

All parents, guardians and other persons in this state having or who may hereafter have immediate custody of any child between eight and fifteen years of age (being between the eighth and fifteenth birthdays), or of any child between fifteen and sixteen years of age (being between the fifteenth and sixteenth birthdays) not regularly and lawfully engaged in some useful and remunerative occupation, 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 superintendent of the schools of the district in which the child resides, if there be such a superintendent, and in all other cases the county superintendents of common schools, shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable profi-

ciency in the branches required by law to be taught in the first ((eight)) nine grades of the public schools of this state as provided by the course of study of such school, or for some other sufficient reason. Proof of absence from public schools shall be prima facie evidence of a violation of this section.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28A.27.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.010 are each amended to read as follows:

All parents, guardians and other persons in this state having custody of any child eight years of age and under fifteen years of age, or of any child fifteen years of age and under eighteen years of age not regularly and lawfully engaged in some useful and remunerative occupation or attending part time school in accordance with the provisions of chapter 28A.28 RCW or excused from school attendance thereunder, shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time, unless the school district superintendent of the district in which the child resides shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first ((eight)) nine grades of the public schools of this state. Proof of absence from any public or private school shall be prima facie evidence of a violation of this section. Private school for the purposes of this section shall be one approved or accredited under regulations established by the state board of education.

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code

if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. 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 March 18, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

CHAPTER 110  
[Senate Bill No. 749]  
UNITED STATES AND STATE FLAGS--  
CRIMES AGAINST

AN ACT Relating to crimes against the United States and State Flag; amending section 423, chapter 249, Laws of 1909 as amended by section 3, chapter 107, Laws of 1919 and RCW 9.86.030; repealing section 7, chapter 107, Laws of 1919 and RCW 9.86.060; and repealing section 8, chapter 107, Laws of 1919 and RCW 9.86-.070.

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

Section 1. Section 423, chapter 249, Laws of 1909 as amended by section 3, chapter 107, Laws of 1919 and RCW 9.86.030 are each a-

mended to read as follows:

No person shall knowingly cast contempt upon any flag, standard, color, ensign or shield, as defined in RCW 9.86.010, by publicly ~~((mutilate))~~ mutilating, ((deface)) defacing, ((defile)) defiling, ((defy)) burning, or ((trample)) trampling upon said flag, standard, color, ensign or shield ~~((or-by-word-or-act-east-contempt-upon-any such-flag,-standard,-color,-ensign-or-shield))~~.

NEW SECTION. Sec. 2. Section 7, chapter 107, Laws of 1919 and RCW 9.86.060; section 8, chapter 107, Laws of 1919 and RCW 9.86-.070 are each hereby repealed.

Passed the Senate March 24, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 17, 1969  
Filed in office of Secretary of State April 17, 1969

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CHAPTER 111  
[Engrossed Substitute House Bill No. 66]  
BOUNDARY REVIEW BOARDS

AN ACT Relating to state and local government; amending section 3, chapter 189, Laws of 1967, and RCW 36.93.030; amending section 5, chapter 189, Laws of 1967, as amended by section 1, chapter 98, Laws of 1967 ex. sess. and RCW 36.93.050; amending section 6, chapter 189, Laws of 1967, and RCW 36.93.060; amending section 8, chapter 189, Laws of 1967, and RCW 36.93.080; amending section 12, chapter 189, Laws of 1967, and RCW 36.93.120; amending section 13, chapter 189, Laws of 1967, and RCW 36.93-.130; amending section 15, chapter 189, Laws of 1967, and RCW 36.93.150; and amending section 16, chapter 189, Laws of 1967, and RCW 36.93.160; amending section 9, chapter 189, Laws of 1967 and RCW 36.93.090; and adding new sections to chapter 36-.93 RCW.

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

Section 1. Section 3, chapter 189, Laws of 1967 and RCW 36.93-.030 are each amended to read as follows:

(1) There is hereby created and established in each class AA and class A county a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any ~~((first-class))~~ other class county ~~((with-a-population-over-one hundred-seventy-thousand))~~ in the following manner:

~~((1))~~ (a) The board of county commissioners may, by majority vote, adopt a resolution establishing a boundary review board; or

~~((2))~~ (b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the board of county commissioners, together with his certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the board of county commissioners shall submit the question of whether a boundary review board should be established to the electorate at the next county primary or county general election which occurs more than thirty days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 2. Section 5, chapter 189, Laws of 1967, as amended by section 1, chapter 98, Laws of 1967 ex. sess., and RCW 36.93.050 are each amended to read as follows:

After the effective date of this act, the governor shall within forty-five days appoint a board for each class AA ~~((and-class-A))~~ county consisting of eleven members as provided for in this section.

After a board has been established in a county other than class AA (~~(or class A)~~) by resolution, by operation of law or by approval of the electors after an election initiated by petition, the governor shall appoint a board within forty-five days for each such county consisting of (~~eleven~~) five members as provided for in this section.

Of the members of the first board to be appointed in class AA (~~(and class A)~~) counties after the taking effect of this section, four members, consisting of one member appointed from each of the four classes of nominees, shall have terms expiring January 1, 1970; four members, consisting of one member appointed from each of the four classes of nominees, shall have terms expiring January 1, 1972; and three members consisting of one member from each of the three classes of nominees furnishing three members to the board, shall have terms expiring January 1, 1974. (~~(When any other county establishes such a board of eleven members, the expiration dates of the initial terms of the members of the board shall be adjusted so that the terms of four members, consisting of one member appointed from each of the four classes of nominees, shall be at least two years, but less than four years, the terms of four members, consisting of one member appointed from each of the four classes of nominees, shall be at least four years, but less than six years, and the terms of three members, consisting of one member from each of the three classes of nominees furnishing three members to the board, shall not be less than six years, nor more than eight years, and all terms shall expire on January 1 of an even-numbered year in accordance with the above.)~~) When any (~~other~~) county establishes (~~such~~) a board of five members, two members shall have a term of not less than two years, nor more than four years; two members shall have a term of not less than four years, and not more than six years; and one member shall have a term of not less than six years, nor more than eight years. Upon the expiration of the terms of the initial members first to be appointed, each succeeding member shall be appointed and hold office for a term of six years.

Any vacancy on ((the)) an eleven member or five member board shall be filled by appointment by the governor from the same source as the preceding member, which source shall have the opportunity to make new nominations for the vacated position, and such appointee shall serve only for the balance of the full term of his predecessor.

In each boundary review board which consists of eleven members, all members shall be residents of the county in which the review board is established. Three members shall be selected independently by the governor and the remaining eight members shall be selected by the governor from the following sources:

- (1) Three members shall be selected from nominees of the individual mayors of the cities and towns within the county;
- (2) Three members shall be selected from nominees of the individual members of the board of county commissioners; and
- (3) Two members shall be selected from nominees of each special purpose district lying wholly or partly within the county. Selection shall be made so that the terms of not more than one appointee from each source expires in any one year.

Nominations shall be filed with the office of the governor within thirty days after the effective date of this act, within thirty days after the creation of a boundary review board by election, operation of law, or resolution as provided in RCW 36.93.030, or within thirty days of the creation of a vacancy on the board, as appropriate. Nominations to fill vacancies caused by expiration of terms shall be filed at least thirty days preceding the expiration of the terms. Each source shall nominate at least two persons for every available position. In the event there are less than two nominees for any position, the governor may appoint the member for that position independently.

No nominee for membership and no member shall be a consultant or adviser on a contractual or regular retaining basis of the state of Washington, or of any municipal corporation thereof within the county in which the board is established, or any agency or association

thereof.

Sec. 3. Section 6, chapter 189, Laws of 1967, and RCW 36.93-.060 are each amended to read as follows:

In counties other than class AA or those class A counties covered under section 10 of this 1969 amendatory act (~~(of class A, if the resolution or petition establishing the board so provides)~~) the board shall consist of five members, selected as follows:

- (1) Two by the governor, independently;
- (2) One from nominees of the individual mayors of the cities and towns within the county;
- (3) One from nominees of the individual members of the board of county commissioners; and
- (4) One from nominees of each special purpose district lying wholly or partly within the county.

Nominations shall be made and vacancies filled in the manner provided in RCW 36.93.050.

Boards established pursuant to this section shall not meet in panels. In all other respects, such boards shall organize and operate as generally provided in this chapter.

Sec. 4. Section 8, chapter 189, Laws of 1967, and RCW 36.93-.080 are each amended to read as follows:

Expenditures by the board shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties. The planning and community affairs agency, or to whatever entity the local government functions of this agency shall be transferred, shall on a quarterly basis remit to each county one-half of the actual costs incurred by the county for the operation of the boundary review board within individual counties as provided for in this chapter. However, in the event no funds are appropriated to the said agency for this purpose, this shall not in any way effect the operation of the boundary review board.

Sec. 5. Section 9, chapter 189, Laws of 1967 and RCW 36.93.090 are each amended to read as follows:

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

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district; or

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

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

Sec. 6. Section 12, chapter 189, Laws of 1967 and RCW 36.93-.120 are each amended to read as follows:

A fee of twenty-five dollars shall be paid by all initiators and in addition if the jurisdiction of the review board is invoked pursuant to RCW 36.93.100, ((the initiator of the proposal subjected to review and)) the person or entity seeking review, except for the boundary review board itself, shall ((each)) pay to the county treasurer and place in the county current expense fund the sum of one hundred dollars.

Sec. 7. Section 13, chapter 189, Laws of 1967, and RCW 36.93-.130 are each amended to read as follows:

The notice of intention shall contain the following information:

(1) The nature of the action sought;

(2) A brief statement of the reasons for the proposed action;

(3) The legal description of the boundaries proposed to be created, abolished or changed by such action;

(4) A county assessor's map on which the boundaries proposed to be created, abolished or changed by such action are designated; PROVIDED, That at the discretion of the boundary review board a map

other than the county assessor's map may be accepted.

Sec. 8. Section 15, chapter 189, Laws of 1967 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) 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 were 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.

Unless the board shall disapprove a proposal, (~~the proposal as it may have been modified by the board~~) 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 pro-

posal 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.

Sec. 9. Section 16, chapter 189, Laws of 1967, and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing (~~(, and the)~~). Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof,

a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within (~~thirty~~) forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal. The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if

any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

NEW SECTION. Sec. 10. There is added to chapter 36.93 RCW a new section to read as follows:

Eleven member boards created and established in Class A counties by the 1967 legislature shall be reduced to five member boards as provided in this section. The governor shall not make any appointments, except for vacancies to fill unexpired terms, to the boards in these class A counties until 1972, at which time one appointment shall be made by the governor, independently, and one appointment from among the nominees of the special purpose districts as provided in RCW 36.93.060, whose terms shall expire on January 1, 1974. In 1974 the governor shall appoint five members to the board as provided in RCW 36.93.060. The reduction in members by this section shall not affect the board's jurisdiction over cases pending at the time of reduction.

Passed the House March 14, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 18, 1969  
Filed in office of Secretary of State April 18, 1969

CHAPTER 112  
 [Engrossed House Bill No. 76]  
 ALCOHOLIC BEVERAGE CONTROL--LICENSEES--  
 SERVICE TO WOMEN--SERVICE, CONSUMPTION,  
 PATRONS STANDING OR WALKING

AN ACT Relating to intoxicating liquor; amending section 2, chapter 263, Laws of 1957 and RCW 66.24.410; adding a new section to Title 66 RCW; and repealing section 243, chapter 249, Laws of 1909 and RCW 66.44.220.

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

Section 1. Section 2, chapter 263, Laws of 1957 and RCW 66-.24.410 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 to 66.24-.470, inclusive, means "liquor" as defined in RCW 66.04.010 (16), except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 to 66.24.470, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66-.24.400 to 66.24.470, inclusive, with the meaning given in chapter 66.04.

~~((4)--It shall be unlawful for any class H licensee to sell liquor to women, except when seated at tables.))~~

NEW SECTION. Sec. 2. There is added to chapter 62 of the Laws of 1933 ex. sess. and to chapter 66.28 RCW a new section as follows:

It shall not be unlawful for a retail licensee whose premises are open to the general public to sell, supply or serve liquor to a person for consumption on the licensed retail premises if said person

is standing or walking, nor shall it be unlawful for such licensee to permit any said person so standing or walking to consume liquor on such premises: PROVIDED HOWEVER, That the retail licensee of such a premises may at his discretion, promulgate a house rule that no person shall be served nor allowed to consume liquor unless said person is seated.

Sec. 3. Section 243, chapter 249, Laws of 1909 and RCW 66.44-.220 are each repealed.

Passed the House March 28, 1969  
 Passed the Senate April 10, 1969  
 Approved by the Governor April 18, 1969  
 Filed in office of Secretary of State April 18, 1969

CHAPTER 113  
 [Engrossed Substitute House Bill No. 91]  
 WEED CONTROL

AN ACT Relating to the control of noxious weeds; adding a new chapter to Title 17 RCW; and prescribing 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 hereinafter used in this act shall have the following meanings:

(1) "Noxious weed" means any plant growing in a county which is determined by the state noxious weed control board to be injurious to crops, livestock, or other property and which is included for purpose of control on such county's noxious weed list.

(2) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(3) "Owner" means the person in actual control of property, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to section 17 or section 21 of this act, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for

the purpose of this act, an "owner" of the property within the boundaries of such easement.

(4) As pertains to the duty of an owner, the word "control" and the term "prevent the spread of noxious weeds" shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by an activated county noxious weed control board.

NEW SECTION. Sec. 2. (1) In each county of the state there is hereby created a noxious weed control board, which shall bear the name of the county within which it is located. The jurisdictional boundaries of each board shall be coextensive with the boundaries of the county within which it is located.

(2) Each noxious weed control board shall be inactive until activated pursuant to the provisions of section 4 of this act.

NEW SECTION. Sec. 3. There is hereby created a state noxious weed control board which shall be comprised of six members, three to be elected by the members of the various activated county noxious weed control boards. Three of the members of such board shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and be engaged in primary agricultural production at the time of their election and such qualification shall continue through their term of office. One such primary agricultural producer shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture shall be a member of the board, and the director of the agricultural extension service shall be a nonvoting member of the board. The elected members of the board shall appoint one member of the board who may be an expert in the field of weed control. The term of office for all elected members and the appointed members of the board shall be three years from their date of election or appointment.

The director of agriculture shall provide for an election of the first members of the state noxious weed control board. Such election shall not take place sooner than six months nor later than twelve months after

one county noxious weed control board has been activated on the west side of the Cascade mountains and two such county noxious weed boards have been activated on the east side of the Cascade mountains. The first board members elected to the state noxious weed control board shall serve staggered terms as follows:

(1) The board member representing the west side of the state on the activated county noxious weed control board as primary agricultural producer, shall be appointed for a term of one year and shall be designated "Position No. 1".

(2) The two board members representing the east side of the state shall be appointed to terms of two and three years and shall be designated respectively as positions "No. 2" and "No. 3".

(3) The member of the board subsequently appointed by the elected members shall be appointed for a three year term and shall be designated "Position No. 4".

(4) The director of agriculture and the director of agricultural extension service shall serve so long as they are vested with their respective titular positions, and their positions shall be "No. 5" and "No. 6" respectively.

Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms.

Nominations and elections shall be by mail and conducted by the director of agriculture.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chairman and such other officers as may be necessary. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The members of the board shall serve without salary, but shall be compensated for the actual and necessary expenses incurred in the performance of their duties under this act.

NEW SECTION. Sec. 4. An inactive county noxious weed control board may be activated by any one of the following methods:

(1) Either upon a petition filed by one hundred land owners each owning one acre or more of land within the county or, on its own motion, the board of county commissioners shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the county noxious weed control board. If such a need is found to exist, then the board of county commissioners shall, in the manner provided by section 5 of this act, appoint five persons to hold seats on the county's noxious weed control board.

(2) If the county's noxious weed control board is not activated within one year following a hearing by the board of county commissioners to determine the need for activation, then upon the filing with the state noxious weed control board of a petition comprised either of the signatures of at least two hundred owners, each owning one acre of land or more within the county, or of the signatures of a majority of an adjacent county's noxious weed control board, the state board shall, within six months of the date of such filing, hold a hearing in the county to determine the need for activation. If a need for activation is found to exist, then the state board shall order the board of county commissioners to activate the county's noxious weed control board and to appoint members to such board in the manner provided by section 5 of this act.

NEW SECTION. Sec. 5. (1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the board of county commissioners and elected thereafter by the property owners subject to the board. In appointing such voting members, the board of county commissioners shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or a county extension agent appointed by the chief county extension agent. Each voting

member of the board shall serve a term of two years, except that the board of county commissioners shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county commissioners in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously.

Notice of such nomination and election meeting shall be mailed to all affected landowners thirty days prior to such meeting. Notice shall be published at least twice in a weekly or daily newspaper of general circulation in said section.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

NEW SECTION. Sec. 6. (1) Each activated county noxious weed control board may employ a weed inspector whose duties shall be fixed by the board but which shall include inspecting land to determine the presence of noxious weeds. Each board may purchase, rent or lease

such equipment, facilities or products and may hire such additional persons as it deems necessary for the administration of the county's noxious weed control program.

(2) Each activated county noxious weed control board shall have the power to adopt such rules and regulations, subject to notice and hearing as provided in chapter 42.32 RCW as now or hereafter amended, as are necessary for an effective county weed control or eradication program.

NEW SECTION. Sec. 7. In addition to the powers conferred on the state noxious weed control board under other provisions of this act, it shall have power to:

(1) Require the board of county commissioners or the noxious weed control board of any county to report to it concerning the presence of noxious weeds and measures, if any, taken or planned for the control thereof;

(2) Employ a state weed supervisor who shall act as executive secretary of the board and who shall disseminate information relating to noxious weeds to county noxious weed control boards and who shall work to coordinate the efforts of the various county and regional noxious weed control boards;

(3) Do such things as may be necessary and incidental to the administration of its functions pursuant to this act.

NEW SECTION. Sec. 8. The state noxious weed control board shall each year or more often, following a hearing, adopt a list comprising the names of those plants which it finds to be injurious to crops, livestock or other property. At such hearing any county noxious weed control board may request the inclusion of any plant to the list to be adopted by the state board.

Such list when adopted shall be designated as the "proposed noxious weed list", and the state board shall send a copy of the same to each activated county noxious weed control board, to each regional noxious weed control board, and to the board of county commissioners of each county with an inactive noxious weed control board.

NEW SECTION. Sec. 9. Each county noxious weed control board shall, within thirty days of the receipt of the proposed noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the proposed list which it finds necessary to be controlled in the county. The weeds thus selected shall be classified within this county as noxious weeds, and such weeds shall comprise the county noxious weed list.

NEW SECTION. Sec. 10. Where any of the following occur, the state noxious weed control board may, following a hearing, order any county noxious weed control board to include a proposed noxious weed from the state board's list in the county's noxious weed list:

(1) Where the state noxious weed control board receives a petition from at least one hundred land owners owning one acre or more of land within the county requesting that such weed be listed.

(2) Where the state noxious weed control board receives a request for such inclusion from an adjacent county's noxious weed control board, which board has included such weed in the county list and which board alleges that its noxious weed control program is being hampered by the failure to include such weed on the county's noxious weed list.

NEW SECTION. Sec. 11. A regional noxious weed control board comprising the area of two or more counties may be created as follows:

Either each board of county commissioners or each noxious weed control board of two or more counties may, upon a determination that the purpose of this act will be served by the creation of a regional noxious weed control board, adopt a resolution providing for a limited merger of the functions of their respective counties noxious weed control boards. Such resolution shall become effective only when a similar resolution is adopted by the other county or counties comprising the proposed regional board.

NEW SECTION. Sec. 12. In any case where a regional noxious weed control board is created, the county noxious weed control board comprising the regional board shall still remain in existence and

shall retain all powers and duties provided for such boards under this act except for the powers and duties described in section 9 of this act.

The regional noxious weed control board shall be comprised of the voting members and the nonvoting members of the component counties noxious weed control boards who shall, respectively, be the voting and nonvoting members of the regional board. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect a chairman from its members and such other officers as may be necessary. Members of the regional board shall serve without salary.

NEW SECTION. Sec. 13. The powers and duties of a regional noxious weed control board are as follows:

(1) The regional board shall, within forty days of the receipt of the proposed noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the proposed list which it finds necessary to be controlled in the region. The weeds thus selected shall comprise the county noxious weed list of each county in the region.

(2) The regional board shall render such advice as may be necessary to coordinate the noxious weed control programs of the counties within the region and the regional board shall adopt a regional plan for the control of noxious weeds.

NEW SECTION. Sec. 14. Except as is provided under section 15 of this act, every owner shall perform, or cause to be performed such acts as may be necessary to control and to prevent the spread of noxious weeds from his property.

NEW SECTION. Sec. 15. (1) In regard to any land which is classified by the county noxious weed control board as not being used for agricultural purposes, the owner thereof shall have the following limited duty to control noxious weeds present on such land:

(a) The owner shall control and prevent the spread of noxious

weeds on any portion of such land which is within two hundred feet of land used for agricultural purposes.

(b) In any case of a serious infestation of a particular noxious weed, which infestation exists within the two hundred foot strip of land described in paragraph (a) of subsection (1) of this section, and which extends beyond said two hundred foot strip of land, the county noxious weed control board may require that the owner of such two hundred foot strip of land take such measures, both within said two hundred foot strip of land as well as on other land owned by said owner contiguous to said two hundred foot strip of land on which such serious infestation has spread, as are necessary to control and prevent the spread of such particular noxious weed.

For purposes of this subsection, land shall not be classified as or considered as being used for agricultural purposes when the sole reason for classifying or considering it as such is that it is being used for the growing, planting or harvesting of trees for timber.

(2) In regard to any land which is classified by the county noxious weed control board as scab or range land, the board may limit the duty of the owner thereof to control noxious weeds present on such land. The board may share the cost of controlling such weeds, may provide for a buffer strip around the perimeter of such land or may take any other reasonable measures to control noxious weeds on such land at an equitable cost to the owner. The board shall classify as range or scab land all that land within the county which the board finds to be of a relatively low value per acre, and on which the cost of controlling all of the noxious weeds present would be disproportionately high when compared to the value per acre of such land.

NEW SECTION. Sec. 16. Any authorized agent or employee of the county noxious weed control board or of the state noxious weed control board or of the department of agriculture may enter upon any property for the purpose of administering this act and any power ex-

ercisable pursuant thereto, including the taking of specimens of weeds or other materials, general inspection, and the performance of eradication or control work. Such entry may be made without the consent of the owner: PROVIDED, That the consent of the owner of any land shall be obtained where, due to fire danger, the owner or any state agency has either closed the land to public entry: PROVIDED FURTHER, That prior to carrying out the purposes for which the entry is made, the official making such entry or someone in his behalf, shall have first made a reasonable attempt to notify the owner of the property as to the purpose and need for the entry: PROVIDED FURTHER, That civil liability for negligence shall lie in any case in which entry and any of the activities connected therewith are not undertaken with reasonable care.

NEW SECTION. Sec. 17. (1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt and sufficient action to control the same, pursuant to the provisions of section 14 of this act, it shall notify such owner that a violation of this act exists. Such notice shall be in writing, identify the noxious weeds found to be present, order prompt control action, and specify the time within which the prescribed action must be taken.

(2) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board shall control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien. The owner shall be liable for payment of the expense, and nothing in this act shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien.

(3) The county auditor shall record in his office any lien created under this section, and any such lien shall bear interest at the rate of eight percent per annum from the date on which the coun-

ty noxious weed control board approves the amount expended in controlling such weeds.

NEW SECTION. Sec. 18. Any owner, upon request pursuant to the rules and regulation of the county noxious weed control board, shall be entitled to a hearing before the board on any charge or cost for which such owner is alleged to be liable pursuant to section 17 or 21 of this act. The board shall send notice by certified mail, to each owner residing within the county at his last known address, as to any such charge or cost and as to his right of a hearing. If the owner does not reside within the county, such notice shall be sent by certified mail. Any determination or final action by the board shall be subject to judicial review by a proceeding in the superior court in the county in which the property is located, and such court shall have original jurisdiction to determine any suit brought by the owner to recover damages allegedly suffered on account of control work negligently performed: PROVIDED, That no stay or injunction shall lie to delay any such control work subsequent to notice given pursuant to section 16 of this act or pursuant to an order under section 21 of this act.

NEW SECTION. Sec. 19. Each activated county noxious weed control board shall cause to be published in at least one newspaper of general circulation within its area a general notice during the month of March and at such other times as may be appropriate. Such notice shall direct attention to the need for noxious weed control and shall give such other information with respect thereto as may be appropriate, or shall indicate where such information may be secured. In addition to the general notice required hereby, the county noxious weed control board may use such media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. Such methods may include definite systems of tillage, cropping, management, and use of livestock. Publication of a no-

tice as required by this section shall not be a condition precedent to the enforcement of this act.

NEW SECTION. Sec. 20. (1) In the case of land owned by the United States on which control measures of a type and extent required pursuant to this act have not been taken, the county noxious weed control board, with the approval of both the director of the department of agriculture and the appropriate federal agency, may perform such work. The cost thereof, if not paid by the agency managing the land, shall be a state charge and may be paid from any funds available to the department of agriculture for the administration of this act.

(2) The county noxious weed control board is authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on Indian lands.

NEW SECTION. Sec. 21. (1) Whenever the county noxious weed control board finds that a parcel of land is so seriously infested with noxious weeds that control measures cannot be undertaken thereon without quarantining the land and restricting or denying access thereto or use thereof, the board, with the approval of the director of the department of agriculture, may issue an order for such quarantine and restriction or denial of access or use. Upon issuance of the order, the board promptly shall commence necessary control measures and shall prosecute them with due diligence.

(2) An order of quarantine shall be served, by any method sufficient for the service of civil process, on all persons known to qualify as owners of the land within the meaning of this act.

(3) The expense of control work undertaken pursuant to this section, and of any quarantine in connection therewith, shall be borne as follows: One-third by the owner, one-third by the county noxious weed control board, and one-third by the department of agriculture.

NEW SECTION. Sec. 22. The state noxious weed control board may petition the director, pursuant to the provisions of RCW 34.04-.060, to adopt, amend, change or repeal rules necessary to carry out

the purposes of this act.

NEW SECTION. Sec. 23. Any owner knowing of the existence of any noxious weeds on his land who fails to control such weeds in accordance with this act and rules and regulations in force pursuant thereto; any person who enters upon any land in violation of an order in force pursuant to section 21 of this act; any person who prevents or threatens to prevent entry upon land as authorized in section 16 of this act; or any person who interferes with the carrying out of the provisions of this act, shall be subject to a fine not to exceed one hundred dollars on account of each violation.

NEW SECTION. Sec. 24. (1) The activated county weed control boards of each county shall annually submit a budget to the board of county commissioners for the operating cost of the county's weed program for the ensuing fiscal year. Control of weeds are a special benefit to the lands within any such district. The board of county commissioners may in lieu of a tax, levy an assessment against the land for this purpose. The county weed control board shall classify the lands into suitable classifications, and assess for each class such an amount as shall seem just, but which shall be uniform per acre in its respective class. The findings by the board of such special benefits, when so declared by resolution and spread upon the minutes of the board shall be conclusive that the same is of special benefit to the lands within the district.

(2) In addition, the board of county commissioners may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the board of county commissioners may make emergency appropriations as it deems necessary for the implementation of this act.

NEW SECTION. Sec. 25. The board of county commissioners of any county with an activated noxious weed control board may apply to the state noxious weed control board for state financial aid in an amount not to exceed fifty percent of the locally funded portion of the annual operating cost of such noxious weed control board. Any such aid shall be expended from the general fund from such appropriation as the legislature may pro-

vide for this purpose.

NEW SECTION. Sec. 26. Any weed district formed under chapter 17-.04 or 17.06 RCW prior to the enactment of this act, shall continue to operate under the provisions of the chapter under which it was formed: PROVIDED, That if ten percent of the landowners subject to any such weed district, and the county weed board upon its own motion, petition the county commissioners for a dissolution of the weed district, the county commissioners shall provide for an election to be conducted in the same manner as required for the election of directors under the provisions of chapter 17.04 RCW, to determine by majority vote of those casting votes, if such weed district shall continue to operate under the act it was formed. The land area of any dissolved weed district shall forthwith become subject to the provisions of this act.

NEW SECTION. Sec. 27. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. The administrative powers granted under this act to the director of the department of agriculture and to the state noxious weed control board shall be exercised in conformity with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended. The use of any substance to control noxious weeds shall be subject to the provisions of the Water Pollution Control Act, chapter 90.48 RCW, as now or hereafter amended.

NEW SECTION. Sec. 29. Sections 1 through 28 of this act shall constitute a new chapter in Title 17 RCW.

Passed the House March 14, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 18, 1969  
Filed in office of Secretary of State April 18, 1969

CHAPTER 114  
[Substitute House Bill No. 415]  
LOCAL HEALTH OFFICERS--  
QUALIFICATIONS--APPOINTMENT

AN ACT Relating to public health; creating new sections; and amending section 9, chapter 51, Laws of 1967 ex.sess. and RCW 70.05.050.

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

Section 1. Section 9, chapter 51, Laws of 1967 ex.sess. and RCW 70.05.050 are each amended to read as follows:

Each local board of health shall appoint a local health officer who shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in sections 2 through 5 of this 1969 amendatory act to hold the office of local health officer. (~~He shall also hold the degree of master of public health or its equivalent, and shall have had at least two years experience in public health.~~) No term of office shall be established for the local health officer but he shall not be removed until after notice is given him, and an opportunity for a hearing before the board as to the reason for his removal (~~(--PROVIDED, That the local board of health may, with the approval of the state director of health, appoint a physician without such qualifications as local health officer for a period not to exceed two years. PROVIDED FURTHER, That such physician may be appointed as local health officer for an additional period in the event of an emergency where the local board of health is unable to obtain the services of a physician possessing the qualifications set forth above. He shall not engage in the private practice of his profession during his tenure of office).~~). He shall act as executive secretary to, and administrative officer for the local board of health. He shall also be empowered to employ such technical and other personnel as approved by the local board of health. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

NEW SECTION. Sec. 2. The following persons holding licenses as required by RCW 70.05.050 shall be deemed qualified to hold the position of local health officer:

(1) Persons holding the degree of master of public health or its equivalent;

(2) Persons not meeting the requirements of subsection (1) of this section, who upon the effective date of this 1969 amendatory act are currently employed in this state as a local health officer and whom the state director of health recommends in writing to the local board of health as qualified; and

(3) Persons qualified by virtue of completing three years of service as a provisionally qualified officer pursuant to sections 3 through 5 of this 1969 amendatory act.

NEW SECTION. Sec. 3. Persons holding licenses required by RCW 70.05.050 but not meeting any of the requirements for qualification prescribed by section 2 of this 1969 amendatory act may be appointed by local health boards as provisionally qualified local health officers for a maximum period of three years upon the following conditions and in accordance with the following procedure:

(1) He shall participate in an in-service orientation to the field of public health as provided in section 4 of this 1969 amendatory act, and

(2) He shall satisfy the director pursuant to the periodic interviews prescribed by section 5 of this 1969 amendatory act that he has successfully completed such in-service orientation and is conducting such program of good health practices as may be required by the jurisdictional area concerned.

NEW SECTION. Sec. 4. The director of health shall provide an in-service public health orientation program for the benefit of provisionally qualified local health officers.

Such program shall consist of --

(1) A three months course in public health training conducted by the director either in the state department of health, in a county and/or city health department, in a local health district, or in an institution of higher education; or

(2) An on-the-job, self-training program pursuant to a standardized syllabus setting forth the major duties of a local health officer including the techniques and practices of public health prin-

principles expected of qualified local health officers:

PROVIDED, That each provisionally qualified local health officer may choose which type of training he shall pursue.

NEW SECTION. Sec. 5. Each year, on a date which shall be as near as possible to the anniversary date of appointment as provisional local health officer, the state director of health or his designee shall personally visit such provisional officer's office for a personal review and discussion of the activity, plans, and study being carried on relative to the provisional officer's jurisdictional area: PROVIDED, That the third such interview shall occur three months prior to the end of the three year provisional term. A standardized checklist shall be used for all such interviews, but such checklist shall not constitute a grading sheet or evaluation form for use in the ultimate decision of qualification of the provisional appointee as a public health officer.

Copies of the results of each interview shall be supplied to the provisional officer within two weeks following each such interview.

Following the third such interview, the state director of health shall evaluate the provisional local health officer's in-service performance and shall notify such officer by certified mail of his decision whether or not to qualify such officer as a local public health officer. Such notice shall be mailed at least sixty days prior to the third anniversary date of provisional appointment. Failure to so mail such notice shall constitute a decision that such provisional officer is qualified.

Passed the House March 28, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 18, 1969  
Filed in office of Secretary of State April 18, 1969

CHAPTER 115  
[Engrossed House Bill No. 520]  
WASHINGTON NONPROFIT  
CORPORATION ACT--AMENDMENTS

AN ACT Relating to nonprofit associations; amending section 17, chapter 235, Laws of 1967 and RCW 24.03.080; amending section 18,

chapter 235, Laws of 1967 and RCW 24.03.085; and amending section 47, chapter 235, Laws of 1967 and RCW 24.03.230.

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

Section 1. Section 17, chapter 235, Laws of 1967 and RCW 24.03.080 are each amended to read as follows:

Written or printed notice stating the place, day and hour of the annual meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. Notice of regular meetings other than annual shall be made by providing each member with the adopted schedule of regular meetings for the ensuing year at any time after the annual meeting and ten days prior to the next succeeding regular meeting and at any time when requested by a member or by such other notice as may be prescribed by the bylaws. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

Sec. 2. Section 18, chapter 235, Laws of 1967 and RCW 24.03.085 are each amended to read as follows:

The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or the bylaws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

A member may vote in person or, ~~((unless))~~ if so authorized by the articles of incorporation or the bylaws ~~((otherwise-provide))~~, may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the bylaws

may provide that such elections may be conducted by mail.

The articles of incorporation or the bylaws may provide that in all elections for directors every member entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

Sec. 3. Section 47, chapter 235, Laws of 1967 and RCW 24.03-.230 are each amended to read as follows:

A plan providing for the distribution of assets, not inconsistent with the provisions of this chapter, may be adopted by a corporation in the process of dissolution and shall be adopted by a corporation for the purpose of authorizing any transfer or conveyance of assets for which this chapter requires a plan of distribution, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan of distribution or a summary thereof shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. Such plan of distribution shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, a plan of distribution shall be adopted at a meeting of the board of directors upon receiving a vote of a majority of the directors in office.

If the plan of distribution includes assets received and held by the corporation subject to limitations described in subsection 3 of RCW 24.03.225, notice of the adoption of the proposed plan shall be

submitted to the attorney general by registered or certified mail directed to him at his office in Olympia, at least twenty days prior to the meeting at which the proposed plan is to be adopted. No plan for the distribution of such assets may be adopted without the approval of the attorney general, or the approval of a court of competent jurisdiction in a proceeding to which the attorney general is made a party. In the event that an objection is not filed within twenty days after the date of mailing, his approval shall be deemed to have been given.

Passed the House March 18, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 18, 1969  
Filed in office of Secretary of State April 18, 1969

CHAPTER 116  
[Engrossed House Bill No. 544]  
RAILROADS--CABOOSES

AN ACT Relating to railroad equipment; establishing minimum safety, health and comfort requirements for railroad cabooses; repealing section 81.44.090, chapter 14, Laws of 1961 and RCW 81.44.090; amending section 81.44.100, chapter 14, Laws of 1961 and RCW 81.44.100; and providing penalties.

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

NEW SECTION. Section 1. The provisions of this act shall apply to all cabooses except when used in yard service or in road service for a distance of not to exceed twenty-five straightaway miles: PROVIDED, That this act shall not apply to logging railways.

NEW SECTION. Sec. 2. Cabooses shall be at least twenty-four feet in length exclusive of platform and of either cupola or bay window type. Cabooses shall be of metal frame construction, and shall be sufficiently insulated to eliminate track noise above eighty-five decibels in any octave in the speech range. A cupola shall extend inward toward the center line of the car not less than two and one-half feet from either side of the caboose.

NEW SECTION. Sec. 3. The trucks shall provide riding qualities at least equal to those of freight type trucks modified with elliptical or additional coil springs or other means of equal or greater efficiency and shall be equipped with standard steel wheels or

their equivalent. Draft gears shall have a minimum travel of two and one-half inches and a minimum capacity of eighteen thousand foot pounds, and shall comply with Association of American Railroads Standard M-901 or its equivalent.

NEW SECTION. Sec. 4. Electric lighting of at least forty foot candles shall be provided for the direct illumination of the caboose desk and reading areas and for the lavatory facilities. The caboose marker, or markers, shall be reflectorized or capable of illumination when required.

NEW SECTION. Sec. 5. Wherever glass or glazing materials are used in partitions, doors, windows or wind deflectors, they shall be of the safety glass type.

NEW SECTION. Sec. 6. Stanchions, grab handles or bars shall be installed at entrances, exits and cupola within convenient reach of employees moving within the caboose. All edges and protrusions (including all bench, desk, chair and other furnishings) shall be rounded as required by the Washington Utilities and Transportation Commission. All seat backs shall conform to safety standards designed by the U.S. Department of Transportation in its "Federal Motor Vehicle Safety Standards" Motor Vehicle Safety Standard No. 201.

NEW SECTION. Sec. 7. Drinking water facilities shall be installed and maintained to provide cool, clean, sanitary drinking water. This water shall be provided in sanitary containers and refrigerated. Each container shall be equipped with an approved type of fountain, faucet, or other dispenser.

NEW SECTION. Sec. 8. Facilities for the washing of hands and face shall be maintained separately from drinking facilities.

NEW SECTION. Sec. 9. All cabooses shall be equipped with at least one portable foam, dry chemical, or carbon dioxide type fire extinguisher with a minimum capacity of one and one-quarter gallons or five pounds. Such extinguishers shall be placed in readily accessible locations and shall be effectively maintained.

NEW SECTION. Sec. 10. In the event a failure of required

equipment or standards of maintenance occurs after a caboose has commenced a move in service after being reported in accordance with section 11, the railroad operating that caboose shall not be deemed in violation of this 1969 amendatory act if said failure of equipment or standards of maintenance is corrected at the first point at which maintenance supplies are available, or, in case of repairs, the first at which materials and repair facilities are available and repairs can reasonably be made. If, in any particular case, any temporary exemption from any requirements of this 1969 amendatory act is deemed necessary by a carrier concerned, the utilities and transportation commission will consider the application of such carrier for temporary exemption and may grant such exemption when accompanied by a full statement of the conditions existing and the reasons for the exemption. Any exemptions so granted will be limited to the particular case specified, and will be limited to a stated period of time.

NEW SECTION. Sec. 11. A register for the reporting of failures of required equipment or standards of maintenance shall be maintained on all cabooses. Said register shall contain sufficient space to record the dates and particulars of said failure. The railroads shall provide reasonable regulations for the use of this register, including a provision for maintaining this record of reported failures for not less than the previous eighty day period.

NEW SECTION. Sec. 12. Compliance with this 1969 amendatory act shall be accomplished within five years of its effective date. The requirements stated in this 1969 amendatory act shall be deemed complied with by equipment or standards of maintenance equal or superior to those herein prescribed.

NEW SECTION. Sec. 13. The utilities and transportation commission shall be empowered to regulate and enforce all sections of this 1969 amendatory act, and shall be empowered to enact all reasonable regulations for the enforcement of this 1969 amendatory act.

Sec. 14. Section 81.44.100, chapter 14, Laws of 1961 and RCW 81.44.100 are each amended to read as follows:

Any person, corporation or company operating any railroad or railway in this state, violating any of the provisions of ((RCW-81-44.090)) this 1969 amendatory act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars, nor more than one thousand dollars, for each offense.

NEW SECTION. Sec. 15. Section 81.44.090, chapter 14, Laws of 1961 and RCW 81.44.090 is repealed.

Passed the House April 2, 1969  
 Passed the Senate April 10, 1969  
 Approved by the Governor April 18, 1969  
 Filed in office of Secretary of State April 18, 1969

CHAPTER 117  
 [Senate Bill No. 340]  
 SPOKANE RIVER BRIDGES

AN ACT Relating to highways.

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

NEW SECTION. Section 1. The highway commission is hereby authorized to contract with the bondholders of the Spokane river toll bridge to fulfill the purposes, terms, and conditions of such contracts as are hereinafter provided for in this section. Notwithstanding the provisions of RCW 47.56.220, the highway commission is authorized to design and construct additional bridges across the Spokane river within ten miles of the existing Spokane river toll bridge: PROVIDED, That the highway commission has executed contracts with the bondholders of the existing Spokane river toll bridge providing that to the extent that revenues from the imposition of tolls and franchise fees for use of the Spokane river toll bridge are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds or any subsequent refunding bond issues, the Washington state highway commission shall use moneys in the motor vehicle fund to pay such deficits.

Passed the Senate March 17, 1969  
 Passed the House April 10, 1969  
 Approved by the Governor April 18, 1969  
 Filed in office of Secretary of State April 18, 1969

CHAPTER 118  
[Engrossed Senate Bill No. 359]  
HIGHWAYS--SUPPLEMENTAL BUDGET--  
SNOW AND ICE CONTROL,  
LOANS TO LOCAL GOVERNMENTS

AN ACT Relating to highways; adopting a supplemental budget; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. A supplemental budget for the Washington state highway commission is hereby adopted and there is hereby appropriated from the motor vehicle fund to the Washington state highway commission and authorized to be disbursed for salaries, wages and other expenses for the period from the effective date of this act through June 30, 1969, the sum of two million dollars, or so much thereof as shall be necessary for the maintenance and operation of state highways.

NEW SECTION. Sec. 2. The Washington state highway commission is authorized and directed to make available to counties and cities, as loans, a total sum not to exceed one million dollars to assist in paying costs of snow and ice control incurred between December 1, 1968 and February 28, 1969. This loan program shall be administered by the assistant director of highways for state aid who within 10 days after the effective date of this act shall prepare and mail to the governing body of each county and each city and town a loan application form. Not later than May 15, 1969 any county, city or town using the prescribed form may apply to the assistant director of highways for state aid for a loan to assist in paying costs of snow and ice control incurred between December 1, 1968 and February 28, 1969. The assistant director of highways for state aid shall verify snow and ice control costs stated in such loan applications as he deems necessary and not later than June 1, 1969 shall approve a loan to each county, city and town applicant for such proportion of its verified snow and ice control costs as one million dollars bears to the total of the verified snow and ice control costs shown in all applications received, but in no event to exceed seventy-five percent

of such costs. The state treasurer shall forthwith transfer from the motor vehicle fund to the treasurer of each county and each city and town receiving such a loan, the amount approved by the assistant director of highways for state aid.

NEW SECTION. Sec. 3. Each loan made to a county, city or town as authorized in section 2 of this act shall be repaid without interest to the motor vehicle fund in the following manner: commencing July 1, 1969, the state treasurer shall each month in distributing to counties, cities and towns their share of excise taxes on motor vehicle fuels, retain one twenty-fourth of the amount of each such loan from the sum to be credited to the county, city, or town which received the loan, to the end that all such loans shall be fully repaid to the motor vehicle fund in twenty-four months. Moneys so retained shall be available for state highway purposes.

NEW SECTION. Sec. 4. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission from the effective date of this act through June 30, 1969 the sum of one million dollars, or so much thereof as may be necessary to carry out the provisions of sections 2 and 3 of this act.

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 February 21, 1969  
Passed the House April 10, 1969  
Approved by the Governor April 18, 1969  
Filed in office of Secretary of State April 18, 1969

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CHAPTER 119  
[Engrossed House Bill No. 499]  
SCHOOL BUDGETS

AN ACT Relating to education; amending section 2, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.010; amending section 3, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.020; amending section 5, chapter 124, Laws of 1965 ex. sess. and RCW 28.65-.040; amending section 7, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.060; amending section 9, chapter 124, Laws of

.1965 ex. sess. and RCW 28.65.080; amending section 10, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.090; amending section 11, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.100; amending section 12, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.110; amending section 13, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.120; amending section 16, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.150; amending section 18, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.170; and repealing section 14, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.130, and section 15, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.140; adding new sections to chapter 124, Laws of 1965 ex. sess. and to chapter 28.65 RCW; amending sections 28A.65.010, 28A.65.020, 28A.65.040, 28A.65.060, 28A.65-.080, 28A.65.090, 28A.65.100, 28A.65.110, 28A.65.120, 28A.65-.150 and 28A.65.170, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.010, 28A.65.020, 28A.65.040, 28A.65.060, 28A.65.080, 28A.65.090, 28A.65.100, 28A.65.110, 28A.65.120, 28A.65.150 and 28A.65.170; repealing sections 28A.65.130 and 28A.65.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.130 and 28A.65-.140; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring emergencies.

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

Part I. Sections affecting current law.

Section 1. Section 2, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.010 are each amended to read as follows:

On or before the (~~thirtieth-day-of-April~~) tenth day of May in each year, the board of directors of all school districts shall prepare the preliminary budget for the ensuing fiscal year. The budget shall set forth the complete financial program of the district for the ensuing fiscal year, showing in detail in two sections the expenditure program and the sources of revenue from which it is to

be financed.

Sec. 2. Section 3, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.020, are each amended to read as follows:

The revenue section of the preliminary budget shall set forth the estimated receipts from ~~((the various sources other than taxation for the ensuing fiscal year, the actual receipts for the last completed fiscal year, the probable surplus that will be on hand at the close of the current fiscal year, and the amount to be raised by taxation))~~ all sources for the ensuing fiscal year, the estimated receipts for the fiscal year current at the time of preliminary budget preparation, the actual receipts for the last completed fiscal year, and the probable cash on hand available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year.

The expenditure section of the preliminary budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the appropriations for the ~~((current))~~ fiscal year current at the time of preliminary budget preparation, and the expenditures for the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

The estimated disbursements consistent with the provisions of RCW 28.65.170 for the ensuing fiscal year must not be greater than the total of the estimated cash receipts for the ensuing fiscal year plus the probable net cash balance and investments at the close of the current fiscal year.

NEW SECTION. Sec. 3. There is added to chapter 124, Laws of 1965 ex. sess. and to chapter 28.65 RCW a new section to read as fol-

lows:

The revenue section of the final budget shall set forth the estimated receipts from all sources for the current fiscal year, the actual receipts for the last completed fiscal year, the actual receipts for the year prior to the last completed fiscal year, and the cash on hand available for current fiscal year disbursements at the close of the last completed fiscal year. The estimated receipts from all sources for the current fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year.

The expenditure section of the final budget shall set forth by detailed items or classes the estimated expenditures for the current fiscal year, the actual expenditures for the last completed fiscal year, and the expenditures for the year prior to the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

The estimated disbursements consistent with the provisions of RCW 28.65.170 for the current fiscal year must not be greater than the total of the net cash balance and the investments at the close of the last completed fiscal year plus the estimated cash receipts for the current fiscal year: PROVIDED, When a school district board is unable to prepare a budget in which the estimated cash receipts for the current fiscal year plus the cash and investments on hand at the close of the preceding fiscal year do not at least equal the estimated disbursements for the current fiscal year, the school district board will petition in writing on or before the fifteenth day of September the state superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the current fiscal year's budget. If such permission is granted it shall be in writing and it shall contain conditions, binding on

the district, designed to improve the district's financial condition. Any budget adopted by the board of directors without written permission from the state superintendent of public instruction that contains estimated disbursements in excess of the total of estimated cash receipts for the current fiscal year plus net cash balance and investments at the close of the last completed fiscal year shall be null and void and shall not be considered an appropriation.

Sec. 4. Section 5, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.040 are each amended to read as follows:

Estimates of the number of teachers required, equipment, instruction, supplies, textbooks, and such other items as depend in amount directly upon the prospective enrollment shall be submitted on the basis of the requirements for the ~~((current))~~ ensuing fiscal year and be subject to revision in September ~~((as hereafter provided: PROVIDED, That no new subject not specifically provided for in the preliminary budget shall be taught, nor shall any expenditure be made therefor))~~.

Sec. 5. Section 7, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.060 are each amended to read as follows:

The board of directors of any school district at the time of preparing the annual budget for the ensuing year may include therein a sum not exceeding one-fifth of the ~~((taxable income))~~ income from taxation provided by the general fund regular levy of the district for any or all of the following purposes: (1) The establishment and support of a building fund, (2) the establishment and support of a ~~((fund))~~ reserve for the purchase of transportation equipment, (3) the purchase of a schoolhouse site or sites for buildings or playgrounds, (4) the erection of one or more buildings authorized by law and providing the same with furniture, (5) the payment of the principal or interest on outstanding bonds or the refunding of outstanding indebtedness.

Sec. 6. Section 9, chapter 124, Laws of 1965 ex. sess. and

RCW 28.65.080 are each amended to read as follows:

On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: PROVIDED, That the estimates for the expenditures depending directly upon the prospective September enrollment shall be adopted tentatively subject to revision; PROVIDED FURTHER, That in all second and third class districts five copies of said preliminary budget shall be forwarded to the county or intermediate district superintendent within five days after the adoption of said preliminary budget for review, alteration, and approval by the preliminary budget review committee. Members of the preliminary budget review committee shall consist of the county or intermediate district superintendent of schools, a member of the local board of directors, a member of the county or intermediate district board of education, and a representative of the state superintendent of public instruction. The preliminary budget review committee shall fix and approve the amount of the preliminary budget on or before the thirtieth day of June. A copy of said preliminary budget shall within ten days after adoption by first class districts or approval by the preliminary budget review committee in second and third class districts be filed with the county or intermediate district superintendent of schools, the state superintendent of public instruction, and the county auditor.

Sec. 7. Section 10, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.090 are each amended to read as follows:

On or before the (~~twentieth~~) twenty-fifth day of September following, the board of directors of districts of the second and

third class, and on or before the first Monday in October following, the board of directors of districts of the first class shall meet for the purpose of revising those items of the budget adopted pursuant to RCW 28.65.080 to meet the requirements of the enrollment as finally determined. Said meeting shall be a public meeting, notice thereof to be given in the manner provided in RCW 28.65.070. Any taxpayer may appear thereat and be heard for or against any proposed revision.

Sec. 8. Section 11, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.100 are each amended to read as follows:

Upon the conclusion of the revision hearing the board of directors shall fix and determine the budget and by resolution adopt the same: PROVIDED, That in the case of second and third class districts the board of directors shall immediately forward the budget to the county superintendent or intermediate district superintendent for review and revision by ~~((a-county-reviewing))~~ the final budget review committee.

Sec. 9. Section 12, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.110 are each amended to read as follows:

The ~~((county-reviewing))~~ final budget review committee shall consist of the county or intermediate district superintendent of schools, a member of the local board of directors, and the members of the county or intermediate district board of education.

Upon receipt of the district budget the ~~((county-reviewing))~~ final budget review committee shall meet on or before the thirtieth day of September and finally fix and determine the total amount of the budget. Said meeting shall be open to the public, and copies of the original and revised budgets shall be available for examination by any resident taxpayer in attendance. ~~((In-arriving-at-the-amount-of-the-budget, only-current-taxes-may-be-considered-for-the-purpose-of-offsetting-outstanding-warrants, unless-the-use-of-delinquent-taxes-is-approved-by-the-reviewing-committee,))~~

Revenues, including income from taxation, shall be budgeted and

approved by the final budget review committee on the basis of the expected cash receipts during the current fiscal year.

Sec. 10. Section 13, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.120 are each amended to read as follows:

Upon the conclusion of the revision hearing in districts of the first class and upon the conclusion of the ~~((county-reviewing))~~ final budget review committee's action in districts of the second and third class, the board or ~~((reviewing))~~ final budget review committee as the case may be shall certify the final budget and the amount to be raised by taxation to the county commissioners for the levying of the district taxes in the manner now provided by law. A copy of said final budget shall, when certified, be filed with the county or intermediate district superintendent of schools, state superintendent of public instruction, county auditor for the board of county commissioners, and the division of municipal corporations, office of the state auditor. The certification and filing of the budgets as aforesaid shall occur on or before the first ~~((day))~~ Monday of October.

NEW SECTION. Sec. 11. There is added to chapter 124, Laws of 1965 ex. sess. and to chapter 28.65 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is hereby directed to promulgate such rules and regulations as will insure proper budgetary procedures and practices including monthly financial statements consistent with the provisions of RCW 43.09.200 and 28.65.050. If the superintendent of public instruction determines upon his review of the preliminary or final budget of any district that said budget does not comply with the budget procedures established by the state superintendent of public instruction or the provisions of this 1969 amendatory act, he shall give notice of this determination to the board of directors of the local school district. The state superintendent of public instruction shall then call a meeting with the county or intermediate district superintendent of schools, the local

board of directors, and the chief administrative officer of the district to review said budget. Upon the conclusion of said meeting the state superintendent shall issue findings and direct that a financially sound budget be developed by the district for operation.

In the event the budget under consideration by the state superintendent is the preliminary budget, the local district shall be obligated to submit a final budget which meets the requirements of this 1969 amendatory act and the rules of the state superintendent adopted pursuant hereto. In the event the budget under consideration by the state superintendent is the final budget, the local school district, notwithstanding any other provision of law, shall within thirty days from the date the state superintendent issues a directive, submit a revised budget which meets the requirements of this 1969 amendatory act and the rules of the state superintendent adopted pursuant hereto: PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the state superintendent meets the requirements of this 1969 amendatory act or the state superintendent's rules the matter shall be submitted to the state board of education which shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this statute.

NEW SECTION. Sec. 12. There is added to chapter 124, Laws of 1965 ex. sess. and to chapter 28.65 RCW a new section to read as follows:

Upon the happening of any emergency in districts of the first class caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, the board of directors upon the adoption by the vote of the majority of all members of a resolution stating the facts constituting the emergency and the

estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

NEW SECTION. Sec. 13. There is added to chapter 124, Laws of 1965 ex. sess. and to chapter 28.65 RCW a new section to read as follows:

If in districts of the first class an emergency arises because of unforeseen conditions, and if it is not one of the emergencies specifically enumerated in section 12 of this 1969 amendatory act, the school district board of directors before making any expenditure therefor shall adopt a resolution stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW 28.65.070. Its introduction and passage shall require the vote of a majority of all members of the board of directors.

Any taxpayer may appear at the meeting at which the emergency resolution is to be voted on and be heard for or against the adoption thereof.

Sec. 14. Section 16, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.150 are each amended to read as follows:

If an emergency arises in a second or third class school district because of unforeseen conditions, the board of directors shall declare by resolution that an emergency exists. The board of directors, in consultation with the county or intermediate district superintendent and the (~~appointed-citizen-members-of-the-county-reviewing~~) final budget review committee, shall determine the best means of meeting such emergency. When the proposed plan and the indebtedness therefor have received the approval of the state superintendent of public instruction, it shall be put into effect.

NEW SECTION. Sec. 15. There is added to chapter 124, Laws of 1965 ex. sess. and to chapter 28.65 RCW a new section to read as

follows:

All adopted emergency expenditure resolutions shall be filed with the county auditor, county treasurer, county or intermediate district superintendent of schools, state auditor, and the state superintendent of public instruction.

NEW SECTION. Sec. 16. There is added to chapter 124, Laws of 1965 ex. sess. and to chapter 28.65 RCW a new section to read as follows:

The board of directors shall include in their annual budget for the ensuing fiscal year an excess of cash revenues over cash disbursements by an amount equal to the difference between the emergency liabilities and the emergency revenue accruing to the school district plus any unrestricted cash on the date of passage of the emergency resolution. The board of directors shall cause sufficient taxes to be levied to achieve the said excess of budget cash receipts over budgeted cash disbursements.

Sec. 17. Section 18, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.170 are each amended to read as follows:

The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations. The board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinbefore provided. Expenditures made, liabilities incurred, or warrants issued in excess of said appropriations shall not be a liability of the district, but shall subject the members of any board of directors violating any provision of this section to personal liability in the full amount thus expended or contracted for, and each director shall immediately forfeit his office: PROVIDED, That no board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs,

and upkeep of the school plant during the interim while the budget is being settled: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such regulations as may be imposed by the school district board of directors.

NEW SECTION. Sec. 18. Section 14, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.130 and section 15, chapter 124, Laws of 1965 ex. sess. and RCW 28.65.140 are each hereby repealed.

NEW SECTION. Sec. 19. Part I of this 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions and shall take effect immediately.

Part II. Sections affecting proposed 1969 education code.

Sec. 20. Section 28A.65.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.010 are each amended to read as follows:

On or before the (~~thirtieth-day-of-April~~) tenth day of May in each year, the board of directors of all school districts shall prepare the preliminary budget for the ensuing fiscal year. The budget shall set forth the complete financial program of the district for the ensuing fiscal year, showing in detail in two sections the expenditure program and the sources of revenue from which it is to be financed.

Sec. 21. Section 28A.65.020, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.020 are each amended to read as follows:

The revenue section of the preliminary budget shall set forth the estimated receipts from (~~the-various-sources-other-than-taxation-for-the-ensuing-fiscal-year,-the-actual-receipts-for-the-last-completed-fiscal-year,-the-probable-surplus-that-will-be-on-hand-at-the-close-of-the-current-fiscal-year,-and-the-amount-to-be-raised-by-taxation~~) all sources for the ensuing fiscal year, the estimated receipts for the fiscal year current at the time of preliminary budget preparation, the actual receipts for the last completed fiscal year, and

the probable cash on hand available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year.

The expenditure section of the preliminary budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the appropriations for the ((current)) fiscal year current at the time of preliminary budget preparation, and the expenditures for the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

The estimated disbursements consistent with the provisions of RCW 28A.65.170 for the ensuing fiscal year must not be greater than the total of the estimated cash receipts for the ensuing fiscal year plus the probable net cash balance and investments at the close of the current fiscal year.

NEW SECTION. Sec. 22. There is added to chapter ..., Laws of 1969 (HB 58) and to chapter 28A.65 RCW a new section to read as follows:

The revenue section of the final budget shall set forth the estimated receipts from all sources for the current fiscal year, the actual receipts for the last completed fiscal year, the actual receipts for the year prior to the last completed fiscal year, and the cash on hand available for current fiscal year disbursements at the close of the last completed fiscal year. The estimated receipts from all sources for the current fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year.

The expenditure section of the final budget shall set forth

by detailed items or classes the estimated expenditures for the current fiscal year, the actual expenditures for the last completed fiscal year, and the expenditures for the year prior to the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

The estimated disbursements consistent with the provisions of RCW 28A.65.170 for the current fiscal year must not be greater than the total of the net cash balance and the investments at the close of the last completed fiscal year plus the estimated cash receipts for the current fiscal year: PROVIDED, When a school district board is unable to prepare a budget in which the estimated cash receipts for the current fiscal year plus the cash and investments on hand at the close of the preceding fiscal year do not at least equal the estimated disbursements for the current fiscal year, the school district board will petition in writing on or before the fifteenth day of September the state superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the current fiscal year's budget. If such permission is granted it shall be in writing and it shall contain conditions, binding on the district, designed to improve the district's financial condition. Any budget adopted by the board of directors without written permission from the state superintendent of public instruction that contains estimated disbursements in excess of the total of estimated cash receipts for the current fiscal year plus net cash balance and investments at the close of the last completed fiscal year shall be null and void and shall not be considered an appropriation.

Sec. 23. Section 28A.65.040, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.040 are each amended to read as follows:

Estimates of number of teachers required, equipment, instruction, supplies, textbooks, and such other items as depend in amount directly upon the prospective enrollment shall be submitted on the basis of the requirements for the ~~((current))~~ ensuing fiscal year and be subject to revision in September ~~((as hereafter in this chapter provided; PROVIDED, That no new subject not specifically provided for in the preliminary budget shall be taught, nor shall any expenditure be made therefor))~~.

Sec. 24. Section 28A.65.060, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.060 are each amended to read as follows:

The board of directors of any school district at the time of preparing the annual budget for the ensuing year may include therein a sum not exceeding one-fifth of the ~~((taxable))~~ income from taxation provided by the general fund regular levy of the district for any or all of the following purposes: (1) The establishment and support of a building fund, (2) the establishment and support of a ~~((fund))~~ reserve for the purchase of transportation equipment, (3) the purchase of a schoolhouse site or sites for buildings or playgrounds, (4) the erection of one or more buildings authorized by law and providing the same with furniture, and (5) the payment of the principal or interest on outstanding bonds or the refunding of outstanding indebtedness.

Sec. 25. Section 28A.65.080, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.080 are each amended to read as follows:

On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: ~~PROVIDED, That the estimates for the expenditures depending directly up-~~

on the prospective September enrollment shall be adopted tentatively subject to revision: PROVIDED FURTHER, That in all second and third class districts five copies of said preliminary budget shall be forwarded to the county or intermediate district superintendent within five days after the adoption of said preliminary budget for review, alteration, and approval by the preliminary budget review committee. Members of the preliminary budget review committee shall consist of the county or intermediate district superintendent of schools, a member of the local board of directors, a member of the county or intermediate district board of education, and a representative of the state superintendent of public instruction. The preliminary budget review committee shall fix and approve the amount of the preliminary budget on or before the thirtieth day of June. A copy of said preliminary budget shall within ten days after adoption by first class districts or approval by the preliminary budget review committee in second and third class districts be filed with the county or intermediate district superintendent of schools, the state superintendent of public instruction, and the county auditor.

Sec. 26. Section 28A.65.090, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.090 are each amended to read as follows:

On or before the (~~twentieth-day~~) twenty-fifth of September following, the board of directors of districts of the second and third class, and on or before the first Monday in October following, the board of directors of districts of the first class shall meet for the purpose of revising those items of the budget adopted pursuant to RCW 28A.65.080 to meet the requirements of the enrollment as finally determined. Said meeting shall be a public meeting, notice thereof to be given in the manner provided in RCW 28A.65.070. Any taxpayer may appear thereat and be heard for or against any proposed revision.

Sec. 27. Section 28A.65.100, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.100 are each amended to read as follows:

Upon the conclusion of the revision hearing the board of directors shall fix and determine the budget and by resolution adopt the same: PROVIDED, That in the case of second and third class districts the board of directors shall immediately forward the budget to the county superintendent or intermediate district superintendent for review and revision by ~~((a-county-reviewing))~~ the final budget review committee.

Sec. 28. Section 28A.65.110, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.110 are each amended to read as follows:

The ~~((county-reviewing))~~ final budget review committee shall consist of the county or intermediate district superintendent, a member of the local board of directors, and the members of the county or intermediate district board of education.

Upon receipt of the district budget the ~~((county-reviewing))~~ final budget review committee shall meet on or before the thirtieth day of September and finally fix and determine the total amount of the budget. Said meeting shall be open to the public, and copies of the original and revised budgets shall be available for examination by any resident taxpayer in attendance. ~~((In-arriving-at-the amount-of-the-budget,-only-current-taxes-may-be-considered-for-the purpose-of-offsetting-outstanding-warrants,-unless-the-use-of-delinquent-taxes-is-approved-by-the-reviewing-committee.))~~

Revenues, including income from taxation, shall be budgeted and approved by the final budget review committee on the basis of the expected cash receipts during the current fiscal year.

Sec. 29. Section 28A.65.120, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.120 are each amended to read as follows:

Upon the conclusion of the revision hearing in districts of the first class and upon the conclusion of the ~~((county--reviewing))~~ final budget review committee's action in districts of the second and third class, the board or ~~((reviewing))~~ final budget review committee as the case may be shall certify the final budget and the

amount to be raised by taxation to the county commissioners for the levying of the district taxes in the manner now provided by law. A copy of said final budget, when certified, shall be filed with the county or intermediate district superintendent, state superintendent of public instruction, the appropriate county auditor for the board of county commissioners, and the division of municipal corporations, office of the state auditor. The certification and filing of the budgets as aforesaid shall occur on or before the first ((day)) Monday of October.

NEW SECTION. Sec. 30. There is added to chapter ..., Laws of 1969 (HB 58) and to chapter 28A.65 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is hereby directed to promulgate such rules and regulations as will insure proper budgetary procedures and practices including monthly financial statements consistent with the provisions of RCW 43.09.200 and 28A.65.050. If the superintendent of public instruction determines upon his review of the preliminary or final budget of any district that said budget does not comply with the budget procedures established by the state superintendent of public instruction or the provisions of this 1969 amendatory act, he shall give notice of this determination to the board of directors of the local school district. The state superintendent of public instruction shall then call a meeting with the county or intermediate district superintendent of schools, the local board of directors, and the chief administrative officer of the district to review said budget. Upon the conclusion of said meeting the state superintendent shall issue findings and direct that a financially sound budget be developed by the district for operation.

In the event the budget under consideration by the state superintendent is the preliminary budget, the local district shall be obligated to submit a final budget which meets the requirements

of this 1969 amendatory act and the rules of the state superintendent adopted pursuant hereto. In the event the budget under consideration by the state superintendent is the final budget, the local school district, notwithstanding any other provision of law, shall within thirty days from the date the state superintendent issues a directive, submit a revised budget which meets the requirements of this 1969 amendatory act and the rules of the state superintendent adopted pursuant hereto: PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the state superintendent meets the requirements of this 1969 amendatory act or the state superintendent's rules the matter shall be submitted to the state board of education which shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this statute.

NEW SECTION. Sec. 31. There is added to chapter ..., Laws of 1969 (HB 58) and to chapter 28A.65 RCW a new section to read as follows:

Upon the happening of any emergency in districts of the first class caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, the board of directors upon the adoption by the vote of the majority of all members of a resolution stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

NEW SECTION. Sec. 32. There is added to chapter ..., Laws of 1969 (HB 58) and to chapter 28A.65 RCW a new section to read as follows:

If in districts of the first class an emergency arises because of unforeseen conditions, and if it is not one of the emergencies

specifically enumerated in section 31 of this 1969 amendatory act, the school district board of directors before making any expenditure therefor shall adopt a resolution stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW 28A.65.070. Its introduction and passage shall require the vote of a majority of all members of the board of directors.

Any taxpayer may appear at the meeting at which the emergency resolution is to be voted on and be heard for or against the adoption thereof.

Sec. 33. Section 28A.65.150, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.150 are each amended to read as follows:

If an emergency arises in a second or third class school district because of unforeseen conditions, the board of directors shall declare by resolution that an emergency exists. The board of directors, in consultation with the county or intermediate district superintendent and the (~~appointed-citizen-members-of-the-county-reviewing~~) final budget review committee, shall determine the best means of meeting such emergency. When the proposed plan and the indebtedness therefor have received the approval of the state superintendent of public instruction, it shall be put into effect.

NEW SECTION. Sec. 34. There is added to chapter ..., Laws of 1969 (HB 58) and to chapter 28A.65 RCW a new section to read as follows:

All adopted emergency expenditure resolutions shall be filed with the county auditor, county treasurer, county or intermediate district superintendent of schools, state auditor, and the state superintendent of public instruction.

NEW SECTION. Sec. 35. There is added to chapter..., Laws of 1969 (HB 58) and to chapter 28A.65 RCW a new section to read as fol-

lows:

The board of directors shall include in their annual budget for the ensuing fiscal year an excess of cash revenues over cash disbursements by an amount equal to the difference between the emergency liabilities and the emergency revenue accruing to the school district plus any unrestricted cash on the date of passage of the emergency resolution. The board of directors shall cause sufficient taxes to be levied to achieve the said excess of budgeted cash receipts over budgeted cash disbursements.

Sec. 36. Section 28A.65.170, chapter ..., Laws of 1969 and RCW 28A.65.170 are each amended to read as follows:

The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations. The board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinabove provided. Expenditures made, liabilities incurred, or warrants issued in excess of said appropriations shall not be a liability of the district, but shall subject the members of any board of directors violating any provision of this section to personal liability in the full amount thus expended or contracted for, and each director shall immediately forfeit his office: PROVIDED, That no board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs, and upkeep of the school plant during the interim while the budget is being settled: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such regulations as may be imposed by the school district board of directors.

NEW SECTION. Sec. 37. Section 28A.65.130, chapter ..., Laws of 1969 (HB 58) and RCW 28A.65.130, 28A.65.140, chapter ...

Laws of 1969 (HB 58) and RCW 28A.65.140 are each hereby repealed.

Part III. Construction.

NEW SECTION. Sec. 38. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 39. 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 House March 18, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 18, 1969  
Filed in office of Secretary of State April 18, 1969

CHAPTER 120  
[Substitute House Bill No. 581]  
MISCELLANEOUS AND MUTUAL CORPORATIONS

AN ACT Relating to corporations; authorizing the organization and maintenance of miscellaneous and mutual corporations; adding a new chapter to Title 24 RCW; providing penalties; and declaring an effective date.

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

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

(1) "Corporation" or "domestic corporation" means a mutual corporation or miscellaneous corporation subject to the provisions of this chapter, except a foreign corporation.

(2) "Foreign corporation" means a mutual or miscellaneous corporation or other corporation organized under laws other than the laws of this state which would be subject to the provisions of this chapter if organized under the laws of this state.

(3) "Mutual corporation" means a corporation organized to accomplish one or more of its purposes on a mutual basis for members and other persons.

(4) "Miscellaneous corporation" means any corporation which is organized for a purpose or in a manner not provided for by the Washington business corporation act or by the Washington nonprofit corporation act, and which is not required to be organized under other laws of this state.

(5) "Articles of incorporation" includes the original articles of incorporation and all amendments thereto, and includes articles of merger.

(6) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(7) "Member" means one having membership rights in a corporation in accordance with provisions of its articles of incorporation or bylaws.

(8) "Stock" or "share" means the units into which the proprietary interests of a corporation are divided in a corporation organized with stock.

(9) "Stockholder" or "shareholder" means one who is a holder of record of one or more shares in a corporation organized with stock.

(10) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated.

(11) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.

NEW SECTION. Sec. 2. The provisions of this chapter relating to domestic corporations shall apply to:

(1) All corporations organized hereunder; and

(2) All corporations which were heretofore organized under any act repealed by the Washington nonprofit corporation act and which are not organized for a purpose or in a manner provided for by said act.

The provisions of this chapter relating to foreign corporations shall apply to all foreign corporations conducting affairs in this state for a purpose or purposes for which a corporation might be organized under this chapter.

NEW SECTION. Sec. 3. Corporations may be organized under this chapter for any lawful purpose including but not limited to mutual, social, cooperative, fraternal, beneficial, service, labor organization, and other purposes; but excluding purposes which by law are restricted to corporations organized under other statutes.

NEW SECTION. Sec. 4. One or more individuals, partnerships, corporations or governmental bodies or agencies may incorporate a corporation by signing, verifying and delivering articles of incorporation in triplicate to the secretary of state.

NEW SECTION. Sec. 5. The articles of incorporation shall set forth:

(1) The name of the corporation.

(2) The period of duration.

(3) The purpose or purposes for which the corporation is organized.

(4) The qualifications and the rights and responsibilities of the members and the manner of their election, appointment or admission to membership and termination of membership; and, if there is more than one class of members or if the members of any one class are not equal, the relative rights and responsibilities of each class or each member.

(5) If the corporation is to have capital stock:

(a) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value;

(b) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class;

(c) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.

(d) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.

(6) If the corporation is to distribute surplus funds to its members, stockholders or other persons, provisions for determining the amount and time of the distribution.

(7) Provisions for distribution of assets on dissolution or

final liquidation.

(8) Whether a dissenting shareholder or member shall be limited to a return of less than the fair value of his shares or membership.

(9) Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation.

(10) The address of its initial registered office, including street and number, and the name of its initial registered agent at such address.

(11) The number of directors constituting the initial board of directors, and the names and addresses of the persons who are to serve as the initial directors.

(12) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

NEW SECTION. Sec. 6. Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, take by gift, devise

or bequest, or otherwise acquire, own, hold, be trustee of, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money to its employees.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and re-invest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this chapter, in any state, territory, district, or possession of the United States, or in any foreign country.

(11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) To establish and maintain reserve, equity, surplus or other funds, and to provide for the time, form and manner of distribution of such funds among members, shareholders or other persons with interests therein in accordance with the articles of incorporation.

(14) Unless otherwise provided in the articles of incorporation, to make donations for the public welfare or for charitable, scientific or educational purposes, and in time of war to make donations in aid of the United States and its war activities.

(15) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director officer of another corporation, against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty: PROVIDED, That such indemnification shall not be deemed exclusive of any other rights to which such director or officer may be entitled, under any bylaw, agreement, vote of board of directors or members, or otherwise.

(16) To cease its corporate activities and surrender its corporate franchise.

(17) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized and not inconsistent with the articles of incorporation or the provisions of this chapter.

NEW SECTION. Sec. 7. A corporation subject to the provisions of this chapter shall not engage in any business, trade, avocation or profession for profit: PROVIDED, That nothing contained herein shall be construed to forbid such a corporation from accumulating reserve, equity, surplus or other funds through subscriptions, fees, dues or assessments, or from charges made its members or other persons for

services rendered or supplies or benefits furnished, or from distributing its surplus funds to its members, stockholders or other persons in accordance with the provisions of the articles of incorporation.

NEW SECTION. Sec. 8. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(1) In a proceeding by a member, shareholder or a director against the corporation to enjoin the doing or continuation of unauthorized acts or the transfer of real or personal property by or to the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract: PROVIDED, That anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(2) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through members or shareholder in a representative suit, against the officers or directors of the corporation for exceeding their authority.

(3) In a proceeding by the attorney general, as provided in this chapter, to dissolve the corporation, or in a proceeding by the attorney general to enjoin the corporation from performing unauthorized acts, or in any other proceeding by the attorney general.

NEW SECTION. Sec. 9. The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation existing under any act of this state, or any foreign corporation authorized to transact business or conduct affairs in this state under any act of this state or a corporate name reserved or registered as permitted by the laws of this state.

(3) Shall be transliterated into letters of the English alphabet if it is not in English.

NEW SECTION. Sec. 10. Each corporation shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation existing under any act of this state or a foreign corporation authorized to transact business or conduct affairs in this state under any act of this state having an office identical with such registered office. The resident agent and registered office shall be designated by duly adopted resolution of the board of directors; and a verified statement of such designation, executed by the president or a vice president of the corporation, together with a copy of the board of directors' designating resolution certified as true by the secretary of the corporation, shall be filed with the secretary of state.

NEW SECTION. Sec. 11. A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

(1) The name of the corporation.

(2) The address of its then registered office.

(3) If the address of its registered office be changed, the address to which the registered office is to be changed, including

street and number.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by its president or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this chapter, he shall file such statement in his office, and upon such filing, the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation in care of an officer, who is not the resigning registered agent, at the address of such officer as shown by the most recent annual report of the corporation. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

NEW SECTION. Sec. 12. The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this state, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall

be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of the copies thereof to be forwarded by certified mail, addressed to the corporation at its registered office. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

NEW SECTION. Sec. 13. A corporation may have one or more classes of members. The designation of such class or classes, the manner of election, appointment or admission to membership, and the qualifications, responsibilities and rights of the members of each class shall be set forth in the articles of incorporation. A corporation may issue certificates evidencing membership therein. Certificates may be assigned by a member and reacquired by the corporation under such provisions, rules and regulations as may be prescribed in the articles of incorporation. Membership may be terminated under such provisions, rules and regulations as may be prescribed in the articles of incorporation or bylaws.

NEW SECTION. Sec. 14. (1) Each corporation which is organized with capital stock shall have the power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, limitations, and relative

rights as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this act.

(2) Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

(a) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.

(b) Entitling the holders thereof to cumulative, noncumulative or partially cumulative dividends.

(c) Having preference over any other members or class or classes of shares as to the payment of dividends.

(d) Having preference in the assets of the corporation over any other members or class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(3) The consideration for the issuance of shares may be paid in whole or in part, in money, in other property, tangible or intangible, or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued shall have been received by the corporation, such shares shall be deemed to be fully paid and nonassessable.

Neither promissory notes nor future services shall constitute payment or part payment, for shares of a corporation.

In the absence of fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

(4) A subscription for shares of a corporation to be organized shall be in writing and be irrevocable for a period of six months, unless otherwise provided by the terms of the subscription agreement or unless all of the subscribers consent to the revocation of such subscription.

Unless otherwise provided in the subscription agreement, sub-

scriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board of directors. Any call made by the board of directors for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be. In case of default in the payment of any installment or call when such payment is due, the corporation may proceed to collect the amount due in the same manner as any debt due the corporation. The bylaws may prescribe other penalties for failure to pay installments or calls that may become due, but no penalty working a forfeiture of a subscription, or of the amounts paid thereon, shall be declared as against any subscriber unless the amount due thereon shall remain unpaid for a period of twenty days after written demand has been made therefor. If mailed, such written demand shall be deemed to be made when deposited in the United States mail in a sealed envelope addressed to the subscriber at his last post office address known to the corporation, with postage thereon prepaid. In the event of the sale of any shares by reason of any forfeiture, the excess of proceeds realized over the amount due and unpaid on such shares shall be paid to the delinquent subscriber or to his legal representative.

NEW SECTION. Sec. 15. (1) Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

(2) Shares without par value shall be issued for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

NEW SECTION. Sec. 16. The shares of a corporation shall be represented by certificates signed by the president or vice-president and the secretary or an assistant secretary of the corporation, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of the president or vice-president and the secretary or

assistant secretary upon a certificate may be facsimiles if the certificate is countersigned by a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any shareholder upon request and without charge, a full statement of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued and, if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:

- (1) That the corporation is organized under the laws of this state.
- (2) The name of the person to whom issued.
- (3) The number and class of shares, and the designation of the series, if any, which such certificate represents.
- (4) The par value of each share represented by such certificate, or a statement that the shares are without par value.

No certificate shall be issued for any share until such share is fully paid.

NEW SECTION. Sec. 17. A holder of or subscriber to shares of a corporation shall be under no obligation to the corporation or its

creditors with respect to such shares other than the obligation to pay to the corporation the full consideration for which such shares were issued or to be issued.

Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable to the corporation or its creditors for any unpaid portion of such consideration.

An executor, administrator, conservator, guardian, trustee, assignee for the benefit of creditors, or receiver shall not be personally liable to the corporation as a holder of or subscriber to shares of a corporation but the estate and funds in his hands shall be so liable.

No pledgee or other holder of shares as collateral security shall be personally liable as a shareholder.

NEW SECTION. Sec. 18. The preemptive right of a shareholder to acquire unissued shares of a corporation may be limited or denied to the extent provided in the articles of incorporation.

NEW SECTION. Sec. 19. The initial bylaws of a corporation shall be adopted by its board of directors. The power to alter, amend or repeal the bylaws or adopt new bylaws shall be vested in the board of directors unless otherwise provided in the articles of incorporation or the bylaws. The bylaws may contain any provisions for the regulation and management of the affairs of a corporation not inconsistent with law or the articles of incorporation.

NEW SECTION. Sec. 20. Meetings of members and/or shareholders may be held at such place, either within or without this state, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this state.

An annual meeting of the members and shareholders shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture

or dissolution of the corporation.

Special meetings of the members or shareholders may be called by the president or by the board of directors. Special meetings of the members or shareholders may also be called by such other officers or persons or number or proportion of members or shareholders as may be provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members or shareholders entitled to call a meeting, a special meeting of members or shareholders may be called by persons having one-twentieth of the votes entitled to be cast at such meeting.

NEW SECTION. Sec. 21. Written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member or shareholder entitled to vote at such meeting. If provided in the articles of incorporation, notice of regular meetings other than annual may be made by providing each member with the adopted schedule of regular meetings for the ensuing year at any time after the annual meeting and ten days prior to a regular meeting and at any time when requested by a member or by such other notice as may be prescribed by the bylaws. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the member or shareholder at his address as it appears on the records of the corporation, with postage thereon prepaid.

NEW SECTION. Sec. 22. The right of a class or classes of members or shareholders to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation. Unless so limited, enlarged or denied, each member and each outstanding share of each class shall be entitled to one vote on each matter submitted to a vote of members or shareholders. No member of a class may ac-

quire any interest which will entitle him to a greater vote than any other member of the same class.

A member or shareholder may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by mail or by proxy executed in writing by the member or shareholder or by his duly authorized attorney-in-fact: PROVIDED, That no proxy shall be valid for more than eleven months from the date of its execution unless otherwise specified in the proxy.

The articles of incorporation may provide that whenever proposals or directors or officers are to be voted upon, such vote may be taken by mail if the name of each candidate and the text of each proposal to be so voted upon are set forth in a writing accompanying or contained in the notice of meeting. Persons voting by mail shall be deemed present for all purposes of quorum, count of votes and percentages of total voting power voting.

The articles of incorporation or the bylaws may provide that in all elections for directors every person entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

NEW SECTION. Sec. 23. The articles of incorporation or the bylaws may provide the number or percentage of votes which members or shareholders are entitled to cast in person, by mail, or by proxy, which shall constitute a quorum at meetings of shareholders or members. However, in no event shall a quorum be less than one-fourth of the votes which members or shareholders are entitled to cast in person, by mail, or by proxy, at a meeting considering the adoption of a proposal which is required by the provisions of this chapter to be adopted by at least two-thirds of the votes which members or shareholders present at the meeting in person or by mail or represented by proxy are entitled to cast. In all other matters and in the absence of any provision in the articles of incorporation or bylaws, a quorum

shall consist of one-fourth of the votes which members or shareholders are entitled to cast in person, by mail or by proxy at the meeting. On any proposal on which a class of shareholders or members is entitled to vote as a class, a quorum of the class entitled to vote as such class must also be present in person, by mail, or represented by proxy.

NEW SECTION. Sec. 24. A class of members or shareholders shall be entitled to vote as a class upon any proposition, whether or not entitled to vote thereon by the provisions of the articles of incorporation, if the proposition would increase or decrease the rights, qualifications, limitations, responsibilities or preferences of the class as related to any other class.

NEW SECTION. Sec. 25. The affairs of the corporation shall be managed by a board of directors. Directors need not be residents of this state or members or shareholders of the corporation unless the articles of incorporation or the bylaws so require. The articles of incorporation or the bylaws may prescribe other qualifications for directors.

NEW SECTION. Sec. 26. The number of directors of a corporation shall be not less than three and shall be fixed by the bylaws: PROVIDED, That the number of the first board of directors shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the bylaws, unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment of the articles of incorporation. No decrease in number shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation.

The directors constituting the first board of directors shall be named in the articles of incorporation and shall hold office until the first annual election of directors or for such other period as may be specified in the articles of incorporation or the bylaws. Thereafter, directors shall be elected or appointed in the manner and

for the terms provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the term of office, the term of office of a director shall be one year.

Directors may be divided into classes and the terms of office of the several classes need not be uniform. Each director shall hold office for the term for which he is elected or appointed and until his successor shall have been elected or appointed and qualified.

A director may be removed from office pursuant to any procedure therefor provided in the articles of incorporation.

NEW SECTION. Sec. 27. Any vacancy occurring in the board of directors and any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors unless the articles of incorporation or the bylaws provide that a vacancy or directorship so created shall be filled in some other manner. A director elected or appointed, as the case may be, to fill a vacancy, shall be elected or appointed for the unexpired term of his predecessor in office.

NEW SECTION. Sec. 28. A majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business, unless otherwise provided in the articles of incorporation or the bylaws: PROVIDED, That a quorum shall never consist of less than one-third of the number of directors so fixed or stated. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by this chapter, the articles of incorporation, or the bylaws.

NEW SECTION. Sec. 29. If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate and appoint one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolu-

tion, in the articles of incorporation, or in the bylaws of the corporation, shall have and exercise the authority of the board of directors in the management of the corporation: PROVIDED, That no such committee shall have the authority of the board of directors in reference to:

- (1) Amending, altering or repealing the bylaws;
- (2) Electing, appointing, or removing any member of any such committee or any director or officer of the corporation;
- (3) Amending the articles of incorporation;
- (4) Adopting a plan of merger or a plan of consolidation with another corporation;
- (5) Authorizing the sale, lease, exchange, or mortgage, of all or substantially all of the property and assets of the corporation;
- (6) Authorizing the voluntary dissolution of the corporation or revoking proceedings therefor; or
- (7) Amending, altering or repealing any resolution of the board of directors which by its terms provides that it shall not be amended, altered or repealed by such committee.

The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any individual director of any responsibility imposed upon it or him by law.

NEW SECTION. Sec. 30. Meetings of the board of directors, regular or special, may be held either within or without this state, and upon such notice as the bylaws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

NEW SECTION. Sec. 31. The officers of a corporation shall

consist of a president, one or more vice presidents, a secretary, a treasurer and such other officers and assistant officers as may be deemed necessary, each of whom shall be elected or appointed at such time and in such manner and for such terms not exceeding three years as may be prescribed in the articles of incorporation or the bylaws. In the absence of any such provision, all officers shall be elected or appointed annually by the board of directors. If the bylaws so provide, any two or more offices may be held by the same person, except the offices of president and secretary.

The articles of incorporation or the bylaws may provide that any one or more officers of the corporation shall be ex officio members of the board of directors.

The officers of a corporation may be designated by such additional titles as may be provided in the articles of incorporation or the bylaws.

NEW SECTION. Sec. 32. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, shareholders, board of directors, and committees having any of the authority of the board of directors; and shall keep at its registered office or principal office in this state a record of the names and addresses of its members and shareholders entitled to vote. All books and records of a corporation may be inspected by any member or shareholder, or his agent or attorney, for any proper purpose at any reasonable time.

NEW SECTION. Sec. 33. No loans exceeding or more favorable than those which are customarily made to members or shareholders shall be made by a corporation to its directors or officers. The directors of a corporation who vote for or assent to the making of a loan in violation of this section to a director or officer of the corporation, and any officer or officers participating in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NEW SECTION. Sec. 34. Triplicate originals of the articles

of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he shall, when all fees have been paid as in this chapter prescribed:

- (1) Endorse on each of such originals the word "filed" and the month, day, and year of the filing thereof.
- (2) File one of such originals in his office.
- (3) Issue a certificate of incorporation to which he shall affix one of such originals.

The certificate of incorporation together with the original of the articles of incorporation affixed thereto by the secretary of state and the other remaining original shall be returned to the incorporators or their representatives. The third remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated or in such other office as may be designated in a charter county for the filing of articles of incorporation. The original affixed to the certificate of incorporation shall be retained by the corporation.

NEW SECTION. Sec. 35. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall, except as against the state in a proceeding to cancel or revoke the certificate of incorporation, be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this chapter.

NEW SECTION. Sec. 36. After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the incorporators, for the purpose of adopting bylaws, electing officers and the transaction of such other business as may come before the meeting. The incorporators calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall

state the time and place of the meeting.

A first meeting of the members and shareholders may be held at the call of the directors, or a majority of them, upon at least three days' notice, for such purposes as shall be stated in the notice of the meeting.

NEW SECTION. Sec. 37. A corporation may amend its articles of incorporation from time to time in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as are lawful under this chapter.

NEW SECTION. Sec. 38. Amendments to the articles of incorporation shall be made in the following manner:

The board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members and shareholders, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member and shareholder entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members and shareholders. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members or shareholders present in person or by mail at such meeting or represented by proxy are entitled to cast: PROVIDED, That when any class of shares or members is entitled to vote thereon by class, the proposed amendment must receive at least two-thirds of the votes of the members or shareholders of each class entitled to vote thereon as a class, who are present in person, by mail, or represented by proxy at such meeting.

Any number of amendments may be submitted and voted upon at any one meeting.

NEW SECTION. Sec. 39. The articles of amendment shall be executed in triplicate originals by the corporation by its president or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set

forth:

- (1) The name of the corporation.
- (2) The amendment so adopted.
- (3) A statement setting forth the date of the meeting of members and shareholders at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members or shareholders of the corporation, and of each class entitled to vote thereon as a class, present at such meeting in person, by mail, or represented by proxy were entitled to cast, or a statement that such amendment was adopted by a consent in writing signed by all members and shareholders entitled to vote with respect thereto.

NEW SECTION. Sec. 40. Triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as prescribed in this chapter:

- (1) Endorse on each of such originals the word "filed", and the month, day and year of the filing thereof.
- (2) File one of such originals in his office.
- (3) Issue a certificate of amendment to which he shall affix one of such originals.

The certificate of amendment, together with original of the articles of amendment affixed thereto by the secretary of state and the other remaining original shall be returned to the corporation or its representative. The last remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated or in such other office as may be designated in a charter county for the filing of articles of incorporation. The original affixed to the certificate of amendment shall be retained by the corporation.

NEW SECTION. Sec. 41. Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become

effective and the articles of incorporation shall be deemed to be amended accordingly.

No amendment shall affect any existing cause of action in favor of or against such corporation, nor any pending action to which such corporation shall be a party, nor the existing rights of persons other than members; and, in the event the corporate name shall be changed by amendment, no action brought by or against such corporation under its former name shall abate for that reason.

NEW SECTION. Sec. 42. Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this chapter.

Each corporation shall adopt a plan of merger setting forth:

(1) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The terms and conditions of the proposed merger.

(3) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(4) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

NEW SECTION. Sec. 43. Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this chapter.

Each corporation shall adopt a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(2) The terms and conditions of the proposed consolidation.

(3) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this chapter.

(4) Such other provisions with respect to the proposed con-

solidation as are deemed necessary or desirable.

NEW SECTION. Sec. 44. A plan of merger or consolidation shall be adopted in the following manner:

The board of directors of such corporation shall adopt a resolution approving the proposed plan and directing that it be submitted to a vote at a meeting of members or shareholders which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan or a summary thereof shall be given to each member and shareholder within the time and in the manner provided in this chapter for the giving of notice of meetings of members and shareholders. The proposed plan shall be adopted upon receiving at least two-thirds of the votes which members and shareholders present in person or by mail at each such meeting or represented by proxy are entitled to cast: PROVIDED, That when any class of shares or members is entitled to vote thereon as a class, the proposed amendment must receive at least two-thirds of the votes of the members or shareholders of each class entitled to vote thereon as a class, who are present in person, by mail, or represented by proxy at such meeting.

After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

NEW SECTION. Sec. 45. (1) Upon approval, articles of merger or articles of consolidation shall be executed in triplicate originals by each corporation, by its president or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

- (a) The plan of merger or the plan of consolidation;
- (b) A statement setting forth the date of the meeting of members or shareholders at which the plan was adopted, that quorum was present at such meeting, and that such plan received at least two-thirds of the votes which members and shareholders of the corporation,

and of each class entitled to vote thereon as a class, present at such meeting in person or by mail or represented by proxy were entitled to cast, or a statement that such amendment was adopted by a consent in writing signed by all members;

(2) Triplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as prescribed in this chapter:

(a) Endorse on each of such originals the word "filed", and the month, day and year of the filing thereof;

(b) File one of such originals in his office;

(c) Issue a certificate of merger or a certificate of consolidation to which he shall affix one of such originals.

The certificate of merger or certificate of consolidation, together with the original of the articles of merger or articles of consolidation affixed thereto by the secretary of state and the other remaining original shall be returned to the surviving or new corporation, as the case may be, or its representative. The remaining original shall be filed in the office of the county auditor of the county in which the registered office is situated or in such other office as may be designated in a charter county for the filing of articles of incorporation. The original affixed to the certificate of merger or consolidation shall be retained by the corporation.

NEW SECTION. Sec. 46. Upon the issuance of the certificate of merger, or the certificate of consolidation by the secretary of state, the merger or consolidation shall be effected.

NEW SECTION. Sec. 47. When such merger or consolidation has been effected:

(1) The several corporations party to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of

consolidation.

(2) The separate existence of all corporations party to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(3) The surviving or new corporation shall have all the rights, privileges, immunities and powers, and shall be subject to all the duties and liabilities of a corporation organized under this chapter.

(4) The surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, whether of a public or a private nature, of each of the merging or consolidating corporations; all property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and no title to any real estate, or any interest therein, vested in any of such corporations shall not revert nor be in any way impaired by reason of such merger or consolidation.

(5) The surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. No rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(6) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation,

the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this chapter shall be deemed to be the articles of incorporation of the new corporation.

NEW SECTION. Sec. 48. A sale, lease, exchange, or other disposition of all or substantially all of the property and assets of a corporation may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(1) The board of directors shall adopt a resolution recommending a sale, lease, exchange, or other disposition and directing that it be submitted to a vote at a meeting of members or shareholders which may be either an annual or a special meeting.

(2) Written or printed notice stating that the purpose or one of the purposes of such meeting is to consider the sale, lease, exchange, or other disposition of all or substantially all of the property and assets of the corporation shall be given to each member and shareholder within the time and in the manner provided by this chapter for the giving of notice of meetings of members and shareholders.

(3) At such meeting the members may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor.

(4) Such authorization shall require at least two-thirds of the votes which members and shareholders present at such meetings in person, by mail, or represented by proxy are entitled to cast: PROVIDED, That even after such authorization by a vote of members or shareholders, the board of directors may, in its discretion, without further action or approval by members, abandon such sale, lease, exchange, or other disposition of assets, subject only to the rights of third parties under any contracts relating thereto.

NEW SECTION. Sec. 49. Any member or shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(1) Any plan of merger or consolidation to which the corporation is a party; or

(2) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale; or

(3) Any amendment to the articles of incorporation which changes voting or property rights of members or shareholders other than by changing the number of memberships or shares or classes of either thereof; or

(4) Any amendment to the articles of incorporation which reorganizes a corporation under the provisions of this chapter.

The provisions of this section shall not apply to the members or shareholders of the surviving corporation in a merger if such corporation is on the date of the filing of the articles of merger the owner of all the outstanding shares of the other corporations, domestic or foreign, which are parties to the merger, or if a vote of the members and shareholders of such corporation is not necessary to authorize such merger.

NEW SECTION. Sec. 50. Any member or shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of members and shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such member or shareholder shall not have voted in favor thereof, such member or shareholder may,

within ten days after the date on which the vote was taken, or if a corporation is to be merged without a vote of its members and shareholders into another corporation, any other members or shareholders may, within fifteen days after the plan of such merger shall have been mailed to such members and shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such member's membership or of such shareholder's shares, and, if such proposed corporation action is effected, such corporation shall pay to such members, upon surrender of his membership certificate, if any, or to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any member or shareholder failing to make demand within the ten day period shall be bound by the terms of the proposed corporate action. Any member or shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a member or shareholder.

No such demand shall be withdrawn unless the corporation shall consent thereto. The right of such member or shareholder to be paid the fair value of his shares shall cease and his status as a member or shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim, if:

- (1) Such demand shall be withdrawn upon consent; or
- (2) The proposed corporate action shall be abandoned or rescinded or the members or shareholders shall revoke the authority to effect such action; or
- (3) In the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign,

that are parties to the merger; or

(4) No demand or petition for the determination of fair value by a court shall have been made or filed within the time provided by this section; or

(5) A court of competent jurisdiction shall determine that such member or shareholder is not entitled to the relief provided by this section.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting member or shareholder who has made demand as herein provided, and shall make a written offer to each such member or shareholder to pay for such shares or membership at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation in which the member has his membership or the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet .

If within thirty days after the date on which such corporate action was effected the fair value of such shares or membership is agreed upon between any such dissenting member or shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected, upon surrender of the membership certificate, if any, or upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting member or shareholder shall cease to have any interest in such membership or shares.

If within such period of thirty days a dissenting member or shareholder and the corporation do not so agree, then the corporation, within thirty days after receipt of written demand from any dissenting member or shareholder given within sixty days after the

date on which such corporate action was effected, shall, or at its election at any time within such period of sixty days may, file a petition in any court of competent jurisdiction in the county in this state where the registered office of the corporation is located praying that the fair value of such membership or shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting member or shareholder may do so in the name of the corporation. All dissenting members and shareholders, wherever residing, shall be made parties to the proceeding as an action against their memberships or shares quasi in rem. A copy of the petition shall be served on each dissenting member and shareholder who is a resident of this state and shall be served by registered or certified mail on each dissenting member or shareholder who is a non-resident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All members and shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the membership certificate, if any, or of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder or member shall cease to have any interest in such shares or membership.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the cir-

cumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting members and shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for membership or shares if the court shall find that the action of such members or shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the memberships or shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any member or shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the member or shareholder in the proceeding.

Within twenty days after demanding payment for his shares or membership, each member and shareholder demanding payment shall submit the certificate or certificates representing his membership or shares to the corporation for notation thereon that such demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If membership or shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such membership or shares, and a transferee of such membership or shares shall acquire by such transfer no rights in the corporation other than those which the original

dissenting member or shareholder had after making demand for payment of the fair value thereof.

NEW SECTION. Sec. 51. Notwithstanding any provision in this chapter for the payment of fair value to a dissenting member or shareholder, the articles of incorporation may provide that a dissenting member or shareholder shall be limited to a return of a lesser amount, but in no event shall a dissenting shareholder be limited to a return of less than the consideration paid to the corporation for the membership or shares which he holds unless the fair value of the membership or shares is less than the consideration paid to the corporation.

NEW SECTION. Sec. 52. A corporation may dissolve and wind up its affairs in the following manner:

(1) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members and shareholders which may be either an annual or a special meeting.

(2) Written or printed notice stating that the purpose or one of the purposes of such meeting is to consider the advisability of dissolving the corporation shall be given to each member and shareholder within the time and in the manner provided in this chapter for the giving of notice of meetings of members and shareholders.

(3) A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes which members and shareholders present in person or by mail at such meeting or represented by proxy are entitled to cast.

Upon the adoption of such resolution by the members and shareholders, the corporation shall cease to conduct its affairs and, except insofar as may be necessary for the winding up thereof, shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, and shall proceed to collect its assets and to apply and distribute them as provided in section 53 of this chapter.

NEW SECTION. Sec. 53. The assets of a corporation in the process of dissolution shall be applied and distributed as follows:

(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision made therefor;

(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred, or conveyed in accordance with such requirements;

(3) Remaining assets, if any, shall be distributed to the members, shareholders or others in accordance with the provisions of the articles of incorporation.

NEW SECTION. Sec. 54. A corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke the action theretofore taken to dissolve the corporation, in the following manner:

(1) The board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of members or shareholders which may be either an annual or a special meeting.

(2) Written or printed notice stating that the purpose or one of the purposes of the meeting is to consider the advisability of revoking the voluntary dissolution proceedings shall be given to each member and shareholder within the time and in the manner provided in this chapter for the giving of notice of meetings of members or shareholders.

(3) A resolution to revoke voluntary dissolution proceedings shall be adopted upon receiving at least two-thirds of the votes which members and shareholders present in person or by mail at such meeting or represented by proxy are entitled to cast.

NEW SECTION. Sec. 55. If voluntary dissolution proceedings have not been revoked, then after all debts, liabilities and obliga-

tions of the corporation shall have been paid and discharged, or adequate provision shall have been made therefor, and all of the remaining property and assets of the corporation shall have been transferred, conveyed or distributed in accordance with the provisions of this chapter, articles of dissolution shall be executed in triplicate by the corporation, by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement; and such statement shall set forth:

(1) The name of the corporation.

(2) The date of the meeting of members or shareholders at which the resolution to dissolve was adopted, certifying that:

(a) A quorum was present at such meeting;

(b) Such resolution received at least two-thirds of the votes which members and shareholders present in person or by mail at such meeting or represented by proxy were entitled to cast or was adopted by a consent in writing signed by all members and shareholders;

(c) All debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor;

(d) All the remaining property and assets of the corporation have been transferred, conveyed or distributed in accordance with the provisions of this chapter; and

(e) There are no suits pending against the corporation in any court or, if any suits are pending against it, that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered.

NEW SECTION. Sec. 56. Triplicate originals of articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to law, he shall, when all fees have been paid as prescribed in this chapter:

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

(2) File one of the originals in his office.

(3) Issue a certificate of dissolution which he shall affix to one of such originals.

The certificate of dissolution, together with the original of the articles of dissolution affixed thereto by the secretary of state and the other remaining original shall be returned to the representative of the dissolved corporation, who shall file such remaining original in the office of the county auditor of the county in which the registered agent is situated or in such other county office as may be designated in a charter county for the filing of articles of incorporation. The other original with affixed certificate of dissolution shall be retained with the corporation minutes.

Upon the issuance of a certificate of dissolution, the corporate existence shall cease, except for the purpose of determining such suits, other proceedings and appropriate corporate action by members, directors and officers as are authorized in this chapter.

NEW SECTION. Sec. 57. A corporation may be dissolved by decree of the superior court in an action filed on petition of the attorney general upon a showing that:

(1) The corporation procured its articles of incorporation through fraud; or

(2) The corporation has continued to exceed or abuse the authority conferred upon it by law; or

(3) The corporation has failed for ninety days to appoint and maintain a registered agent in this state; or

(4) The corporation has failed for ninety days after change of its registered agent to file in the office of the secretary of state a statement of such change.

NEW SECTION. Sec. 58. (1) Failure of the corporation to file its annual report within the time required shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation un-

der law.

Every corporation which shall fail to file its annual report for three consecutive years shall cease to exist as a corporation on the first day of July of the third year in which no report was filed and the secretary of state shall issue a certificate of dissolution. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided by section 67 of this act and thereafter the directors of the corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

(2) Whenever the secretary of state shall have knowledge of any cause existing under section 57 of this act for the dissolution of a corporation, he shall certify the same to the attorney general and concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt of such certification, the attorney general shall file an action in the name of the state against the corporation for its dissolution. Every such certificate from the secretary of state to the attorney general pertaining to the failure of a corporation to file an annual report shall be taken and received in all courts as prima facie evidence of the facts therein stated.

(a) If, before such action is filed, the corporation shall appoint or maintain a registered agent as provided in this chapter, or shall file with the secretary of state the required statement of change of registered agent, such fact shall be forthwith certified by the secretary of state to the attorney general and he shall not file an action against such corporation for such cause.

(b) If, after action is filed, the corporation shall appoint or maintain a registered agent as provided in this chapter, or shall file with the secretary of state the required statement of change of registered agent, and shall pay the costs of such action, the action for such cause shall abate.

NEW SECTION. Sec. 59. Every action for the involuntary dissolution of a corporation shall be commenced by the attorney general either in the superior court of the county in which the registered office of the corporation is situated, or in the superior court of Thurston county. Summons shall issue and be served as in other civil actions. If process is returned not found, the attorney general shall cause publication to be made as in other civil cases in a newspaper published in the county where the registered office of the corporation is situated, notifying the corporation of the pendency of such action, the title of the court, the title of the action, the date on or after which default may be entered, giving the corporation thirty days within which to appear, answer, and defend. The attorney general may include in one notice the names of any number of corporations against which actions are then pending in the same court. The attorney general shall cause a copy of such notice to be mailed by certified mail to the corporation at its registered office within ten days after the first publication thereof. The certificate of the attorney general of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for two successive weeks, and the first publication thereof may begin at any time after the summons has been returned not found. Unless a corporation shall have been personally served with summons, no default shall be taken against it less than thirty days from the first publication of such notice.

NEW SECTION. Sec. 60. The superior court shall have full power to liquidate the assets and to provide for the dissolution of a corporation when:

(1) In any action by a member, shareholder or director it is made to appear that:

(a) The directors are deadlocked in the management of the corporate affairs and that irreparable injury to the corporation is being suffered or is threatened by reason thereof, and that the members or shareholders are unable to break the deadlock; or

(b) The acts of the directors or those in control of the corporation are illegal, oppressive, or fraudulent; or

(c) The corporate assets are being misapplied or wasted; or

(d) The corporation is unable to carry out its purposes; or

(e) The shareholders have failed, for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon the election of their successors.

(2) In an action by a creditor:

(a) The claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied, and it is established that the corporation is insolvent; or

(b) The corporation has admitted in writing that the claim of the creditor is due and owing, and it is established that the corporation is insolvent.

(3) A corporation applies to have its dissolution continued under the supervision of the court.

(4) An action has been filed by the attorney general to dissolve the corporation and it is established that liquidation of its affairs should precede the entry of a decree of dissolution.

Proceedings under subsections (1), (2) or (3) of this section shall be brought in the county in which the registered office or the principal office of the corporation is situated.

It shall not be necessary to make directors, members or shareholders party to any such action or proceedings unless relief is sought against them personally.

NEW SECTION. Sec. 61. (1) In proceedings to liquidate the assets and affairs of a corporation the court shall have the power to:

(a) Issue injunctions;

(b) Appoint a receiver or receivers pendente lite, with such powers and duties as the court may, from time to time, direct;

(c) Take such other proceedings as may be requisite to preserve the corporate assets wherever situated; and

(d) Carry on the affairs of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings, and to any other parties in interest designated by the court, the court may appoint a receiver with authority to collect the assets of the corporation. Such receiver shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The order appointing such receiver shall state his powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

(2) The assets of the corporation or the proceeds resulting from the sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

(a) All costs and expenses of the court proceedings, and all liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred or conveyed in accordance with such requirements;

(c) Remaining assets, if any, shall be distributed to the members, shareholders or others in accordance with the provisions of the articles of incorporation.

(3) The court shall have power to make periodic allowances, as expenses of the liquidation and compensation to the receivers and attorneys in the proceeding accrue, and to direct the payment thereof from the assets of the corporation or from the proceeds of any sale or disposition of such assets.

A receiver appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name, as receiver of such corporation. The court appointing such receiver

shall have exclusive jurisdiction of the corporation and its property, wherever situated

NEW SECTION. Sec. 62. A receiver shall in all cases be a citizen of the United States or a corporation for profit authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this state, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

NEW SECTION. Sec. 63. In proceedings to liquidate the assets and affairs of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

NEW SECTION. Sec. 64. The liquidation of the assets and affairs of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

NEW SECTION. Sec. 65. In proceedings to liquidate the assets and affairs of a corporation, when the costs and expenses of such proceedings and all debts, obligations, and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed in accordance with the provisions of this chapter, or in case its property and assets are not

sufficient to satisfy and discharge such costs, expenses, debts, and obligations, and all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the corporate existence shall cease.

NEW SECTION. Sec. 66. In case the court shall enter a decree dissolving a corporation, it shall be the duty of the court clerk to cause a certified copy of the decree to be filed with the secretary of state. No fee shall be charged by the secretary of state for the filing thereof.

NEW SECTION. Sec. 67. The dissolution of a corporation whether (1) by the issuance of a certificate of dissolution by the secretary of state, or (2) by a decree of court when the court has not liquidated the assets and affairs of the corporation as provided in this chapter, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, members, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years from the date of dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name and capacity. The members, shareholders, directors, and officers shall have power to take such corporate or other action as shall be appropriate to protect any remedy, right, or claim. If the corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during the two years in order to extend its period of duration.

NEW SECTION. Sec. 68. (1) No foreign corporation shall have the right to conduct affairs in this state until it shall have procured a certificate of authority from the secretary of state to do so. No foreign corporation shall be entitled to procure a certificate of authority under this chapter to conduct in this state any af-

affairs which a corporation organized under this chapter is not permitted to conduct: PROVIDED, That no foreign corporation shall be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state: PROVIDED FURTHER, That nothing in this chapter contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

(2) Without excluding other activities not constituting the conduct of affairs in this state, a foreign corporation shall, for purposes of this chapter, not be considered to be conducting affairs in this state by reason of carrying on in this state any one or more of the following activities:

(a) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof, or the settlement of claims or disputes.

(b) Holding meetings of its directors, members, or shareholders, or carrying on other activities concerning its internal affairs.

(c) Maintaining bank accounts.

(d) Creating evidences of debt, mortgages or liens on real or personal property.

(e) Securing or collecting debts due to it or enforcing any rights in property securing the same.

NEW SECTION. Sec. 69. A foreign corporation which shall have received a certificate of authority under this chapter shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this chapter, enjoy the same but no greater rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authorization is issued, and shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

NEW SECTION. Sec. 70. No certificate of authority shall be

issued to a foreign corporation unless the corporate name of such corporation complies with the provisions of section 9 of this chapter.

NEW SECTION. Sec. 71. Whenever a foreign corporation which is authorized to conduct affairs in this state shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter conduct any affairs in this state until it has changed its name to a name which is available to it under the laws of this state.

NEW SECTION. Sec. 72. A foreign corporation, in order to procure a certificate of authority to conduct affairs in this state, shall make application therefor to the secretary of state, which application shall set forth:

- (1) The name of the corporation and the state or country under the laws of which it is incorporated.
- (2) The date of incorporation and the period of duration of the corporation.
- (3) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.
- (4) The address of the proposed registered office of the corporation in this state, and the name of its proposed registered agent in this state at such address.
- (5) For the purpose or purposes of the corporation which it proposes to pursue in conducting its affairs in this state.
- (6) The names and respective addresses of the directors and officers of the corporation.
- (7) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to conduct affairs in this state.

NEW SECTION. Sec. 73. Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state together with a copy of its arti-

cles of incorporation and all amendments thereto, duly authenticated by the proper officer designated under the laws of the state or country in which it is incorporated.

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

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

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

(3) Issue a certificate of authority to conduct affairs in this state to which he shall affix the other duplicate original application.

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

NEW SECTION. Sec. 74. Upon the issuance of a certificate of authority by the secretary of state, the corporation shall be authorized to conduct affairs in this state for those purposes set forth in its application: PROVIDED, That the state may suspend or revoke such authority as provided in this chapter for revocation and suspension of domestic corporation franchises.

NEW SECTION. Sec. 75. Every foreign corporation authorized to conduct affairs in this state shall have and continuously maintain in this state:

(1) A registered office which may but need not be the same as its principal office.

(2) A registered agent, who may be:

(a) An individual resident of this state whose business office is identical with the registered office; or

(b) A domestic corporation organized under any law of this state; or

(c) A foreign corporation authorized under any law of this state to transact business or conduct affairs in this state, having

an office identical with the registered office.

NEW SECTION. Sec. 76. A foreign corporation authorized to conduct affairs in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office is to be changed, such new address.
- (4) The name of its then registered agent.
- (5) If its registered agent is to be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.
- (7) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation, by its president or a vice president, and verified by him and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this chapter, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

NEW SECTION. Sec. 77. Any registered agent in this state appointed by a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the foreign corporation at its principal office in the state or country under the laws of which it is incorporated as shown by its most recent annual report. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

NEW SECTION. Sec. 78. The registered agent so appointed by

a foreign corporation authorized to conduct affairs in this state shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

NEW SECTION. Sec. 79. Whenever a foreign corporation authorized to conduct affairs in this state shall fail to appoint or maintain a registered agent in this state, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any such process, notice, or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the secretary of state, he shall immediately cause one of such copies thereof to be forwarded by certified mail, addressed to the corporation at its principal office in the state or country under the laws of which it is incorporated. Any service so had on the secretary of state shall be returnable in not less than thirty days.

The secretary of state shall keep a record of all processes, notices and demands served upon him under this action, and shall record therein the time of such service and his action with reference thereto: PROVIDED, That nothing contained in this section shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

NEW SECTION. Sec. 80. Whenever the articles of incorporation of a foreign corporation authorized to conduct affairs in this state are amended, such foreign corporation shall, within thirty days after such amendment becomes effective, file in the office of the secre-

tary of state a copy of such amendment duly authenticated by the proper officer designated under the laws of the state or country in which it is incorporated: PROVIDED, That the filing thereof shall not of itself enlarge or alter the purpose or purposes for which such corporation is authorized to pursue in conducting its affairs in this state, nor authorize such corporation to conduct affairs in this state under any other name than the name set forth in its certificate of authority.

NEW SECTION. Sec. 81. Whenever a foreign corporation authorized to conduct affairs in this state shall be a party to a statutory merger permitted by the laws of the state or country under which it is incorporated, and such corporation shall be the surviving corporation, it shall, within thirty days after such merger becomes effective, file with the secretary of state a copy of the articles of merger duly authenticated by the proper officer designated under the laws of the state or country in which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to conduct affairs in this state unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this state other or additional purposes than those which it is then authorized to pursue in this state.

NEW SECTION. Sec. 82. A foreign corporation authorized to conduct affairs in this state shall apply for an amended certificate of authority in the event that it wishes to change its corporate name, or desires to pursue in this state purposes other or additional to those set forth in its initial application for a certificate of authority.

The requirements with respect to the form and content of such application, the manner of its execution, the filing, the issuance of an amended certificate of authority, and the effect thereof shall be the same as in the case of an original application for a certificate of authority.

NEW SECTION. Sec. 83. A foreign corporation authorized to conduct affairs in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, the foreign corporation shall deliver to the secretary of state an application for withdrawal, which shall set forth:

- (1) The name of the corporation and the state or country under whose laws it is incorporated.
- (2) A declaration that the corporation is not conducting affairs in this state.
- (3) A surrender of its authority to conduct affairs in this state.
- (4) A notice that the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in any action, suit or proceeding, based upon any cause of action arising in this state during the time the corporation was authorized to conduct affairs in this state, may thereafter be made upon such corporation by service thereof on the secretary of state.
- (5) A post office address to which the secretary of state may mail a copy of any process that may be served on him as agent for the corporation.

The application for withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation, by its president or a vice president, and by its secretary or an assistant secretary, and shall be verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee, and verified by him.

NEW SECTION. Sec. 84. Duplicate originals of an application for withdrawal shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to the pro-

visions of this chapter, he shall, when all fees have been paid as prescribed in this chapter:

- (1) Endorse on each of such duplicate originals the word "filed", and the month, day and year of the filing thereof.
- (2) File one of such duplicate originals in his office.
- (3) Issue a certificate of withdrawal to which he shall affix the other duplicate original.

The certificate of withdrawal, together with the duplicate original of the application for withdrawal affixed thereto by the secretary of state, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to conduct affairs in this state shall cease.

NEW SECTION. Sec. 85. (1) The certificate of authority of a foreign corporation to conduct affairs in this state may be revoked by the secretary of state upon the conditions prescribed in this section when:

- (a) The corporation has failed to file its annual report within the time required by this chapter or has failed to pay any fees or penalties prescribed by this chapter as they become due and payable; or
- (b) The corporation has failed to appoint and maintain a registered agent in this state as required by this chapter; or
- (c) The corporation has failed, after change of its registered agent, to file in the office of the secretary of state a statement of such change as required by this chapter; or
- (d) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation or any articles of merger within the time prescribed by this chapter; or
- (e) The certificate of authority of the corporation was procured through fraud practiced upon the state; or
- (f) The corporation has continued to exceed or abuse the authority conferred upon it by this chapter; or

(g) A misrepresentation has been made as to any material matter in any application, report, affidavit, or other document, submitted by such corporation pursuant to this chapter.

(2) No certificate of authority of a foreign corporation shall be revoked by the secretary of state unless he shall have given the corporation not less than sixty days' notice thereof by mail addressed to its registered office in this state, and the corporation shall have failed prior to revocation to (a) file such annual report, (b) pay such fees or penalties, (c) file the required statement of change of registered agent, (d) file such articles of amendment or articles of merger, or (e) correct any material misrepresentation in its application, report, affidavit, or other document.

NEW SECTION. Sec. 86. Upon revoking any such certificate of authority, the secretary of state shall:

- (1) Issue a certificate of revocation in duplicate.
- (2) File one of such certificates in his office.
- (3) Mail to such corporation at its registered office in this state a notice of such revocation accompanied by one of the two certificates of revocation.

Upon issuance of the certificate of revocation, the corporate authority to conduct affairs in this state shall cease.

NEW SECTION. Sec. 87. No foreign corporation conducting affairs in this state without a certificate of authority shall be permitted to maintain any action, suit or proceeding in any court of this state until such corporation shall have obtained a certificate of authority. Nor shall any action, suit or proceeding be maintained in any court of this state by any successor or assignee of such corporation on any right, claim, or demand arising out of the conduct of affairs by such corporation in this state until a certificate of authority shall have been obtained by the corporation or by a valid corporation which has (1) acquired all or substantially all of its assets and (2) assumed all of its liabilities: PROVIDED, That the failure of a foreign corporation to obtain a certificate of authority

to conduct affairs in this state shall not impair the substantive validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action, suit or proceeding in any court of this state under such terms and conditions as a court may find just.

NEW SECTION. Sec. 88. Each domestic corporation, and each foreign corporation authorized to conduct affairs in this state, shall file, within the time prescribed by this chapter, an annual report setting forth:

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

(2) The address of the registered office of the corporation in this state, including street and number, the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under whose laws it is incorporated.

(3) A brief statement of the character of the affairs in which the corporation is engaged, or, in the case of a foreign corporation, engaged in this state.

(4) The names and respective addresses of the directors and officers of the corporation.

The information shall be given as of the date of the execution of the report. It shall be executed by the corporation by its president or a vice president, by a secretary, an assistant secretary or treasurer, and verified by the officer executing the report, or, if the corporation is in the hands of a receiver or trustee, it shall be executed and verified on behalf of the corporation by such receiver or trustee.

NEW SECTION. Sec. 89. An annual report of each domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of May of each year: PROVIDED, That the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the

first day of March of the year next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Deposit in the United States mails, in a sealed envelope, properly addressed to the secretary of state, with postage prepaid thereon, prior to the first day of March, shall be deemed compliance with this requirement.

If the secretary of state finds that a report conforms to the requirements of this chapter, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for necessary corrections, in which event the penalties prescribed for failure to file such report within the time required shall not apply if such report is corrected to conform to the requirements of this chapter and returned to the secretary of state in sufficient time to be filed prior to the first day of April of the year in which it is due.

NEW SECTION. Sec. 90. The secretary of state shall charge and collect for:

(1) Filing articles of incorporation and issuing a certificate of incorporation, twenty dollars.

(2) Filing articles of amendment and issuing a certificate of amendment, ten dollars.

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ten dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar.

(5) Filing articles of dissolution, five dollars.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, five dollars.

(8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars.

(11) Filing a certificate by a foreign corporation of the appointment of a resident agent, ten dollars.

(12) Filing a certificate by a foreign corporation of the revocation of the appointment of a resident agent, ten dollars.

(13) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, one dollar.

NEW SECTION. Sec. 91. The secretary of state shall charge and collect:

(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.

(2) Two dollars at the time of any service of process on him as resident agent of any corporation, which may be recovered as taxable costs by the party to the suit or action if such party prevails.

NEW SECTION. Sec. 92. Any money received by the secretary of state under the provisions of this chapter shall be deposited forthwith into the state treasury.

NEW SECTION. Sec. 93. Each corporation, domestic or foreign, which fails or refuses to file its annual report for any year within the time prescribed by this chapter shall be subject to a penalty of five dollars to be assessed by the secretary of state.

Each corporation, domestic or foreign, which fails or refuses to answer truthfully and fully within the time prescribed by this chapter any interrogatories propounded by the secretary of state in

accordance with the provisions of this chapter, shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed five hundred dollars on each count.

NEW SECTION. Sec. 94. Each director and officer of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this chapter, to answer truthfully and fully any interrogatories propounded to him by the secretary of state in accordance with the provisions of this chapter, or who signs any articles, statement, report, application, or other document filed with the secretary of state, which is known to such officer or director to be false in any material respect, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed five hundred dollars on each count.

NEW SECTION. Sec. 95. The secretary of state may propound to any corporation, domestic or foreign, subject to the provisions of this chapter, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable him to ascertain whether such corporation has complied with all of the provisions of this chapter applicable to such corporation. All such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the secretary of state, and the answers thereto shall be full and complete, made in writing, and under oath. If such interrogatories are directed to an individual, they shall be answered personally by him, and if directed to the corporation they shall be answered by the president, a vice president, a secretary or any assistant secretary thereof. The secretary of state need not file any document to which such interrogatories relate until such interrogatories are answered as required by this section, and even not then if the answers thereto disclose that the document is not in conformity with the provisions of this chapter.

The secretary of state shall certify to the attorney general, for such action as the attorney general may deem appropriate, all

interrogatories and answers thereto which disclose a violation of any of the provisions of this chapter.

The provisions of this section shall not apply to a domestic or foreign corporation which, by declaration, order or ruling of the internal revenue service of the United States, is exempt from the obligation to file income tax return.

NEW SECTION. Sec. 96. Interrogatories propounded by the secretary of state and the answers thereto shall not be open to public inspection, nor shall the secretary of state disclose any facts or information obtained therefrom unless (1) his official duty may require that the same be made public, or (2) such interrogatories or the answers thereto are required for use in evidence in any criminal proceedings or other action by the state.

NEW SECTION. Sec. 97. The secretary of state shall have all power and authority reasonably necessary to enable him to administer this chapter efficiently and to perform the duties therein imposed upon him.

NEW SECTION. Sec. 98. (1) If the secretary of state shall fail to approve any articles of incorporation, amendment, merger, consolidation, or dissolution, or any other document required by this chapter to be approved by the secretary of state before the same shall be filed in his office, he shall, within ten days after the delivery of such document to him, give written notice of his disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. The person or corporation may apply to the superior court of the county in which the registered office of such corporation is situated, or is proposed, in the document, by filing a petition with the clerk of such court setting forth a copy of the articles or other document tendered to the secretary of state, together with a copy of the written disapproval thereof by the secretary of state; whereupon the matter shall be tried to the court on all questions of fact and law; and the court shall either sustain or overrule the action of the secretary of state.

(2) If the secretary of state shall revoke the certificate of authority to conduct affairs in this state of any foreign corporation, such foreign corporation may likewise apply to the superior court of the county where the registered office of such corporation in this state is situated, by filing with the clerk of such court a petition setting forth a copy of its certificate of authority to conduct affairs in this state and a copy of the notice of revocation given by the secretary of state; whereupon the matter shall be tried to the court on all questions of fact and law; and the court shall either sustain or overrule the action of the secretary of state.

(3) Appeals from all final orders and judgments entered by the superior court under this section, in the review of any ruling or decision of the secretary of state may be taken as in other civil actions.

NEW SECTION. Sec. 99. All certificates issued by the secretary of state in accordance with the provisions of this chapter, and all copies of documents filed in his office in accordance with the provisions of this chapter when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certificate by the secretary of state under the seal of this state, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the foregoing documents or certificates, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

NEW SECTION. Sec. 100. Whenever, with respect to any action to be taken by the members, shareholders or directors of a corporation, the articles of incorporation require the vote or concurrence of a greater proportion of the members, shareholders or directors, as the case may be, than required by this chapter with respect to such action, the provisions of the articles of incorporation shall control.

NEW SECTION. Sec. 101. Whenever any notice is required to be

given to any member, shareholder or director of a corporation under the provisions of this chapter or under the provisions of the articles of incorporation or bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether made before or given after the time stated therein, shall be equivalent to the giving of such notice.

NEW SECTION. Sec. 102. Any action required by this chapter to be taken at a meeting of the members, shareholders or directors of a corporation, or any action which may be taken at a meeting of the members, shareholders or directors, may be taken without a meeting, if a consent in writing, setting forth the action so taken, is signed by all of the members and shareholders entitled to vote thereon, or by all of the directors, as the case may be, unless the articles or by-laws provide to the contrary.

Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any articles or document filed with the secretary of state.

NEW SECTION. Sec. 103. All persons who assume to act as a corporation without authority so to do shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

NEW SECTION. Sec. 104. This chapter shall be known and may be cited as the "Miscellaneous and Mutual Corporation Act".

NEW SECTION. Sec. 105. The enactment of this chapter 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 chapter becomes effective; and any corporation existing under any prior law which expires on or before the date when this chapter takes effect shall continue its corporate existence: PROVIDED, That this chapter shall apply prospectively to all existing corporations which do not otherwise qualify under the provisions of Titles 23A and 24 RCW, to the extent permitted by the Constitution of this state and of the United States.

NEW SECTION. Sec. 106. If the term of existence of a corporation which was organized under this chapter, or which has availed it-

self of the privileges thereby provided expires, such corporation shall have the right to renew the term of its existence for a definite period or perpetually and to be reinstated under any name not then in use by a domestic corporation organized under any act of this state or a foreign corporation authorized under any act of this state to transact business or conduct affairs in this state. To do so the directors, members and officers shall adopt amended articles of incorporation containing a certification that the purpose thereof is a reinstatement and renewal of the corporate existence; and they shall proceed in accordance with the provisions of this chapter for the adoption and filing of amendments to articles of incorporation. Thereupon such corporation shall be reinstated and its corporate existence renewed as of the date on which its previous term of existence expired and all things done or omitted by it or by its officers, directors, agents and members before such reinstatement shall be as valid and have the same legal effect as if its previous term of existence had not expired.

NEW SECTION. Sec. 107. Any corporation or association organized under any other statute may be reorganized under the provisions of this chapter by adopting and filing amendments to its articles of incorporation in accordance with the provisions of this chapter for amending articles of incorporation. The articles of incorporation as amended must conform to the requirements of this chapter, and shall state that the corporation accepts the benefits and will be bound by the provisions of this chapter.

NEW SECTION. Sec. 108. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected, and the effect of such invalidity shall be confined to the clause, sentence, paragraph, section or part of this act so held to be invalid.

NEW SECTION. Sec. 109. The secretary of state shall notify all existing miscellaneous and mutual corporations thirty days prior to the date this act becomes effective as to their requirements for

filing an annual report. If such notification from the secretary of state to any corporation is returned unclaimed, the secretary of state shall proceed to dissolve the corporation by striking the name of such corporation from the records on file in his office.

Corporations may be reinstated upon paying a five dollar fee in addition to any other fees that may be due or owing the secretary of state and filing its annual report. Thereupon such corporation shall be reinstated and its corporate existence renewed as of the date on which it was so dissolved, and all things done or omitted by its officers, directors, agents and members before such reinstatement shall be as valid and have the same legal effect as if the corporation had not been so dissolved.

NEW SECTION. Sec. 110. This chapter 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, 1969: PROVIDED, That no corporation existing on the effective date of this act shall be required to conform to the provisions of this act until July 1, 1971.

NEW SECTION. Sec. 111. This chapter is added as a new chapter to Title 24 RCW.

Passed the House March 14, 1969  
 Passed the Senate April 10, 1969  
 Approved by the Governor April 18, 1969  
 Filed in office of Secretary of State April 18, 1969

CHAPTER 121  
 [Engrossed House Bill No. 110]  
 HUSBAND AND WIFE--  
 ANTENUPTIAL AND SEPARATE DEBTS

AN ACT Relating to liabilities of husband and wife for antenuptial and separate debts; and amending section 10, page 452, Laws of 1873 as amended by section 2405, Code of 1881, and RCW 26.16.200.

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

Section 1. Section 10, page 452, Laws of 1873 as amended by section 2405, Code of 1881 and RCW 26.16.200 are each amended to read as follows:

Neither husband or wife is liable for the debts or liabilities

of the other incurred before marriage, nor for the separate debts of each other, nor is the rent or income of the separate property of either liable for the separate debts of the other: PROVIDED, That the earnings and accumulations of the husband shall be available to the legal process of creditors for the satisfaction of debts incurred by him prior to marriage, and the earnings and accumulations of the wife shall be available to the legal process of creditors for the satisfaction of debts incurred by her prior to marriage. For the purpose of this section neither the husband nor the wife shall be construed to have any interest in the earnings of the other: PROVIDED FURTHER, That no separate debt may be the basis of a claim against the earnings and accumulations of either a husband or wife unless the same is reduced to judgment within three years of the marriage of the parties.

Passed the House March 14, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 18, 1969  
Filed in office of Secretary of State April 18, 1969

CHAPTER 122  
[Engrossed Senate Bill No. 401]  
REAL PROPERTY--MORTGAGES--  
RENTS AND PROFITS--ASSIGNMENT

AN ACT Relating to assignment of rents; and amending section 546, Code of 1881 and RCW 7.28.230.

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

Section 1. Section 546, Code of 1881 and RCW 7.28.230 are each amended to read as follows:

(1) A mortgage of any interest in real property shall not be deemed a conveyance so as to enable the owner of the mortgage to recover possession of the real property, without a foreclosure and sale according to law: PROVIDED, That nothing in this section shall be construed as any limitation upon the right of the owner of real property to mortgage, pledge or assign the rents and profits thereof, nor as prohibiting the mortgagee, pledgee or assignee of such rents and profits, or any trustee under a mortgage or trust deed either contemporaneously or upon the happening of a future event of default, from

entering into possession of any real property, other than farm lands or the homestead of the mortgagor or his successor in interest, for the purpose of collecting the rents and profits thereof for application in accordance with the provisions of the mortgage or trust deed or other instrument creating the lien, nor as any limitation upon the power of a court of equity to appoint a receiver to take charge of such real property and collect such rents and profits thereof for application in accordance with the terms of such mortgage, trust deed or assignment.

(2) Until paid, the rents and profits of real property constitute real property for the purposes of mortgages, trust deeds or assignments whether or not said rents and profits have accrued. The provisions of RCW 65.08.070 as now or hereafter amended shall be applicable to such rents and profits, and such rents and profits are excluded from Article 62A.9 RCW.

Passed the Senate March 17, 1969.

Passed the House April 11, 1969.

Approved by the Governor April 18, 1969.

Filed in office of Secretary of State April 18, 1969.

CHAPTER 123

[Engrossed Senate Bill No. 443]

INSTITUTION FOR TREATMENT OF DRUG ABUSE

AN ACT Relating to state institutions; creating new sections; and providing an effective date.

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

NEW SECTION. Section 1. The purpose of this act is to provide additional programs for the treatment and rehabilitation of persons suffering from narcotic and dangerous drug abuse.

NEW SECTION. Sec. 2. There shall be established at an institution, or portion thereof, to be designated by the director of the department of institutions, programs for treatment and rehabilitation of persons in need of medical care and treatment due to narcotic abuse or dangerous drug abuse. Such programs shall include facilities for both residential and outpatient treatment. The director of the department of institutions shall promulgate rules and regulations,

governing the voluntary admission, the treatment and release of such patients, and all other matters incident to the proper administration of this act.

NEW SECTION. Sec. 3. The effective date of this act shall be July 1, 1969.

Passed the Senate March 27, 1969.  
Passed the House April 11, 1969.  
Approved by the Governor April 18, 1969.  
Filed in office of Secretary of State April 18, 1969.

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CHAPTER 124  
[Engrossed Senate Bill No. 80]  
PROPERTY TAXES--  
MERCHANDISE SHIPPED IN OR OUT OF STATE--  
EXEMPTIONS

AN ACT Relating to revenue and taxation; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; repealing section 3, chapter 168, Laws of 1961, as last amended by section 33, chapter 149, Laws of 1967 ex. sess., and RCW 84.36.171; repealing sections 14, 15 and 16, chapter 28, Laws of 1963 ex. sess., and RCW 84.36.172, RCW 84.36.173 and RCW 84.36.174; 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 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

There shall be exempt from taxation a portion of each separately assessed stock of merchandise, as that word is defined in this section, owned or held by any taxpayer on the first day of January of any year computed by first multiplying the total amount of that stock of such merchandise, as determined in accordance with RCW 84.40.020, by a percentage determined by dividing the amount of such merchandise brought into this state by the taxpayer during the preceding year for that stock by the total additions to that stock by the taxpayer during that year, and then multiplying the result of the latter computation by a percentage determined by dividing the total out-of-state shipments of such merchandise by the taxpayer during the preceding year from that stock (and regardless of whether or not any such shipments

involved a sale of, or a transfer of title to, the merchandise within this state) by the total shipments of such merchandise by the taxpayer during the preceding year from that stock. As used in this section, the word "merchandise" means goods, wares, merchandise or material which were not manufactured in this state by the taxpayer and which were acquired by him (in any other manner whatsoever, including manufacture by him outside of this state) for the purpose of sale or shipment in substantially the same form in which they were acquired by him within this state or were brought into this state by him. Breaking of packages or of bulk shipments, packaging, repackaging, labeling or relabeling shall not be considered as a change in form within the meaning of this section. A taxpayer who has made no shipments of merchandise, either out-of-state or in-state, during the preceding year, may compute the percentage to be applied to the stock of merchandise on the basis of his experience from March 1 of the preceding year to the last day of February of the current year, in lieu of computing the percentage on the basis of his experience during the preceding year. The rule of strict construction shall not apply to this section.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Any person claiming the exemption provided for in section 1 of this act shall file such claim with his listing of personal property as provided by RCW 84.40.040. The claim shall be in the form prescribed by the department of revenue, and shall require such information as the department deems necessary to substantiate the claim. The claim shall be signed and verified by the same person and in the same manner as the listing of personal property filed pursuant to RCW 84.40.040.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

An owner or agent filing a claim under section 2 of this act

shall consent to the inspection of the books and records upon which the claim has been based, such inspection to be similar in manner to that provided by RCW 84.40.340, or if the owner or agent does not maintain records within this state, the consent shall apply to the records of a warehouse, person or agent having custody of the inventory to which the claim applies. Consent to the inspection of the records shall be executed as a part of the claim. The owner, his agent, or other person having custody of the inventory referred to herein shall retain within this state, for a period of at least two years from the date of the claim, the records referred to above. If adequate records are not made available to the assessor within the county where the claim is made, then the exemption shall be denied.

NEW SECTION. Sec. 4. Section 1 of this act shall not apply to goods or merchandise subject to taxation pursuant to RCW 84.56.180.

Sec. 5. Section 84,56.180, chapter 15, Laws of 1961 and RCW 84.56.180 are each amended to read as follows:

Whenever any person, firm or corporation, shall, subsequent to the first day of January of any year, bring or send into any county from outside the state any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the county assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon fifty percent of such valuation the said owner, consignee or person in charge shall pay to the collector of taxes a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon paid to the collector. Every person, firm or corporation

bringing into any county of this state from outside the state any goods or merchandise after the first day of January shall be deemed subject to the provisions of this section.

This section shall not apply to goods or merchandise consigned to a person for sale at such person's permanent place of business within this state, if such person is required to list such goods or merchandise pursuant to RCW 84.40.185.

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

(1) Section 3, chapter 168, Laws of 1961, as last amended by section 33, chapter 149, Laws of 1967 ex. sess., and RCW 84.36.171;

(2) Sections 14, 15 and 16, chapter 28, Laws of 1963 ex. sess. and RCW 84.36.172, RCW 84.36.173 and RCW 84.36.174.

NEW SECTION. Sec. 7. This 1969 act shall be effective as of January 1, 1969: PROVIDED, HOWEVER, That the repeals contained in this act shall not be construed as affecting any existing right acquired or any liability or obligation incurred under the provision of the statutes repealed.

NEW SECTION. Sec. 8. This 1969 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, 1969.

Passed the House April 10, 1969.

Approved by the Governor April 19, 1969.

Filed in office of Secretary of State April 19, 1969.

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CHAPTER 125  
[Engrossed House Bill No. 163]  
MOTOR VEHICLES--OWNERSHIP--  
PERSONS UNDER EIGHTEEN YEARS OF AGE

AN ACT Relating to ownership of motor vehicles; adding new sections to chapter 12, Laws of 1961 and to Title 46 RCW; and providing penalties.

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

NEW SECTION. Section 1. It shall be unlawful for any person under the age of eighteen to be the registered or legal owner of any motor vehicle: PROVIDED, That this act shall not apply to any person who is on active duty in the United States armed forces nor to any minor who is in effect emancipated: PROVIDED FURTHER, That this act shall not apply to any person who is the registered owner of a motor vehicle prior to the effective date of this act or who became the registered or legal owner of a motor vehicle while a nonresident of this state.

NEW SECTION. Sec. 2. It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: PROVIDED, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of motor vehicles by the vendor with the application for title to said motor vehicle.

NEW SECTION. Sec. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 12, Laws of 1961 and to Title 46 RCW.

Passed the House March 14, 1969.  
Passed the Senate April 10, 1969.  
Approved by the Governor April 19, 1969.  
Filed in office of Secretary of State April 19, 1969.

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CHAPTER 126  
[Senate Bill No. 410]  
PROBATE--PROOF OF WILLS

AN ACT Relating to probate law and procedure; amending section 11-20.020, chapter 145, Laws of 1965 and RCW 11.20.020; and providing an effective date.

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

Section 1. Section 11.20.020, chapter 145, Laws of 1965 and RCW 11.20.020 are each amended to read as follows:

(1) Applications for the probate of a will and for letters testamentary, or either, may be made to the judge of the court having jurisdiction and the court may immediately hear the proofs and either probate or reject such will as the testimony may justify. Upon such hearing, the court shall make and cause to be entered a formal order, either establishing and probating such will, or refusing to establish and probate the same, and such order shall be conclusive except in the event of a contest of such will as hereinafter provided. All testimony in support of the will shall be reduced to writing, signed by the witnesses, and certified by the judge of the court.

(2) In addition to the foregoing procedure for the proof of wills, any or all of the attesting witnesses to a will may, at the request of the testator or, after his decease, at the request of the executor or any person interested under it, make an affidavit before any person authorized to administer oaths, stating such facts as they would be required to testify to in court to prove such will, which affidavit may be written on the will or may be attached to the will or to a photographic copy of the will. The sworn statement of any witness so taken shall be accepted by the court as if it had been taken before the court.

NEW SECTION. Sec. 2. This 1969 amendatory act shall take effect July 1, 1969.

Passed the Senate March 20, 1969.

Passed the House April 9, 1969.

Approved by the Governor April 17, 1969, with the exception of section 2 which is vetoed.

Filed in office of Secretary of State April 21, 1969.

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

"...This bill permits wills to be proven by an affidavit of attesting witnesses stating the facts that the law now requires be testified to in open court. An affidavit in support of the will may be written on the will or attached to it. The court is authorized to accept such a sworn statement as if the witness had appeared and testified in court.

Section 2 provides that the act shall be effective July 1, 1969. This bill was drafted with the assumption that it would pass in the regular session. Section 2 was designed to postpone the effective date of the act.

Article II, Section 41, of our Constitution states that:

'No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted.'

Every law passed by the Legislature is subject to referendum except such laws as may be necessary for the immediate preservation of the public peace, health or safety, or the support of the state government and its existing public institutions.

July 1, 1969, is now less than ninety days away.

Between July 1, 1969, and the period expiring ninety days after the close of the First Extraordinary Session of the Forty-first Legislature, any affidavit based on this statute would be ineffective. Rather than to allow the confusion between the effective date stated in the bill and the constitutional effective date of Senate Bill No. 410, I have vetoed section 2.

The remainder of the bill is approved."

CHAPTER 127  
[House Bill No. 45]  
UNFIT DWELLINGS,  
BUILDINGS AND OTHER STRUCTURES

AN ACT Relating to housing standards in cities, towns, and counties; amending section 35.80.010, chapter 7, Laws of 1965 as amended by section 1, chapter 111, Laws of 1967 and RCW 35.80.010; amending section 35.80.020, chapter 7, Laws of 1965 as amended by section 2, chapter 111, Laws of 1967 and RCW 35.80.020; and amending section 35.80.030, chapter 7, Laws of 1965 as amended by section 3, chapter 111, Laws of 1967 and RCW 35.80.030.

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

Section 1. Section 35.80.010, chapter 7, Laws of 1965 as amended by section 1, chapter 111, Laws of 1967 and RCW 35.80.010 are each amended to read as follows:

It is hereby found that there exist, in the various municipalities and ((~~class-AA-and-class-A~~)) counties of the state, dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of such municipalities and ((~~class-AA-and-class-A~~)) counties.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law is hereby declared to be a matter of local legislative determination.

Sec. 2. Section 35.80.020, chapter 7, Laws of 1965 as amended by section 2, chapter 111, Laws of 1967 and RCW 35.80.020 are each amended to read as follows:

The following terms, however used or referred to in this chap-

ter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Board" shall mean the improvement board as provided for in RCW 35.80.030(1)(a);

(2) "Local governing body" shall mean the council, board, commission, or other legislative body charged with governing the municipality or county;

(3) "Municipality" shall mean any (~~incorporated~~) city (~~or~~), town or county in the state;

(4) (~~"County" shall mean any class AA or class A county in the state exclusive of the incorporated cities and towns situated therein;~~

~~(5))~~ "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality or county relating to health, fire, building regulation, or other activities concerning dwellings, buildings, and structures in the municipality or county.

Sec. 3. Section 35.80.030, chapter 7, Laws of 1965 as amended by section 3, chapter 111, Laws of 1967 and RCW 35.80.030 are each amended to read as follows:

(1) Whenever the local governing body of a municipality (~~or class AA or class A county~~) finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, said governing body may adopt ordinances relating to such dwellings, buildings, or structures. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board (~~(or)~~) or officer (~~(or)~~) in the municipality, (~~(or an existing county board, or officer, in the county,~~) or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of said board, which may be limited, if the local governing body chooses, to public officers as herein defined.

(b) If a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to said public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, or structure, the board or officer finds that it is unfit for human habitation or other use, he shall cause to be served either personally or by (~~registered~~) certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer shall make an affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a legal newspaper published in the municipality (~~or county~~) in which the property is located, or in the absence of such legal newspaper, it shall be posted in three public places in the municipality (~~or county~~) in which the dwellings, buildings, or structures are located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; or in the event of publication or posting, not less than fifteen days nor more than thirty days from the date of the first publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in

person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, or structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(d) That the board or officer may determine that a dwelling, building, or structure is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, or structure which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, or structure, the occupants of neighboring dwellings, or other residents of such municipality (~~or county~~). Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with subdivision (7) (a) herein, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building or structure for other use.

(e) That the determination of whether a dwelling, building, or structure should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, or structure, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, or structure, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or build-

ing or structure is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in subdivision (1)(c), and shall post in a conspicuous place on said property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, or structure, if such course of action is deemed proper on the basis of the standards set forth as required in subdivision (1)(e); or (ii) requires the owner or party in interest, within the time specified on the order, to remove or demolish such dwelling, building, or structure, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, or structure is located.

(g) The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of subdivision (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality (~~(county)~~) shall designate or establish a municipal (~~(county)~~) agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequen-

ces as if issued by the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, or structure, the board or officer may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the treasurer of the municipality in cases arising out of the (~~municipality~~) city or town or by the county improvement board or officer, in cases arising out of the county, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with the same interest (not to exceed six percent) and penalties, and when collected shall be deposited to the credit of the general fund of the municipality (~~of county~~): PROVIDED, That if the total assessment due and owing exceeds twenty-five dollars the local governing body shall, upon written request of the owner or party in interest, divide the amount due into ten equal annual installments, subject to earlier payment at the option of owner or party in interest. If the dwelling, building or structure is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, or structure in accordance with procedures set forth in said ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid

to the parties entitled thereto, as determined by the board or officer, after deducting the cost incident thereto.

(2) Any person affected by an order issued by the appeals commission pursuant to subdivision (1)(f) hereof may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality (~~(or-county)~~) may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others herein granted: (a) (i) To determine which dwellings within the municipality (~~(or-county)~~) are unfit for human habitation; (ii) to determine which buildings or structures are unfit for other use; (b) to administer oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other use conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality (~~(or-county)~~) adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

(5) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any munici-

pality (~~(ex-county)~~) to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the municipality (~~(ex-county)~~) to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality (~~(ex-county)~~) may (by ordinance adopted by its governing body) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality, or county, (b) prescribe minimum standards for the use or occupancy of any building or structure used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, or structure, which is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance.

Passed the House March 28, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

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CHAPTER 128  
[Substitute House Bill No. 130]  
HEALTH CARE--DEPENDENT  
CHILD COVERAGE

AN ACT Relating to health care; adding new sections to chapter 268, Laws of 1947 and to chapter 48.44 RCW; and adding new sections to chapters 48.20 and 48.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

An individual health care service plan contract, delivered or issued for delivery in this state more than one hundred twenty days after the effective date of this act, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide

in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (2) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the health care service plan corporation by the subscriber within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the corporation but not more frequently than annually after the two year period following the child's attainment of the limiting age.

NEW SECTION. Sec. 2. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

A group health care service plan contract, delivered or issued for delivery in this state more than one hundred twenty days after the effective date of this act, which provides that coverage of a dependent child of an employee or other member of the covered group shall terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (2) chiefly dependent upon the employee or member for support and maintenance, provided proof of such incapacity and dependency is furnished to the health care service plan corporation by the employee or member within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the corporation, but not more frequently than annually after the two year period following the child's attainment of the limiting age.

NEW SECTION. Sec. 3. There is added to chapter 48.20 RCW a new section to read as follows:

Any disability insurance contract providing health care services, delivered or issued for delivery in this state more than one

hundred twenty days after the effective date of this act, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the contract, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (2) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the subscriber within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the insurer but not more frequently than annually after the two year period following the child's attainment of the limiting age.

NEW SECTION. Sec. 4. There is added to chapter 48.21 RCW a new section to read as follows:

Any group disability insurance contract or blanket disability insurance contract, providing health care services, delivered or issued for delivery in this state more than one hundred twenty days after the effective date of this act, which provides that coverage of a dependent child of an employee or other member of the covered group shall terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (2) chiefly dependent upon the employee or member for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the employee or member within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the insurer, but not more frequently than annually after the two year period following

the child's attainment of the limiting age.

Passed the House March 18, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

CHAPTER 129  
[Engrossed House Bill No. 193]  
PUBLIC LANDS--WITHDRAWAL  
FROM SALE OR LEASE

AN ACT Relating to withdrawal of state trust lands from sale or lease, revocation and modification of state trust land withdrawals; adding a new section to chapter 79.08 RCW; amending section 1, chapter 26, Laws of 1951 and RCW 79.08.102; amending section 77.12.360, chapter 36, Laws of 1955 and RCW 77.12.360; and repealing section 77.40.020, chapter 36, Laws of 1955 and RCW 77.40.020.

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

NEW SECTION. Section 1. There is added to chapter 79.08 RCW a new section to read as follows:

(1) A public hearing may be held prior to any withdrawal of state trust lands and shall be held prior to any revocation of withdrawal or modification of withdrawal of state trust lands used for recreational purposes by the department of natural resources or by other state agencies.

(2) The department shall cause notice of the withdrawal, revocation of withdrawal or modification of withdrawal of state trust lands as described in subsection (1) of this section to be published by advertisement once a week for four weeks prior to the public hearing in at least one newspaper published and of general circulation in the county or counties in which the state trust lands are situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office, in the district office in which the land is situated, and in the office of the county auditor in the county where the land is situated thirty days prior to the public hearing. The notice shall specify the time and place of the public hearing and shall describe with particularity each parcel of

state trust lands involved in said hearing.

(3) The board of natural resources shall administer the hearing according to its prescribed rules and regulations.

(4) The board of natural resources shall determine the most beneficial use or combination of uses of the state trust lands. Its decision will be conclusive as to the matter: PROVIDED, HOWEVER, That said decisions as to uses shall conform to applicable state plans and policy guidelines adopted by the planning and community affairs agency.

Sec. 2. Section 1, chapter 26, Laws of 1951 and RCW 79.08.102 are each amended to read as follows:

The ~~((commissioner))~~ department of natural resources is hereby authorized to withdraw from sale or lease, and reserve for state or city park purposes, public lands selected by the state parks and recreation commission, for such time as ~~((he))~~ it shall determine will be for the best interests of the state and any particular fund for which said public lands are being held in trust: PROVIDED, None of the lands selected under the provisions of section 3, chapter 91, Laws of 1903, shall be withdrawn or reserved hereunder without the consent of the board of regents of the University of Washington; except that the consent of the board of regents of the University of Washington shall not be required with regard to any such lands which are situated within the corporate limits of any city or town and are presently zoned for residential use.

Sec. 3. Section 77.12.360, chapter 36, Laws of 1955 and RCW 77.12-.360 are each amended to read as follows:

The ~~((commissioner-of-public-lands))~~ department of natural resources is authorized upon receipt of written request from the ~~((commissioner))~~ department of game, such request bearing the endorsed approval of the board of county commissioners as hereafter provided if the hereafter described land was acquired by the state pursuant to the authority in RCW 76.12.030 or RCW 76.12.080, to withdraw from lease any state owned lands described or designated in such request ~~((if-in-the-judgment-of-the-commissioner-of-public-lands))~~ if the board of natural resources finds that such withdrawal will be ~~((of-benefit-to-the-state-of-Washington))~~ in conformity to the

state outdoor recreation plan and upon the condition that the common school fund or any other fund for which the described or designated lands are held shall be paid any sum or sums which the lease of said described or designated lands would increase such fund.

NEW SECTION. Sec. 4. Section 77.40.020, chapter 36, Laws of 1955 and RCW 77.40.020 are each repealed.

Passed the House March 14, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

CHAPTER 130  
[Engrossed House Bill No. 197]  
INTERSTATE PEST CONTROL COMPACT

AN ACT Relating to pests; and providing for an interstate pest control compact.

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

NEW SECTION. Section 1. The pest control compact is hereby enacted into law and entered into with all other jurisdiction legally joining therein in the form substantially as follows:

ARTICLE I-FINDINGS

The party states find that:

1. In the absence of the higher degree of cooperation among them possible under this compact, the annual loss of approximately seven billion dollars from the depredations of pests is virtually certain to continue, if not to increase.

2. Because of varying climatic, geographic and economic factors, each state may be affected differently by particular species of pests; but all states share the inability to protect themselves fully against those pests which present serious dangers to them.

3. The migratory character of pest infestations makes it necessary for states both adjacent to and distant from one another, to complement each other's activities when faced with conditions of infestation and reinfestation.

4. While every state is seriously affected by a substantial number of pests, and every state is susceptible of infestation by

many species of pests not now causing damage to its crop and plant life and products, the fact that relatively few species of pests present equal danger to or are of interest to all states makes the establishment and operation of an Insurance Fund, from which individual states may obtain financial support for pest control programs of benefit to them in other states and to which they may contribute in accordance with their relative interests, the most equitable means of financing cooperative pest eradication and control programs.

#### ARTICLE II-DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

1. "State" means a state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.
2. "Requesting state" means a state which invokes the procedures of the compact to secure the undertaking or intensification of measures to control or eradicate one or more pests within one or more other states.
3. "Responding state" means a state request to undertake or intensify the measures referred to in subdivision (2) of this Article.
4. "Pest" means any invertebrate animal, pathogen, parasitic plant or similar or allied organism which can cause disease or damage in any crops, trees, shrubs, grasses or other plants of substantial value.
5. "Insurance Fund" means the Pest Control Insurance Fund established pursuant to this Compact.
6. "Governing Board" means the administrators of this compact representing all of the party states when such administrators are acting as a body in pursuance of authority vested in them by this compact.
7. "Executive Committee" means the committee established

pursuant to Article V (E) of this compact.

#### ARTICLE III-THE INSURANCE FUND

There is hereby established the Pest Control Insurance Fund for the purpose of financing other than normal pest control operations which states may be called upon to engage in pursuant to this compact. The Insurance Fund shall contain moneys appropriated to it by the party states and any donations and grants accepted by it. All appropriations, except as conditioned by the rights and obligations of party states expressly set forth in this compact, shall be unconditional and may not be restricted by the appropriating state to use in the control of any specified pest or pests. Donations and grants may be conditional or unconditional, provided that the Insurance Fund shall not accept any donation or grant whose terms are inconsistent with any provision of this compact.

#### ARTICLE IV

##### THE INSURANCE FUND, INTERNAL OPERATIONS AND MANAGEMENT

- A. The Insurance Fund shall be administered by a Governing Board and Executive Committee as hereinafter provided. The actions of the Governing Board and Executive Committee pursuant to this compact shall be deemed the actions of the Insurance Fund.
- B. The members of the Governing Board shall be entitled to one vote each on such Board. No action of the Governing Board shall be binding unless taken at a meeting at which a majority of the total number of votes on the Governing Board are cast in favor thereof. Action of the Governing Board shall be only at a meeting at which a majority of the members are present.
- C. The Insurance Fund shall have a seal which may be employed as an official symbol and which may be affixed to documents and otherwise used as the Governing Board may provide.
- D. The Governing Board shall elect annually, from among its members, a chairman, a vice chairman, a secretary and a treasurer. The chairman may not succeed himself. The Governing Board may ap-

point an executive director and fix his duties and his compensation, if any. Such executive director shall serve at the pleasure of the Governing Board. The Governing Board shall make provisions for the bonding of such of the officers and employees of the Insurance Fund as may be appropriate.

- E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, or if there be no executive director, the chairman, in accordance with such procedures as the bylaws may provide, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Insurance Fund and shall fix the duties and compensation of such personnel. The Governing Board in its bylaws shall provide for the personnel policies and programs of the Insurance Fund.
- F. The Insurance Fund may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation.
- G. The Insurance Fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation, gift or grant accepted by the Governing Board pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this Article shall be reported in the annual report of the Insurance Fund. Such report shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender.
- H. The Governing Board shall adopt bylaws for the conduct of the business of the Insurance Fund and shall have the power to amend and rescind these bylaws. The Insurance Fund shall publish its

bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

- I. The Insurance Fund annually shall make to the Governor and legislature of each party state a report covering its activities for the preceding year. The Insurance Fund may make such additional reports as it may deem desirable.
- J. In addition to the powers and duties specifically authorized and imposed, the Insurance Fund may do such other things as are necessary and incidental to the conduct of its affairs pursuant to this compact.

#### ARTICLE V

##### COMPACT AND INSURANCE FUND ADMINISTRATION

- A. In each party state there shall be a compact administrator, who shall be selected and serve in such manner as the laws of his state may provide, and who shall:
  - 1. Assist in the coordination of activities pursuant to the compact in his state; and
  - 2. Represent his state on the Governing Board of the Insurance Fund.
- B. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Governing Board of the Insurance Fund by not to exceed three representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, but no such representative shall have a vote on the Governing Board or on the Executive Committee thereof.
- C. The Governing Board shall meet at least once each year for the purpose of determining policies and procedures in the administration of the Insurance Fund and, consistent with the provisions of the compact, supervising and giving direction to the expendi-

ture of moneys from the Insurance Fund. Additional meetings of the Governing Board shall be held on call of the chairman, the Executive Committee, or a majority of the membership of the Governing Board.

- D. At such times as it may be meeting, the Governing Board shall pass upon applications for assistance from the Insurance Fund and authorize disbursements therefrom. When the Governing Board is not in session, the Executive Committee thereof shall act as agent of the Governing Board, with full authority to act for it in passing upon such applications.
- E. The Executive Committee shall be composed of the chairman of the Governing Board and four additional members of the Governing Board chosen by it so that there shall be one member representing each of four geographic groupings of party states. The Governing Board shall make such geographic groupings. If there is representation of the United States on the Governing Board one such representative may meet with the Executive Committee. The chairman of the Governing Board shall be chairman of the Executive Committee. No action of the Executive Committee shall be binding unless taken at a meeting at which at least four members of such Committee are present and vote in favor thereof. Necessary expenses of each of the five members of the Executive Committee incurred in attending meetings of such Committee, when not held at the same time and place as a meeting of the Governing Board, shall be charges against the Insurance Fund.

#### ARTICLE VI- ASSISTANCE AND REIMBURSEMENT

- A. Each party state pledges to each other party state that it will employ its best efforts to eradicate, or control within the strictest practicable limits, any and all pests. It is recognized that performance of this responsibility involves:

1. The maintenance of pest control and eradication activities of interstate significance by a party state at a level that would be reasonable for its own protection in the absence of this com-

pact.

2. The meeting of emergency outbreaks or infestations of interstate significance to no less an extent than would have been done in the absence of this compact.

B. Whenever a party state is threatened by a pest not present within its borders but present within another party state, or whenever a party state is undertaking or engaged in activities for the control or eradication of a pest or pests, and finds that such activities are or would be impracticable or substantially more difficult of success by reason of failure of another party state to cope with infestation or threatened infestation, that state may request the Governing Board to authorize expenditures from the Insurance Fund for eradication or control measures to be taken by one or more of such other party states at a level sufficient to prevent, or to reduce to the greatest practicable extent, infestation or reinfestation of the requesting state. Upon such authorization the responding state or states shall take or increase such eradication or control measures as may be warranted. A responding state shall use moneys made available from the Insurance Fund expeditiously and efficiently to assist in affording the protection requested.

C. In order to apply for expenditures from the Insurance Fund, a requesting state shall submit the following in writing:

1. A detailed statement of the circumstances which occasion the request for the invoking of the compact.

2. Evidence that the pest on account of whose eradication or control assistance is requested constitutes a danger to an agricultural or forest crop, product, tree, shrub, grass or other plant having a substantial value to the requesting state.

3. A statement of the extent of the present and projected program of the requesting state and its subdivision, including full information as to the legal authority for the conduct of such program or programs and the expenditures being made or

budgeted therefor, in connection with the eradication, control, or prevention of introduction of the pest concerned.

4. Proof that the expenditures being made or budgeted as detailed in item 3 do not constitute a reduction of the effort for the control or eradication of the pest concerned or, if there is a reduction, the reasons why the level of program detailed in item 3 constitutes a normal level of pest control activity.

5. A declaration as to whether, to the best of its knowledge and belief, the conditions which in its view occasion the invoking of the compact in the particular instance can be abated by a program undertaken with the aid of moneys from the Insurance Fund in one year or less, or whether the request is for an installment in a program which is likely to continue for a longer period of time.

6. Such other information as the Governing Board may require consistent with the provisions of this compact.

- D. The Governing Board or Executive Committee shall give due notice of any meeting at which an application for assistance from the Insurance Fund is to be considered. Such notice shall be given to the compact administrator of each party state and to such other officers and agencies as may be designated by the laws of the party states. The requesting state and any other party state shall be entitled to be represented and present evidence and argument at such meeting.
- E. Upon the submission as required by paragraph (C) of this Article and such other information as it may have or acquire, and upon determining that an expenditure of funds is within the purposes of this compact and justified thereby, the Governing Board or Executive Committee shall authorize support of the program. The Governing Board or the Executive Committee may meet at any time or place for the purpose of receiving and considering an application. Any and all determinations of the Governing Board or Executive Committee, with respect to an application, together with

- the reasons therefor shall be recorded and subscribed in such manner as to show and preserve the votes of the individual members thereof.
- F. A requesting state which is dissatisfied with a determination of the Executive Committee shall upon notice in writing given within twenty days of the determination with which it is dissatisfied, be entitled to receive a review thereof at the next meeting of the Governing Board. Determinations of the Executive Committee shall be reviewable only by the Governing Board at one of its regular meetings, or at a special meeting held in such manner as the Governing Board may authorize.
- G. Responding states required to undertake or increase measures pursuant to this compact may receive moneys from the Insurance Fund, either at the time or times when such state incurs expenditures on account of such measures, or as reimbursement for expenses incurred and chargeable to the Insurance Fund. The Governing Board shall adopt and, from time to time, may amend or revise procedures for submission of claims upon it and for payment thereof.
- H. Before authorizing the expenditure of moneys from the Insurance Fund pursuant to an application of a requesting state, the Insurance Fund shall ascertain the extent and nature of any timely assistance or participation which may be available from the Federal Government and shall request the appropriate agency or agencies of the Federal Government for such assistance and participation.
- I. The Insurance Fund may negotiate and execute a memorandum of understanding or other appropriate instrument defining the extent and degree of assistance or participation between and among the Insurance Fund, cooperating federal agencies, states and any other entities concerned.

## ARTICLE VII-ADVISORY AND TECHNICAL COMMITTEES

The Governing Board may establish advisory and technical commit-

tees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any such advisory or technical committee, or any member or members thereof may meet with and participate in its deliberations. Upon request of the Governing Board or Executive Committee an advisory or technical committee may furnish information and recommendations with respect to any application for assistance from the Insurance Fund being considered by such Board or Committee and the Board or Committee may receive and consider the same: provided that any participant in a meeting of the Governing Board or Executive Committee held pursuant to Article VI (D) of the compact shall be entitled to know the substance of any such information and recommendations, at the time of the meeting if made prior thereto or as a part thereof or, if made thereafter, no later than the time at which the Governing Board or Executive Committee makes its disposition of the application.

#### ARTICLE VIII-RELATIONS WITH NONPARTY JURISDICTIONS

- A. A party state may make application for assistance from the Insurance Fund in respect of a pest in a nonparty state. Such application shall be considered and disposed of by the Governing Board or Executive Committee in the same manner as an application with respect to a pest within a party state, except as provided in this Article.
- B. At or in connection with any meeting of the Governing Board or Executive Committee held pursuant to Article VI (D) of this compact a nonparty state shall be entitled to appear, participate, and receive information only to such extent as the Governing Board or Executive Committee may provide. A nonparty state shall not be entitled to review of any determination made by the Executive Committee.
- C. The Governing Board or Executive Committee shall authorize expenditures from the Insurance Fund to be made in a nonparty

state only after determining that the conditions in such state and the value of such expenditures to the party states as a whole justify them. The Governing Board or Executive Committee may set any conditions which it deems appropriate with respect to the expenditure of moneys from the Insurance Fund in a nonparty state and may enter into such agreement or agreements with nonparty states and other jurisdictions or entities as it may deem necessary or appropriate to protect the interests of the Insurance Fund with respect to expenditures and activities outside of party states.

#### ARTICLE IX-FINANCE

- A. The Insurance Fund shall submit to the executive head or designated officer or officers of each party state a budget for the Insurance Fund for such period as may be required by the laws of that party state for presentation to the legislature thereof.
- B. Each of the budgets shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The requests for appropriations shall be apportioned among the party states as follows: one-tenth of the total budget in equal shares and the remainder in proportion to the value of agricultural and forest crops and products, excluding animals and animal products, produced in each party state. In determining the value of such crops and products the Insurance Fund may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the budgets and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of products.
- C. The financial assets of the Insurance Fund shall be maintained in two accounts to be designated respectively as the "Operating Account" and the "Claims Account". The Operating Account shall consist only of those assets necessary for the administration of the Insurance Fund during the next ensuing two-year period.

The Claims Account shall contain all moneys not included in the Operating Account and shall not exceed the amount reasonably estimated to be sufficient to pay all legitimate claims on the Insurance Fund for a period of three years. At any time when the Claims Account has reached its maximum limit or would reach its maximum limit by the addition of moneys requested for appropriation by the party states, the Governing Board shall reduce its budget requests on a pro rata basis in such manner as to keep the Claims Account within such maximum limit. Any moneys in the Claims Account by virtue of conditional donations, grants or gifts shall be included in calculations made pursuant to this paragraph only to the extent that such moneys are available to meet demands arising out of claims.

- D. The Insurance Fund shall not pledge the credit of any party state. The Insurance Fund may meet any of its obligations in whole or in part with moneys available to it under Article IV (G) of this compact, provided that the Governing Board takes specific action setting aside such moneys prior to incurring any obligation to be met in whole or in part in such manner. Except where the Insurance Fund makes use of moneys available to it under Article IV (G) hereof, the Insurance Fund shall not incur any obligation prior to the allotment of moneys by the party states adequate to meet the same.
- E. The Insurance Fund shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Insurance Fund shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Insurance Fund shall be audited yearly by a certified or licensed public accountant and a report of the audit shall be included in and become part of the annual report of the Insurance Fund.
- F. The accounts of the Insurance Fund shall be open at any reasonable time for inspection by duly authorized officers of the party

states and by any persons authorized by the Insurance Fund.

ARTICLE X-ENTRY INTO FORCE AND WITHDRAWAL

- A. This compact shall enter into force when enacted into law by any five or more states: Provided, That one such state is contiguous to this state and the legislature has appropriated the necessary funds. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.
- B. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE XI-CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and and in full force and effect as to the state affected as to all severable matters.

NEW SECTION. Sec. 2. Consistent with law and within available appropriations, the departments, agencies and officers of this state may cooperate with the insurance fund established by the Pest Control Compact.

NEW SECTION. Sec. 3. Pursuant to Article IV (H) of the com-

pact, copies of bylaws and amendments thereto shall be filed with the Code Reviser's Office.

NEW SECTION. Sec. 4. The compact administrator for this state shall be the director of agriculture. The duties of the compact administrator shall be deemed a regular part of his office.

NEW SECTION. Sec. 5. Within the meaning of Article VI (B) or VIII (A), a request or application for assistance from the insurance fund may be made by the director of agriculture whenever in his judgment the conditions qualifying this state for such assistance exist and it would be in the best interest of this state to make such request.

NEW SECTION. Sec. 6. The department, agency, or officer expending or becoming liable for an expenditure on account of a control or eradication program undertaken or intensified pursuant to the compact shall have credited to his account in the state treasury the amount or amounts of any payments made to this state to defray the cost of such program, or any part thereof, or as reimbursement thereof.

NEW SECTION. Sec. 7. As used in the compact, with reference to this state, the term "executive head" shall mean the director of agriculture.

Passed the House March 14, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

CHAPTER 131  
[Engrossed House Bill No. 267]  
PUBLIC LANDS--ECONOMIC  
ANALYSIS OF LANDS HELD IN TRUST

AN ACT Relating to public lands; 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:

Periodically at intervals to be determined by the board of natural resources, the commissioner of public lands shall cause an economic anal-

ysis to be made of those state lands held in trust, where the nature of the trust makes maximization of the economic return to the beneficiaries of income from state lands the prime objective. The analysis shall be by specific tracts, or where such tracts are of similar economic characteristics, by groupings of such tracts.

The most recently made analysis shall be considered by the department of natural resources in making decisions as to whether to sell or lease state lands, standing timber or crops thereon, or minerals therein, including but not limited to oil and gas and other hydrocarbons, rocks, gravel and sand.

The economic analysis shall include, but shall not be limited to the following criteria: (1) Present and potential sale value; (2) Present and probable future returns on the investment of permanent state funds; (3) Probable future inflationary or deflationary trends; (4) Present and probable future income from leases or the sale of land products; and (5) Present and probable future tax income derivable therefrom specifically including additional state, local and other tax revenues from potential private development of land currently used primarily for grazing and other similar low priority use; such private development would include, but not be limited to, development as irrigated agricultural land.

Passed the House March 24, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

CHAPTER 132  
[House Bill No. 291]  
AGRICULTURAL PRODUCTS AND  
COMMODITIES--COMMISSION  
MERCHANTS--WAREHOUSEMEN

AN ACT Relating to agriculture and regulating agricultural products and commodities; amending section 3, chapter 139, Laws of 1959, as amended by section 41, chapter 240, Laws of 1967, and RCW 20.01.030; and amending section 9, chapter 124, Laws of 1963 and RCW 22.09.090.

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

Section 1. Section 3, chapter 139, Laws of 1959 as amended by

section 41, chapter 240, Laws of 1967 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization.

(2) Any person who sells exclusively his own agricultural products as the producer thereof.

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation.

(4) Any retail merchant having a 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 (~~with respect to his operation as such licensee~~)

(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.

Sec. 2. Section 9, chapter 124, Laws of 1963 and RCW 22.09.090 are each amended to read as follows:

(1) Before any person shall be granted a license pursuant to the provisions of this chapter, such person shall give a bond to the state of Washington executed by the warehouseman as principal and by a corporate surety licensed to do business in this state as surety. The bond shall be in the sum of not less than ten thousand dollars nor more than two hundred thousand dollars. The department shall,

after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than ten cents nor more than twenty-five cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the licensee furnishing the bond. The department shall, in determining the rate per bushel in fixing the amount of the bond, take into consideration the bonding requirements of the United States Warehouse Act (7 USCA § 241 et seq.).

(2) The bond shall be approved by the department and shall be conditioned upon the faithful performance by the warehouseman of the duty to keep in the warehouse for the depositor the commodity delivered, and to deliver the commodity to, or ship it for, such depositor, and such additional obligations as a warehouseman ((as)) may ((be assumed-by-him-under-storage-contracts)) assume with the respective depositors of commodities in such warehouse. In case a person has applied for licenses to conduct two or more warehouses in the state, the assets applicable to all warehouses, but not the deposits except in case of a station, shall be subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon such bond shall be limited to the amount specified in the bond.

(3) The warehouseman may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman shall be deemed as one warehouse for the purpose of the bond required under such section. Any change in the capacity of a warehouse or installation of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department prior to the operation thereof.

(4) If a bond has been filed with, and approved by, the department of agriculture of the United States, as required by the United States Warehouse Act (7 USCA § 241 et seq.), then such bond shall be considered as in lieu of the bond required by this section only when:

(a) Satisfactory proof of the filing and approval of the bond

is filed with the department;

(b) The surety is a corporation authorized to do business as a surety in this state.

(5) The department may when the sum of such surety bond is less than that required in this chapter accept in addition thereto a surety bond whose sum when added to the sum of the surety bond filed with the United States department of agriculture shall satisfy the requirement of this chapter.

(6) Notwithstanding any other provisions of this chapter, the license of a warehouseman shall automatically be suspended in accordance with the provisions of RCW 22.09.100 for failure at any time to have or to maintain a bond in the amount and type required herein. The department shall remove the suspension or issue a license as the case may be, when the required bond has been obtained.

(7) Any warehouseman required to submit a bond to the department pursuant to the provisions of this chapter shall have the option to file a policy of insurance with the department in lieu of the warehouseman's bond. Such insurance policy before being accepted, shall be approved by the attorney general and the insurance commissioner of the state of Washington if they deem the coverage provided thereby is equivalent to or greater than the coverage for depositors provided by the warehouseman's bond. If such an insurance policy is accepted in place of the bond, such insurance policy, as between the department, warehouseman, and the depositors, shall be treated exactly the same as if it were a bond filed with the department. It is the intention of the legislature in this subsection to have the insurance policy replace the bond, as between the department, warehouseman, and the depositors, for all purposes as though the term bond used throughout the several sections of this chapter were to contain instead the term insurance policy.

Passed the House March 14, 1969

Passed the Senate April 11, 1969

Approved by the Governor April 21, 1969

Filed in office of Secretary of State April 21, 1969

CHAPTER 133  
[Engrossed House Bill No. 305]  
WATER POLLUTION--OIL DISCHARGES

AN ACT Relating to water pollution; adding new sections to chapter 90.48 RCW; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 90.48 RCW a new section to read as follows:

No person shall intentionally or negligently discharge oil or cause or permit the entry of the same into waters of the state from any ship or any fixed or mobile facility or installation located offshore or onshore whether publicly or privately operated. This section shall not apply to discharges of oil in the following circumstances:

(1) The person discharging was expressly authorized to do so by the water pollution control commission prior to the entry of the oil into state waters;

(2) The person discharging was authorized to do so by operation of law as provided in RCW 90.48.200.

NEW SECTION. Sec. 2. There is added to chapter 90.48 RCW a new section to read as follows:

It shall be the obligation of any person discharging oil or causing or permitting the entry of the same into waters of the state in violation of section 1 of this 1969 act to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same.

NEW SECTION. Sec. 3. There is added to chapter 90.48 RCW a new section to read as follows:

The water pollution control commission is authorized, with the staff, equipment and material under its control, or by contract with others, to take such actions as are necessary to collect, remove, treat, or disperse oil discharged into waters of the state. The director of the commission shall keep a record of all necessary expenses incurred in carrying out any project or activity authorized under this section, including a reasonable charge for the services performed by the state's personnel and the state's

equipment and materials utilized. The authority granted hereunder shall be limited to projects and activities which are designed to protect the public interest or public property.

NEW SECTION. Sec. 4. There is added to chapter 90.48 RCW a new section to read as follows:

Any person who fails to immediately collect, remove, treat or disperse oil when under an obligation to do so as provided in section 2 of this 1969 act, shall be responsible for the necessary expenses incurred by the state in carrying out a project or activity authorized under section 3 of this 1969 act.

NEW SECTION. Sec. 5. There is added to chapter 90.48 RCW a new section to read as follows:

The director shall investigate each activity or project conducted under section 3 of this 1969 act to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or acts which result in said entry. Whenever it appears to the director, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in section 4 of this 1969 act, the director shall notify said person or persons by appropriate order: PROVIDED, That no order may be issued pertaining to a project or activity which was completed more than five years prior to the date of the proposed issuance of the order. Said order shall state the findings of the director, the amount of necessary expenses incurred by the commission in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The commission may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the commission may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the director notifying said person or persons is not

paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the commission subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the director, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business to recover the amount specified in the final order of the director or the commission, as appropriate. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135.

NEW SECTION. Sec. 6. There is added to chapter 90.48 RCW a new section to read as follows:

The commission shall adopt such rules and regulations as it deems necessary and proper for the purpose of carrying out the provisions of sections 1 through 11 of this 1969 act.

NEW SECTION. Sec. 7. There is added to chapter 90.48 RCW a new section to read as follows:

Any person who discharges oil, or causes or permits the entry of the same in violation of section 1 of this 1969 act, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to twenty thousand dollars for every such violation; said amount to be determined by the director of the commission after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, and such other considerations as the director deems appropriate. 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 herein provided for. The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the director of the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The director may, upon written application therefor, received within fifteen days, and when deemed in the best

interest of the state in carrying out the purposes of this chapter, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as he in his discretion shall deem proper, and shall have the authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after the receipt of notice imposing the same, or if an application for remission or mitigation has been made within fifteen days as herein provided and the amount provided in the order issued by the director subsequent to such application is not paid within fifteen days after the receipt thereof, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or any other county in which such violator may do business, to recover the amount specified in the final order of the director. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135.

NEW SECTION. Sec 8. There is added to chapter 90.48 RCW a new section to read as follows:

The commission, through its duly authorized representatives, shall have the power to enter upon any private or public property, including the boarding of any ship, at any reasonable time, and the owner, managing agent, master or occupant of such property shall permit such entry for the purpose of investigating conditions relating to violations or possible violations of sections 1 through 11 of this 1969 act, and to have access to any pertinent records relating to such property, including but not limited to operation and maintenance records and logs: PROVIDED, That in connection with the authority granted herein no person shall be required to divulge trade secrets or secret processes.

NEW SECTION. Sec. 9. There is added to chapter 90.48 RCW a new

section to read as follows:

It shall be the duty of any person discharging oil or otherwise causing, permitting, or allowing the same to enter the waters of the state, unless the discharge or entry was expressly authorized by the commission prior thereto or authorized by operation of law under RCW 90.48.200, to immediately notify the water pollution control commission at its office in Olympia, or a regional office thereof, of such discharge or entry.

NEW SECTION. Sec. 10. There is added to chapter 90.48 RCW a new section to read as follows:

For purposes of sections 1 through 11 of this 1969 act the following definitions shall apply:

(1) "Oils" or "oil" shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product.

(2) "Person" shall mean "person" as defined by RCW 90.48.020 and in addition shall include any owner, operator, master, officer or employee of a ship.

(3) "Waters of the state" shall mean "waters of the state" as defined in RCW 90.48.020.

(4) "Ship" shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

NEW SECTION. Sec. 11. There is added to chapter 90.48 RCW a new section to read as follows:

Sections 1 through 11 of this 1969 act shall grant authority to the water pollution control commission which is supplemental to and in no way reduces or otherwise modifies the powers heretofore granted to the water pollution control commission, except as it may directly conflict therewith.

NEW SECTION. Sec. 12. If any provision of this 1969 act or the application thereof to any person or circumstance is held invalid, this 1969 act can be given effect without the invalid provision or application; and to this end the provisions of this 1969 act are declared to be severable. This 1969 act shall be liberally con-

strued to effectuate its purpose.

Passed the House March 14, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

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CHAPTER 134  
[Engrossed House Bill No. 596]  
SOLID WASTE MANAGEMENT

AN ACT Relating to environmental quality; providing procedures for solid waste management; providing penalties; and declaring effective dates.

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

NEW SECTION. Section 1. The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

NEW SECTION. Sec. 2. The purpose of this act is to establish a comprehensive statewide program for solid waste handling which will prevent land, air, and water pollution and conserve the natural and economic resources of this state. To this end it is the purpose of this act:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate planning for solid waste handling

by local government;

(3) To provide for the adoption and enforcement of basic minimum performance standards for solid waste handling;

(4) To provide technical and financial assistance to local governments in the planning, development, and conduct of solid waste handling programs.

NEW SECTION. Sec. 3. As used in this act, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Committee" means the solid waste advisory committee.

(3) "Department" means the department of environmental quality.

(4) "Director" means the director of the department of environmental quality.

(5) "Disposal site" means the location where any final treatment, utilization, processing, or depository of solid waste occurs.

(6) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(7) "Jurisdictional health department" means city, county, city-county, or district public health department.

(8) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(9) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded materials.

(10) "Solid waste handling" means the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes.

NEW SECTION. Sec. 4. There is created a solid waste advisory

committee to provide consultation to the department of environmental quality concerning matters covered by this act. The committee shall advise on the development of programs and regulations for solid waste management, and shall supply recommendations concerning methods by which existing solid waste management practices and the laws authorizing them may be supplemented and improved.

The committee shall consist of seven members, including the assistant director for the division of solid waste management within the department. The remaining six members shall be appointed by the director with due regard to the interests of the public, local government, agriculture, industry, public health, and the refuse removal industry. The term of appointment shall be determined by the director. The committee shall elect its own chairman and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed twenty-five dollars per diem for each day or portion thereof spent serving as members of the committee and shall be paid their necessary traveling expenses while engaged in business of the committee as prescribed in chapter 43.03 RCW, as now or hereafter amended.

NEW SECTION. Sec. 5. The department shall furnish necessary staff services and facilities required by the solid waste advisory committee.

NEW SECTION. Sec. 6. The department in accordance with procedures prescribed by the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended, may adopt such minimum functional standards for solid waste handling as it deems appropriate. The department in adopting such standards may classify areas of the state with respect to population density, climate, geology, and other relevant factors bearing on solid waste disposal standards.

NEW SECTION. Sec. 7. The solid waste advisory committee shall review prior to adoption and shall recommend revisions, additions, and modifications to the minimum functional standards governing solid

waste handling relating, but not limited to, the following:

- (1) Vector production and sustenance.
- (2) Air pollution (coordinated with regulations of the environmental quality department).
- (3) Pollution of surface and ground waters (coordinated with the regulations of the environmental quality department).
- (4) Hazards to service or disposal workers or to the public.
- (5) Prevention of littering.
- (6) Adequacy and adaptability of disposal sites to population served.
- (7) Design and operation of disposal sites.
- (8) Salvaging.

NEW SECTION. Sec. 8. Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties.

Each city shall:

- (1) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan; or
- (2) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or
- (3) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of

the comprehensive plans for solid waste management. In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

NEW SECTION. Sec. 9. Each county and city solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

NEW SECTION. Sec. 10. Each comprehensive county solid waste management plan shall be submitted to the department for technical review and approval. The department may recommend revisions essential to the achievement of effective solid waste management and the purposes of this act.

NEW SECTION. Sec. 11. The comprehensive county solid waste handling plans and any city solid waste handling plans prepared in accordance with section 8 of this act shall be maintained in a current condition and reviewed and revised periodically by counties and cities

as may be required by the department of environmental quality. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty years in the future, and a revised construction and capital acquisition program for six years in the future. Each revised solid waste handling plan shall be submitted to the department of environmental quality.

NEW SECTION. Sec. 12. The department shall provide to counties and cities technical assistance in the preparation, review and revision of solid waste handling plans required by this act.

NEW SECTION. Sec. 13. Any county may apply to the department on a form prescribed thereby for financial aid for the preparation of the comprehensive county plan for solid waste management required by section 8 of this act. Any city electing to prepare an independent city plan, a joint city plan, or a joint county-city plan for solid waste management for inclusion in the county comprehensive plan may apply for financial aid for such purpose through the county. Every city application for financial aid for planning shall be filed with the county auditor and shall be included as a part of the county's application for financial aid. Any city preparing an independent plan shall provide for disposal sites wholly within its jurisdiction.

The department shall allocate to the counties and cities applying for financial aid for planning, such funds as may be available pursuant to legislative appropriations or from any federal grants for such purpose.

The department shall determine priorities and allocate available funds among the counties and cities applying for aid according to criteria established by regulations of the department considering population, urban development, environmental effects of waste disposal, existing waste handling practices, and the local justification of their proposed expenditures.

NEW SECTION. Sec. 14. Counties and cities shall match their planning aid allocated by the director by an amount not less than twenty-five percent of the estimated cost of such planning. Any federal

planning aid made directly to a county or city shall not be considered either a state or local contribution in determining local matching requirements. Counties and cities may meet their share of planning costs by cash and contributed services.

NEW SECTION. Sec. 15. Upon the allocation of planning funds as provided in section 13 of this act, the department shall enter into a contract with each county receiving a planning grant. The contract shall include such provisions as the director may deem necessary to assure the proper expenditure of such funds including allocations made to cities. The sum allocated to a county shall be paid to the treasurer of such county.

NEW SECTION. Sec. 16. Each county, or any city, or jurisdictional board of health shall adopt regulations or ordinances governing solid waste handling implementing the comprehensive solid waste management plan covering storage, collection, transportation, treatment, utilization, processing and final disposal including the issuance of permits. Such regulations or ordinances shall assure that solid waste storage and disposal facilities are located, maintained, and operated in a manner so as properly to protect the public health, prevent air and water pollution, and avoid the creation of nuisances. Such regulations or ordinances may be more stringent than the minimum functional standards adopted by the department. Regulations or ordinances adopted by counties, cities, or jurisdictional boards of health shall be filed with the department of environmental quality.

NEW SECTION. Sec. 17. After approval of the comprehensive solid waste plan by the department no solid waste disposal site or disposal site facilities shall be maintained, established, substantially altered, expanded, or improved until the county, city, or other person operating such site has obtained a permit from the jurisdictional health department pursuant to the provisions of section 18 of this act.

NEW SECTION. Sec. 18. (1) Applications for permits to operate new or existing solid waste disposal sites shall be on forms

prescribed by the department of environmental quality and shall contain a description of the proposed and existing facilities and operations at the site, plans and specifications for any new or additional facilities to be constructed, and such other information as the jurisdictional health department may deem necessary in order to determine whether the site and solid waste disposal facilities located thereon will comply with local and state regulations.

(2) Upon receipt of an application for a permit to establish, alter, expand, improve, or continue in use a solid waste disposal site, the jurisdictional health department shall refer one copy of the application to the department of environmental quality which shall report its findings to the jurisdictional health department.

(3) The jurisdictional health department shall investigate every application as may be necessary to determine whether an existing or proposed site and facilities meet all applicable laws and regulations, and conforms with the approved comprehensive solid waste handling plan, and complies with all zoning requirements.

(4) When the jurisdictional health department finds that the permit should be issued, it shall issue such permit. Every application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department.

(5) The jurisdictional board of health may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the treasury and to the account from which the health department's operating expenses are paid.

NEW SECTION. Sec. 19. Every permit for a solid waste disposal site shall be renewed annually on a date to be established by the jurisdictional health department having jurisdiction of the site. Prior to renewing a permit, the health department shall conduct such inspections as it deems necessary to assure that the solid waste disposal site and facilities located on the site meet minimum functional standards of the department of environmental quality and applicable local

regulations.

NEW SECTION. Sec. 20. Any permit for a solid waste disposal site issued as provided herein shall be subject to suspension at any time the jurisdictional health department determines that the site or the solid waste disposal facilities located on the site are being operated in violation of this act, or the regulations of the department or local laws and regulations.

NEW SECTION. Sec. 21. Whenever the jurisdictional health department denies a permit or suspends a permit for a solid waste disposal site, it shall, upon request of the applicant or holder of the permit, grant a hearing on such denial or suspension within thirty days after the request therefor is made. Notice of the hearing shall be given all interested parties including the county or city having jurisdiction over the site and the department of environmental quality. Within thirty days after the hearing, the health officer shall notify the applicant or the holder of the permit in writing of his determination and the reasons therefor. Any party aggrieved by such determination may appeal to the department of environmental quality by filing with the director a notice of appeal within thirty days after receipt of notice of the determination of the health officer. The department shall hold a hearing in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

NEW SECTION. Sec. 22. Any jurisdictional health department may apply to the department for financial aid for the enforcement of rules and regulations promulgated under this act. Such application shall contain such information, including budget and program description, as may be prescribed by regulations of the department.

After receipt of such applications the department may allocate available funds according to criteria established by regulations of the department considering population, urban development, the number of the disposal sites, and geographical area.

The sum allocated to a jurisdictional health department shall

be paid to the treasury from which the operating expenses of the health department are paid, and shall be used exclusively for inspections and administrative expenses necessary to enforce applicable regulations.

NEW SECTION. Sec. 23. The jurisdictional health department applying for state assistance for the enforcement of this act shall match such aid allocated by the department in an amount not less than twenty-five percent of the total amount spent for such enforcement activity during the year. The local share of enforcement costs may be met by cash and contributed services.

NEW SECTION. Sec. 24. After the adoption of regulations or ordinances by any county, city, or jurisdictional board of health providing for the issuance of permits as provided in section 16 of this act, it shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit: PROVIDED, That nothing herein shall prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate statutes or ordinances, or create a nuisance. Any person violating this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 25. Whenever solid wastes dumped in violation of section 24 of this act contain three or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful act of dumping.

NEW SECTION. Sec. 26. The department shall in addition to its other powers and duties:

(1) Cooperate with the appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the provisions of this act.

(2) Coordinate the development of a solid waste management plan for all areas of the state in cooperation with local government,

the planning and community affairs agency or its successor, and other appropriate state and regional agencies. The plan shall relate to solid waste management for twenty years in the future and shall be reviewed biennially, revised as necessary, and extended so that perpetually the plan shall look to the future for twenty years as a guide in carrying out a state coordinated solid waste management program.

(3) Provide technical assistance to any person as well as to cities, counties, and industries.

(4) Initiate, conduct, and support research, demonstration projects, and investigations, and coordinate research programs pertaining to solid waste management systems.

(5) May, under the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended, from time to time promulgate such rules and regulations as are necessary to carry out the purposes of this act.

NEW SECTION. Sec. 27. Nothing in this act shall be deemed to change the authority or responsibility of the Washington utilities and transportation commission to regulate all intrastate carriers.

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 provisions to other persons or circumstances is not affected.

Passed the House March 19, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

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CHAPTER 135  
[House Bill No. 639]  
METROPOLITAN MUNICIPAL CORPORATIONS

AN ACT Relating to metropolitan municipal corporations; amending section 35.58.120, chapter 7, Laws of 1965, as amended by section 3, chapter 105, Laws of 1967, and RCW 35.58.120; amending section 35.58.140, chapter 7, Laws of 1965, as amended by section 4, chapter 105, Laws of 1967, and RCW 35.58.140; amending section 35.58.530, chapter 7, Laws of 1965, as amended by section 15, chapter 105, Laws of 1967, and RCW 35.58.530; and declaring

an emergency.

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

Section 1. Section 35.58.120, chapter 7, Laws of 1965, as amended by section 3, chapter 105, Laws of 1967, and RCW 35.58.120 are each amended to read as follows:

A metropolitan municipal corporation shall be governed by a metropolitan council composed of the following:

(1) One member (a) who shall be the elected county executive of the central county, or (b) if there shall be no elected county executive, one member who shall be selected by, and from, the board of commissioners of the central county;

(2) One additional member selected by the board of commissioners of each component county for each county commissioner district containing ten thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation who shall be either the county commissioner from such district or a resident of such unincorporated portion;

(3) One member from each of the six largest component cities who shall be the mayor of such city, if such city shall have the mayor-council form of government, and in other cities shall be selected by, and from, the mayor and city council of each of such cities.

(4) One member representing all component cities other than the six largest cities to be selected by and from the mayors of such smaller cities in the following manner: The mayors of all such cities shall meet on the second Tuesday following the establishment of a metropolitan municipal corporation and thereafter on the third Tuesday in June of each even-numbered year at two o'clock p.m. at the office of the board of county commissioners of the central county. The chairman of such board shall preside. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.

(5) One additional member selected by the city council of each component city containing a population of ten thousand or more for

each sixty thousand population over and above the first ten thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other elected officers of such city.

(6) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. He shall not hold any public office of or be an employee of any component city or component county of the metropolitan municipal corporation.

Sec. 2. Section 35.58.140, chapter 7, Laws of 1965, as amended by section 4, chapter 105, Laws of 1967 and RCW 35.58.140 are each amended to read as follows:

Each member of a metropolitan council except those selected under the provisions of RCW 35.58.120 (1)(a), (4) and (6), shall hold office at the pleasure of the body which selected him. Each member, who shall hold office ex officio, may not hold office after he ceases to hold the position of elected county executive, mayor, commissioner, or councilman. The chairman shall hold office until the second Tuesday in July of each even-numbered year and may, if reelected, serve more than one term. Each member shall hold office until his successor has been selected as provided in this chapter.

Sec. 3. Section 35.58.530, chapter 7, Laws of 1965, as amended by section 15, chapter 105, Laws of 1967, and RCW 35.58.530 are each amended to read as follows:

Territory annexed to a component city after the establishment of a metropolitan municipal corporation shall by such act be annexed to such corporation. Territory within a metropolitan municipal corporation may be annexed to a city which is not within such metropolitan municipal corporation in the manner provided by law and in such event either (1) such city may be annexed to such metropolitan municipal corporation by ordinance of the legislative body of the city con-  
curred in by resolution of the metropolitan council, or (2) if such city shall not be so annexed such territory shall remain within the metropolitan municipal corporation unless such city shall by resolu-

tion of its legislative body request the withdrawal of such territory subject to any outstanding indebtedness of the metropolitan corporation and the metropolitan council shall by resolution consent to such withdrawal.

Any territory contiguous to a metropolitan municipal corporation and lying wholly within an incorporated city or town may be annexed to such metropolitan municipal corporation by ordinance of the legislative body of such city or town requesting such annexation concurred in by resolution of the metropolitan council.

Any other territory adjacent to a metropolitan municipal corporation may be annexed thereto by vote of the qualified electors residing in the territory to be annexed, in the manner provided in this chapter. An election to annex such territory may be called pursuant to a petition or resolution in the following manner:

(1) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the territory to be annexed and shall be filed with the auditor of the central county.

(2) A resolution calling for such an election may be adopted by the metropolitan council.

Any resolution or petition calling for such an election shall describe the boundaries of the territory to be annexed, and state that the annexation of such territory to the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons or property within the metropolitan municipal corporation and within the territory proposed to be annexed.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each city within the territory proposed to be annexed and of each county a portion of which shall be located within the territory proposed to be annexed. No person may withdraw his name from a petition after it has

been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency 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 immediately.

Passed the House March 24, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

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CHAPTER 136  
[Substitute House Bill No. 850]  
INTOXICATING LIQUOR--CLASS  
H LICENSES--AIRPORTS

AN ACT Relating to intoxicating liquor and class H licenses; and amending section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as amended by section 3, chapter 143, Laws of 1965 ex. sess., and RCW 66-.24.420.

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

Section 1. Section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as amended by section 3, chapter 143, Laws of 1965 ex. sess., and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population;  
fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) The fee for any dining, club or buffet car, or any boat or airplane shall be as provided in subsection (4) of this section.

(e) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business district of incorporated cities and towns, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specif-

ic distance requirements.

(3) The board shall have discretion to issue class H licenses outside of incorporated cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of incorporated cities and towns, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: PROVIDED, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED FURTHER, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.

(5) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(6) Notwithstanding the provisions of subsection (5) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the

community.

Passed the House March 28, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 21, 1969  
Filed in office of Secretary of State April 21, 1969

CHAPTER 137  
[Engrossed Substitute House Bill No. 31]  
EXPLOSIVES

AN ACT Relating to explosives; amending section 1, chapter 111, Laws of 1931 and RCW 70.74.010; amending section 2, chapter 111, Laws of 1931, as amended by section 1, chapter 99, Laws of 1967, and RCW 70.74.020; amending section 17, chapter 111, Laws of 1931 and RCW 70.74.220; amending section 3, chapter 111, Laws of 1931 and RCW 70.74.030; amending section 10, chapter 111, Laws of 1931 and RCW 70.74.100; amending section 11, chapter 111, Laws of 1931, as amended by section 1, chapter 101, Laws of 1941, and RCW 70.74.110; amending section 12, chapter 111, Laws of 1931, as amended by section 2, chapter 101, Laws of 1941, and RCW 70.74.120; amending section 13, chapter 111, Laws of 1931 and RCW 70.74.140; amending section 3, chapter 101, Laws of 1941 and RCW 70.74.130; amending section 5, chapter 101, Laws of 1941 and RCW 70.74.240; amending section 15, chapter 111, Laws of 1931 and RCW 70.74.160; amending section 16, chapter 111, Laws of 1931 and RCW 70.74.170; amending section 18, chapter 111, Laws of 1931 and RCW 70.74.180; amending section 130, chapter 36, Laws of 1917 and RCW 78.40.491; amending section 400, chapter 249, Laws of 1909 and RCW 70.74.270; amending section 401, chapter 249, Laws of 1909 and RCW 70.74.280; amending section 252, chapter 249, Laws of 1909 and RCW 70.74.290; amending section 254, chapter 249, Laws of 1909 and RCW 70.74.300; amending section 1, chapter 245, Laws of 1927 and RCW 70.74.310; adding new sections to chapter 111, Laws of 1931 and to chapter 70.74 RCW; repealing section 20, chapter 111, Laws of 1931 and RCW 70.74.190; repealing section 21, chapter 111, Laws of 1931 and RCW 70.74.200; repealing section 6, chapter 111, Laws of 1931

and RCW 70.74.060; repealing section 7, chapter 111, Laws of 1931 and RCW 70.74.070; repealing section 8, chapter 111, Laws of 1931 and RCW 70.74.080; repealing section 9, chapter 111, Laws of 1931 and RCW 70.74.090; and providing penalties.

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

NEW SECTION. Section 1. This act may be known and cited as the "Washington state explosives act."

NEW SECTION. Sec. 2. The purpose of this 1969 amendatory act is to modernize the state explosives act so as to provide a new and complete chapter on the regulation of explosives in all phases in order to comply with modern safety techniques, especially in the light of many new and exotic explosives, since the original act was passed in 1931. This 1969 amendatory act shall apply to the manufacture, possession, storage, sale, purchase, transportation, use and other disposition of explosives and blasting agents.

Sec. 3. Section 1, chapter 111, Laws of 1931 and RCW 70.74.010 are each amended to read as follows:

As used in this act, unless a different meaning is plainly required by the context:

The terms "authorized", "approved" or "approval" shall be held to mean authorized, approved or approval by the department of labor and industries.

The term "blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

The term "explosive" or "explosives" whenever used in this act, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by

~~((detenater))~~ detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as class A, class B and class C explosives by the federal department of transportation.

Classification of explosives shall include but not be limited to the following:

CLASS A EXPLOSIVES: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

CLASS B EXPLOSIVES: (Possessing flammable hazard) propellant explosives, including smokeless propellants.

CLASS C EXPLOSIVES: (Including certain types of manufactured articles which contain class A or class B explosives, or both, as components but in restricted quantities).

The term "explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

The ~~((word))~~ term "magazine", ~~((whenever-used-in-this-act, means))~~ shall be held to mean and include any building or other structure, other than a factory building, used for the storage of explosives.

The term "inhabited building", ~~((whenever-used-in-this-act))~~ shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other building where people are accustomed to assemble, other than ~~((buildings-or-explosives-plants))~~ any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

The term "explosives manufacturing plant" ~~((whenever-used-in this-act, means-and-includes))~~ shall be held to mean and include all lands, with the buildings situated thereon, used in connection with

the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

The term "~~((factory-building))~~ explosives manufacturing building", ~~((whenever-used-in-this-act))~~ shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

The term "railroad" (~~(-whenever-used-in-this-act)~~) shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

The term "highway" (~~(-whenever-used-in-this-act)~~) shall be held to mean and include any public street, public alley or public road.

The term "efficient artificial barricade" (~~(-whenever-used-in this-act)~~) shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

The term "person" (~~(-whenever-used-in-this-act)~~) shall be held to mean and include (~~((firms-and-corporations,-as-well-as-natural persons))~~) any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.

The term "dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

The term "forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway or water in accordance with the regulations of the federal

department of transportation.

The term "handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder and projectiles into cartridge cases.

The term "fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

The term "motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

The term "natural barricade" shall be held to mean and include any natural hill, mound, wall or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

The term "oxidizer" shall be held to mean a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

The term "propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

The term "public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane or other vehicle which is carrying passengers for hire.

The term "public utility transmission system" shall mean power transmission lines over 10 KVA, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal or other publicly owned systems.

The term "purchaser" shall be held to mean any person who buys, accepts or receives any explosives or blasting agents.

The term "pyrotechnics" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

The term "small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting or pyrotechnic projectiles is excluded from this definition.

The term "small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder.

The term "smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures which function by rapid combustion.

The term "user" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

Words used in the singular number shall include the plural, and the plural the singular.

Sec. 4. Section 2, chapter 111, Laws of 1931, as amended by section 1, chapter 99, Laws of 1967, and RCW 70.74.020 are each amended to read as follows:

No person shall manufacture, possess, ~~((have, keep or store explosives in this state,))~~ store, sell, purchase, transport, or use explosives or blasting agents except in compliance with this act ~~((except that explosives may be manufactured without compliance with this act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction)).~~

The director of the department of labor and industries shall make and promulgate rules and regulations concerning qualifications of users of explosives and shall have the authority to issue licenses

for users of explosives to effectuate the purpose of this act: PROVIDED, That where there is a finding by the director that the use or disposition of explosives in any class of industry presents no unusual hazard to the safety of life or limb of persons employed therewith, and where the users are supervised by a superior in an employment relationship who is sufficiently experienced in the use of explosives, and who possesses a license for such use under this act, the director in his discretion may exclude said users in those classes of industry from individual licensing.

The director of the department of labor and industries shall make and promulgate rules and regulations concerning the manufacture, sale, purchase, use, transportation, storage and disposal of explosives, and shall have the authority to issue licenses for the manufacture, purchase, sale, use, transportation and storage of explosives to effectuate the purpose of this act. The director of the department of labor and industries is hereby delegated the authority to grant written waiver of this act whenever it can be shown that the manufacturing, handling, or storing of explosives are in compliance with applicable national or federal explosive safety standards.

It shall be unlawful to sell, give away or otherwise dispose of, or deliver to any person under ~~((eighteen))~~ twenty-one years of age any explosives other than small arms ammunition and handloader components, whether said person is acting for himself or for any other person: PROVIDED, That if there is a finding by the director that said use or disposition of explosives poses no unusual hazard to the safety of life or limb in any class of industry, where persons eighteen years of age or older are employed as users, and where said persons are adequately trained and adequately supervised by a superior in an employment relationship who is sufficiently experienced in the use of explosives, and who possesses a valid license for such use under this act, the director in his discretion may exclude said persons in that class of industry from said minimum age requirement.

All persons engaged in keeping, using or storing any compound, mixture or material, in wet condition, or

otherwise, which upon drying out or undergoing other physical changes, may become an explosive within the definition of RCW 70.74.010 and section 3 of this 1969 amendatory act, shall report in writing subscribed to by such person or his agent, to the department of labor and industries, report blanks to be furnished by such department, and such reports to require:

- (1) The kind of compound, mixture or material kept or stored, and maximum quantity thereof.
- (2) Condition or state of compound, mixture or material.
- (3) Place where kept or stored.

The department of labor and industries may at any time cause an inspection to be made to determine whether the condition of the compound, mixture or material is as reported.

NEW SECTION. Sec. 5. There is added to chapter 111, Laws of 1931, and to chapter 70.74 RCW a new section to read as follows:

The laws contained in this 1969 amendatory act and the ensuing regulations prescribed by the department of labor and industries shall not apply to:

- (1) Explosives or blasting agents in the course of transportation by way of railroad, water, highway or air under the jurisdiction of, and in conformity with, regulations adopted by the federal department of transportation, the Washington state utilities and transportation commission and the Washington state patrol;
- (2) The laboratories of schools, colleges and similar institutions if confined to the purpose of instruction or research and if not exceeding the quantity of one pound;
- (3) Explosives in the forms prescribed by the official United States Pharmacopeia;

(4) The transportation, storage and use of explosives or blasting agents in the normal and emergency operations of federal agencies and departments including the regular United States military departments on military reservations, or the duly authorized militia of any state or territory, or to emergency operations of any state department or agency, any police, or any municipality or county;

(5) The sale and use of fireworks, signaling devices, flares, fuses, and torpedoes;

(6) Any violation under this 1969 amendatory act if any existing ordinance of any city, municipality or county is more stringent than this 1969 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

This 1969 amendatory act shall not affect, modify or limit the power of a city, municipality or county in this state to make an ordinance that is more stringent than this 1969 amendatory act which is applicable within their respective corporate limits or boundaries.

Sec. 7. Section 17, chapter 111, Laws of 1931 and RCW 70.74.220 are each amended to read as follows:

Except as otherwise provided by the specific penalty provisions in this 1969 amendatory act and in chapter 70.74 RCW, whoever fails to comply with or violates any of the provisions of this 1969 amendatory act or of chapter 70.74 RCW shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars.

NEW SECTION. Sec. 8. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

In order to ease the immediate application of this 1969 amendatory act, the director of the department of labor and industries may

issue a temporary permit for up to twelve months from the effective date of this 1969 amendatory act for the continued use of an existing plant, store, equipment, building structure, and installation for the storage, or for the handling or use of explosives or blasting agents which are not in strict compliance with the terms of this code. No temporary permit shall be issued by the director if the continued use of the storage facility or if the handling or use of the explosives or blasting caps would constitute a distinct hazard to life or adjoining property. In all cases where such permit is denied, the issuing authority shall notify the applicant and specify the reasons for denial in writing. Upon the expiration of the temporary permit, the permit holder shall fall under the application of the provisions of this 1969 amendatory act and of chapter 70.74 RCW.

NEW SECTION. Sec. 9. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

The director of the department of labor and industries shall establish by rule or regulation requirements for classification, location and construction of magazines for storage of explosives in compliance with accepted applicable explosive safety standards. All explosives shall be kept in magazines which meet the requirements of this 1969 amendatory act.

Sec. 10. Section 3, chapter 111, Laws of 1931 and RCW 70.74-.030 are each amended to read as follows:

All ((factory)) explosive manufacturing buildings and magazines in which explosives or blasting agents except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, ((and)) highways and public utility transmission systems in conformity with the following quantity and distance tables, and ((this-table)) these tables shall be the basis on which applications for ((certificate--of compliance,--as-provided-in-RCW,70.74.120,--shall-be-made-and-the-certificate-of-compliance-issued)) license for storage shall be made and license for storage issued, as provided in sections 13 and 14 of this

1969 amendatory act. All distances prescribed in the table below are unbarricaded, and, if there is an efficient artificial barricade or a natural barricade between the explosives manufacturing building or magazine and another explosives manufacturing building or magazine, building, railroad, highway or public utility transmission system, the distance prescribed in the table below may be reduced by one-half. Blasting and electric blasting caps in strength through No. 8 must be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than No. 8 must be computed on the combined weight of explosives. ((--PROVIDED, That the quantity and distance table may be disregarded and a certificate of compliance may be issued for two second class magazines (see RCW 70.74.090) in any building not otherwise prohibited by law, if the contents and location of the magazine are as follows:

(1) One second class magazine containing not more than fifty pounds of explosives may be allowed if the said second class magazine is placed on wheels and located not more than ten feet from, on the same floor with and directly opposite to the entrance on the floor nearest the street level;

(2) One second class magazine containing not more than five thousand blasting caps may be allowed if the said second class magazine is placed on wheels and located on the floor nearest the street level;))

The quantity and distance table governing the manufacture, keeping and storage of explosives to be as follows:

QUANTITY AND DISTANCE TABLE

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Column	Column	Column	Column
1	2	3	4
Quantity That May be Had, Kept or Stored	Distance From	Distance From	Distance From
Blasting and Electric	Nearest	Nearest	Nearest
Blasting Caps	Building	Railway	Highway
Other Explosives			

Number Over	Number-Not Over	Pounds Over	Pounds-Not Over	Feet	Feet	Feet
1,000	5,000			30	20	10
5,000	10,000			60	40	20
10,000	20,000			120	70	35
20,000	25,000		50	145	90	45
25,000	50,000	50	100	240	140	70
50,000	100,000	100	200	360	220	110
100,000	150,000	200	300	520	310	150
150,000	200,000	300	400	640	380	190
200,000	250,000	400	500	720	430	220
250,000	300,000	500	600	800	480	240
300,000	350,000	600	700	860	520	260
350,000	400,000	700	800	920	550	280
400,000	450,000	800	900	980	590	300
450,000	500,000	900	1,000	1,020	610	310
500,000	750,000	1,000	1,500	1,060	640	320
750,000	1,000,000	1,500	2,000	1,200	720	360
1,000,000	1,500,000	2,000	3,000	1,300	780	390
1,500,000	2,000,000	3,000	4,000	1,420	850	420
2,000,000	2,500,000	4,000	5,000	1,500	900	450
2,500,000	3,000,000	5,000	6,000	1,560	940	470
3,000,000	3,500,000	6,000	7,000	1,610	970	490
3,500,000	4,000,000	7,000	8,000	1,660	1,000	500
4,000,000	4,500,000	8,000	9,000	1,700	1,020	510
4,500,000	5,000,000	9,000	10,000	1,740	1,040	520
5,000,000	7,500,000	10,000	15,000	1,780	1,070	530
7,500,000	10,000,000	15,000	20,000	1,950	1,170	580
10,000,000	12,500,000	20,000	25,000	2,110	1,270	630
12,500,000	15,000,000	25,000	30,000	2,260	1,360	680

15,000,000	17,500,000	30,000	35,000	2,410	1,450	720
17,500,000	20,000,000	35,000	40,000	2,550	1,530	760
		40,000	45,000	2,680	1,610	800
		45,000	50,000	2,800	1,680	840
		50,000	55,000	2,920	1,750	880
		55,000	60,000	3,030	1,820	910
		60,000	65,000	3,130	1,880	940
		65,000	70,000	3,220	1,940	970
		70,000	75,000	3,310	1,990	1,000
		75,000	80,000	3,390	2,040	1,020
		80,000	85,000	3,460	2,080	1,040
		85,000	90,000	3,520	2,120	1,060
		90,000	95,000	3,580	2,150	1,080
		95,000	100,000	3,630	2,180	1,090
		100,000	125,000	3,670	2,200	1,100
		125,000	150,000	3,800	2,280	1,140
		150,000	175,000	3,930	2,360	1,180
		175,000	200,000	4,060	2,440	1,220
		200,000	225,000	4,190	2,520	1,260
		225,000	250,000	4,310	2,590	1,300
		250,000	275,000	4,430	2,660	1,340
		275,000	300,000	4,550	2,730	1,380))

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>
<u>Quantity that may be had, kept</u>	<u>Distance</u>	<u>Distance</u>	<u>Distance</u>
<u>or stored</u>	<u>from</u>	<u>from</u>	<u>from</u>
	<u>Nearest</u>	<u>Nearest</u>	<u>Nearest</u>
	<u>Inhabited</u>	<u>Railroad</u>	<u>Highway</u>
	<u>Building</u>		<u>and Public</u>
			<u>Utility</u>
			<u>Transmission</u>
			<u>System</u>

EXPLOSIVES

<u>Pounds</u>	<u>Pounds</u>	<u>Feet</u>	<u>Feet</u>	<u>Feet</u>
<u>Over</u>	<u>Not Over</u>			
<u>2</u>	<u>5</u>	<u>140</u>	<u>60</u>	<u>60</u>
<u>5</u>	<u>10</u>	<u>180</u>	<u>70</u>	<u>70</u>
<u>10</u>	<u>20</u>	<u>220</u>	<u>90</u>	<u>90</u>
<u>20</u>	<u>30</u>	<u>250</u>	<u>100</u>	<u>100</u>
<u>30</u>	<u>40</u>	<u>280</u>	<u>110</u>	<u>110</u>
<u>40</u>	<u>50</u>	<u>300</u>	<u>120</u>	<u>120</u>
<u>50</u>	<u>75</u>	<u>340</u>	<u>140</u>	<u>140</u>
<u>75</u>	<u>100</u>	<u>380</u>	<u>150</u>	<u>150</u>
<u>100</u>	<u>125</u>	<u>400</u>	<u>160</u>	<u>160</u>
<u>125</u>	<u>150</u>	<u>430</u>	<u>170</u>	<u>170</u>
<u>150</u>	<u>200</u>	<u>470</u>	<u>190</u>	<u>190</u>
<u>200</u>	<u>250</u>	<u>510</u>	<u>210</u>	<u>210</u>
<u>250</u>	<u>300</u>	<u>540</u>	<u>220</u>	<u>220</u>
<u>300</u>	<u>400</u>	<u>590</u>	<u>240</u>	<u>240</u>
<u>400</u>	<u>500</u>	<u>640</u>	<u>260</u>	<u>260</u>
<u>500</u>	<u>600</u>	<u>680</u>	<u>270</u>	<u>270</u>
<u>600</u>	<u>700</u>	<u>710</u>	<u>290</u>	<u>290</u>
<u>700</u>	<u>800</u>	<u>750</u>	<u>300</u>	<u>300</u>
<u>800</u>	<u>900</u>	<u>780</u>	<u>310</u>	<u>310</u>
<u>900</u>	<u>1,000</u>	<u>800</u>	<u>320</u>	<u>320</u>
<u>1,000</u>	<u>1,200</u>	<u>850</u>	<u>340</u>	<u>330</u>
<u>1,200</u>	<u>1,400</u>	<u>900</u>	<u>360</u>	<u>340</u>
<u>1,400</u>	<u>1,600</u>	<u>940</u>	<u>380</u>	<u>350</u>
<u>1,600</u>	<u>1,800</u>	<u>980</u>	<u>390</u>	<u>360</u>
<u>1,800</u>	<u>2,000</u>	<u>1,010</u>	<u>410</u>	<u>370</u>
<u>2,000</u>	<u>2,500</u>	<u>1,090</u>	<u>440</u>	<u>380</u>
<u>2,500</u>	<u>3,000</u>	<u>1,160</u>	<u>470</u>	<u>390</u>
<u>3,000</u>	<u>4,000</u>	<u>1,270</u>	<u>510</u>	<u>420</u>
<u>4,000</u>	<u>5,000</u>	<u>1,370</u>	<u>550</u>	<u>450</u>
<u>5,000</u>	<u>6,000</u>	<u>1,460</u>	<u>590</u>	<u>470</u>

<u>6,000</u>	<u>7,000</u>	<u>1,540</u>	<u>620</u>	<u>490</u>
<u>7,000</u>	<u>8,000</u>	<u>1,600</u>	<u>640</u>	<u>500</u>
<u>8,000</u>	<u>9,000</u>	<u>1,670</u>	<u>670</u>	<u>510</u>
<u>9,000</u>	<u>10,000</u>	<u>1,730</u>	<u>690</u>	<u>520</u>
<u>10,000</u>	<u>12,000</u>	<u>1,750</u>	<u>740</u>	<u>540</u>
<u>12,000</u>	<u>14,000</u>	<u>1,770</u>	<u>780</u>	<u>550</u>
<u>14,000</u>	<u>16,000</u>	<u>1,800</u>	<u>810</u>	<u>560</u>
<u>16,000</u>	<u>18,000</u>	<u>1,880</u>	<u>840</u>	<u>570</u>
<u>18,000</u>	<u>20,000</u>	<u>1,950</u>	<u>870</u>	<u>580</u>
<u>20,000</u>	<u>25,000</u>	<u>2,110</u>	<u>940</u>	<u>630</u>
<u>25,000</u>	<u>30,000</u>	<u>2,260</u>	<u>1,000</u>	<u>680</u>
<u>30,000</u>	<u>35,000</u>	<u>2,410</u>	<u>1,050</u>	<u>720</u>
<u>35,000</u>	<u>40,000</u>	<u>2,550</u>	<u>1,100</u>	<u>760</u>
<u>40,000</u>	<u>45,000</u>	<u>2,680</u>	<u>1,140</u>	<u>800</u>
<u>45,000</u>	<u>50,000</u>	<u>2,800</u>	<u>1,180</u>	<u>840</u>
<u>50,000</u>	<u>55,000</u>	<u>2,920</u>	<u>1,220</u>	<u>880</u>
<u>55,000</u>	<u>60,000</u>	<u>3,030</u>	<u>1,260</u>	<u>910</u>
<u>60,000</u>	<u>65,000</u>	<u>3,130</u>	<u>1,290</u>	<u>940</u>
<u>65,000</u>	<u>70,000</u>	<u>3,220</u>	<u>1,320</u>	<u>970</u>
<u>70,000</u>	<u>75,000</u>	<u>3,310</u>	<u>1,350</u>	<u>1,000</u>
<u>75,000</u>	<u>80,000</u>	<u>3,390</u>	<u>1,380</u>	<u>1,020</u>
<u>80,000</u>	<u>85,000</u>	<u>3,460</u>	<u>1,410</u>	<u>1,040</u>
<u>85,000</u>	<u>90,000</u>	<u>3,520</u>	<u>1,440</u>	<u>1,060</u>
<u>90,000</u>	<u>95,000</u>	<u>3,580</u>	<u>1,460</u>	<u>1,080</u>
<u>95,000</u>	<u>100,000</u>	<u>3,630</u>	<u>1,490</u>	<u>1,090</u>
<u>100,000</u>	<u>110,000</u>	<u>3,670</u>	<u>1,540</u>	<u>1,100</u>
<u>110,000</u>	<u>120,000</u>	<u>3,710</u>	<u>1,580</u>	<u>1,110</u>
<u>120,000</u>	<u>130,000</u>	<u>3,750</u>	<u>1,620</u>	<u>1,120</u>
<u>130,000</u>	<u>140,000</u>	<u>3,780</u>	<u>1,670</u>	<u>1,130</u>
<u>140,000</u>	<u>150,000</u>	<u>3,800</u>	<u>1,700</u>	<u>1,140</u>
<u>150,000</u>	<u>160,000</u>	<u>3,870</u>	<u>1,740</u>	<u>1,160</u>
<u>160,000</u>	<u>170,000</u>	<u>3,930</u>	<u>1,780</u>	<u>1,180</u>
<u>170,000</u>	<u>180,000</u>	<u>3,980</u>	<u>1,810</u>	<u>1,200</u>

<u>180,000</u>	<u>190,000</u>	<u>4,020</u>	<u>1,840</u>	<u>1,210</u>
<u>190,000</u>	<u>200,000</u>	<u>4,060</u>	<u>1,870</u>	<u>1,220</u>
<u>200,000</u>	<u>210,000</u>	<u>4,110</u>	<u>1,910</u>	<u>1,240</u>
<u>210,000</u>	<u>230,000</u>	<u>4,200</u>	<u>1,960</u>	<u>1,270</u>
<u>230,000</u>	<u>250,000</u>	<u>4,310</u>	<u>2,020</u>	<u>1,300</u>
<u>250,000</u>	<u>275,000</u>	<u>4,430</u>	<u>2,080</u>	<u>1,340</u>
<u>275,000</u>	<u>300,000</u>	<u>4,550</u>	<u>2,150</u>	<u>1,380</u>

NEW SECTION. Sec. 11. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Magazines containing blasting caps and electric blasting caps shall be separated from other magazines containing like contents, or from magazines containing explosives by distances based on the following:

(1) Blasting caps in strengths through No. 8 should be rated at one and one-half pounds of explosive per one thousand caps;

(2) For strengths higher than No. 8, use the total combined weight of explosives;

(3) Magazines in which explosives are kept and stored shall be detached from other structures and separated from other magazines in conformity with the quantity and distance table set forth below:

QUANTITY AND DISTANCE TABLE FOR SEPARATION

BETWEEN MAGAZINES CONTAINING EXPLOSIVES

Separation Distance in Feet  
Between Magazines.

Pounds Over	Pounds Not Over	Not Barricaded	Barricaded
2	5	12	6
5	10	16	8
10	20	20	10
20	30	22	11
30	40	24	12
40	50	28	14
50	75	30	15

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75	100	32	16
100	125	36	18
125	150	38	19
150	200	42	21
200	250	46	23
250	300	48	24
300	400	54	27
400	500	58	29
500	600	62	31
600	700	64	32
700	800	66	33
800	900	70	35
900	1,000	72	36
1,000	1,200	78	39
1,200	1,400	82	41
1,400	1,600	86	43
1,600	1,800	88	44
1,800	2,000	90	45
2,000	2,500	98	49
2,500	3,000	104	52
3,000	4,000	116	58
4,000	5,000	122	61
5,000	6,000	130	65
6,000	7,000	136	68
7,000	8,000	144	72
8,000	9,000	150	75
9,000	10,000	156	78
10,000	12,000	164	82
12,000	14,000	174	87
14,000	16,000	180	90
16,000	18,000	188	94
18,000	20,000	196	98
20,000	25,000	210	105

25,000	30,000	224	112
30,000	35,000	238	119
35,000	40,000	248	124
40,000	45,000	258	129
45,000	50,000	270	135
50,000	55,000	280	140
55,000	60,000	290	145
60,000	65,000	300	150
65,000	70,000	310	155
70,000	75,000	320	160
75,000	80,000	330	165
80,000	85,000	340	170
85,000	90,000	350	175
90,000	95,000	360	180
95,000	100,000	370	185
100,000	110,000	380	195
110,000	120,000	410	205
120,000	130,000	430	215
130,000	140,000	450	225
140,000	150,000	470	235
150,000	160,000	490	245
160,000	170,000	510	255
170,000	180,000	530	265
180,000	190,000	550	275
190,000	200,000	570	285
200,000	210,000	590	295
210,000	230,000	630	315
230,000	250,000	670	335
250,000	275,000	720	360
275,000	300,000	770	385

Sec. 12. Section 10, chapter 111, Laws of 1931 and RCW 70.74.100 are each amended to read as follows:

No blasting caps, or other detonating or fulminating caps, or

detonators, or flame-producing devices shall be kept or stored in any magazine in which other explosives are kept or stored.

Sec. 13. Section 11, chapter 111, Laws of 1931, as amended by section 1, chapter 101, Laws of 1941 and RCW 70.74.110 are each amended to read as follows:

All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on the date when this 1969 amendatory act takes effect (~~((1))~~), shall within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after this act takes effect (~~((2))~~) shall, before so engaging, make (~~(a-repeal)~~) an application in writing, subscribed to by such person or his agent, to the department of labor and industries, the (~~(repeal)~~) application stating:

(1) Location of place of manufacture or processing (~~((7))~~);  
 (2) Kind of explosives manufactured, processed or used (~~((7))~~);  
 (3) The distance that such explosives manufacturing building is located or intended to be located from the other factory buildings, magazines, inhabited buildings, railroads and highways and public utility transmission systems;

~~((43))~~ (4) The name and address of the applicant (~~((7))~~);

~~((44))~~ (5) The reason for desiring to manufacture explosives (~~((7))~~);

~~((45))~~ (6) The applicant's citizenship, if the applicant is an individual (~~((7))~~);

~~((46))~~ (7) If the applicant is a partnership, the names and addresses of the partners, and their citizenship (~~(and)~~);

~~((47))~~ (8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship (~~((7))~~) ; and

(9) Such other pertinent information as the director of labor

and industries shall require to effectuate the purpose of this 1969 amendatory act.

There shall be kept in the main office on the premises of each explosives manufacturing plant a plan of said plant showing the location of all (( factory)) explosives manufacturing buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the department of labor and industries. The superintendent of each plant shall upon demand of said inspector furnish the following information:

(a) The maximum amount and kind of explosive material which is or will be present in each building at one time.

(b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades.

The department of labor and industries shall as soon as may be after receiving such ((~~report~~)) application cause an inspection to be made of the explosives manufacturing plant, and if found to be in accordance with RCW 70.74.030 and 70.74.050 and in section 11 of this 1969 amendatory act, such department shall issue a license to the person applying therefor showing compliance with the provisions of this act ((~~3~~)), unless the department shall find that the applicant or the officers, agents or employees of the applicant are not sufficiently experienced in the manufacture of explosives, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Such license shall continue in full force and effect until surrendered or canceled, because of failure to comply with any of the conditions necessary for the granting of a license.

Sec. 14. Section 12, chapter 111, Laws of 1931, as amended by section 2, chapter 101, Laws of 1941 and RCW 70.74.120 are each amended to read as follows:

All persons engaged in keeping or storing and all persons having in their possession explosives on the date when this 1969

amendatory act takes effect ((1)) shall within sixty days thereafter, and all persons engaging in keeping or storing explosives or coming into possession thereof after this act takes effect ((2)), shall before engaging in the keeping or storing of explosives or taking possession thereof, make ((a-report)) an application in writing subscribed to by such person or his agent, to the department of labor and industries stating:

(1) The location of the magazine, if any, if then existing, or in case of a new magazine, the proposed location of such magazine ((-));

(2) The kind of explosives that are kept or stored or possessed or intended to be kept or stored or possessed and the maximum quantity that is intended to be kept or stored or possessed thereat ((-));

(3) The distance that such magazine is located or intended to be located from ((the-nearest-buildings,-railroads-and-highways)) other magazines, inhabited buildings, explosives manufacturing buildings, railroads, highways and public utility transmission systems ((-));

(4) The name and address of the applicant ((-));

(5) The reason for desiring to store or possess explosives((-));

(6) The citizenship of the applicant if the applicant is an individual ((-));

(7) If the applicant is a partnership, the names and addresses of the partners and their citizenship ((-));

(8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship ((-));

(9) And such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this 1969 amendatory act.

The department of labor and industries shall, as soon as may be after receiving such ((report)) application, cause an inspection to be made of the magazine, if then constructed, and, in the case of a new magazine, as soon as may be after same is found to be constructed

in accordance with the specification provided in ((RCW-70-74-0907)) section 9 of this 1969 amendatory act, such department shall determine the amount of explosives that may be kept and stored in such magazine by reference to the quantity and distance tables set forth in RCW 70.74.030, 70.74.050 and section 11 of this 1969 amendatory act, and shall issue a license to the person applying therefor, unless the department shall find that such applicant is not sufficiently experienced in the handling of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States. Said license shall set forth the maximum quantity of explosives that may be had, kept or stored by said person. Such ((~~certificate-of-compliance~~)) license shall be valid until canceled for one or more of the causes hereinafter provided. Whenever by reason of change in the physical conditions surrounding said magazine at the time of the issuance of the license therefor, such as:

- (a) The erection of buildings nearer said magazine ((7));
- (b) The construction of railroads nearer said magazine ((7));
- ((or))
- (c) The opening for public travel of highways nearer said magazine ((7)); or

(d) The construction of public utilities transmission systems near said magazine; then the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to conform to such changed conditions in accordance with the quantity and distance table notwithstanding the license, and the department of labor and industries shall modify or cancel such license in accordance with the changed conditions. Said license may also be canceled if the department of labor and industries shall find that the applicant is keeping explosives for an unlawful purpose or is disloyal to the United States. Whenever any person to whom a license has been issued, keeps or stores in the magazine or has in his possession, any quantity of explosives in excess of the maximum amount set forth in said

license, or whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due, the department is authorized to cancel such license. Whenever a license is canceled by the department for any cause herein specified, the department shall notify the person to whom such license is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice, or, if the cause of cancellation be the failure to pay the annual license fee, or the fact that explosives are kept for an unlawful purpose, or the applicant is disloyal to the United States, the department of labor and industries shall order such person to dispossess himself of said explosives within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine or to disposes oneself of the explosives as herein provided within the time specified in said notice shall constitute a violation of this act ((3)).

Sec. 15. Section 13, chapter 111, Laws of 1931 and RCW 70.74-.140 are each amended to read as follows:

Every person engaging in the business of keeping or storing of explosives, shall pay an annual license fee for each magazine maintained, to be graduated by the department of labor and industries according to the quantity kept or stored therein, of not less than one dollar nor more than ((ten)) fifty dollars. Said license fee shall accompany the application, and be by the department turned over to the state treasurer.

Sec. 16. Section 3, chapter 101, Laws of 1941 and RCW 70.74-.130 are each amended to read as follows:

Every person desiring to engage in the business of dealing in explosives shall apply to the department of labor and industries for a license therefor. Said application shall state, among other things:

- (1) The name and address of applicant;
- (2) The reason for desiring to engage in the business of dealing in explosives;

- (3) Citizenship, if an individual applicant;
- (4) If a partnership, the names and addresses of the partners and their citizenship; ((and ))
- (5) If an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and
- (6) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this 1969 amendatory act.

The department of labor and industries shall issue the license applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the business of dealing in explosives, lack suitable facilities therefor, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof.

Sec. 17. Section 5, chapter 101, Laws of 1941, and RCW 70.74-.240 are each amended to read as follows:

No dealer shall sell, barter, give or dispose of explosives to any person who does not hold a license to possess explosives issued under the provisions of ~~((chapter 111 of the Laws of 1931, as amended. Any violation of this or RCW 70.74.230 shall constitute a misdemeanor))~~ this 1969 amendatory act.

NEW SECTION. Sec. 18. There is added to chapter 111, Laws of 1931, and chapter 70.74 RCW a new section to read as follows:

All persons desiring to purchase explosives except small arms ammunition and smokeless propellants shall apply to the department of labor and industries for a license. Said application shall state, among other things:

- (1) The location where explosives are to be used;
- (2) The kind and amount of explosives to be used;
- (3) The name and address of the applicant;
- (4) The reason for desiring to use explosives;
- (5) The citizenship of the applicant if the applicant is an

individual;

(6) If the applicant is a partnership, the names and addresses of the partners and their citizenship;

(7) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and

(8) Such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this 1969 amendatory act.

The department of labor and industries shall issue the license applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the use of explosives, lack suitable facilities therefor, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof, or for any violation of this act.

Sec. 19. Section 15, chapter 111, Laws of 1931 and RCW 70.74-.160 are each amended to read as follows:

No person, except an official as authorized herein or a person authorized to do so by the owner thereof, or his agent, shall enter any ((~~factory~~)) explosives manufacturing building, magazine or car, vehicle or other common carrier containing explosives in this state.

Sec. 20. Section 16, chapter 111, Laws of 1931 and RCW 70.74-.170 are each amended to read as follows:

No person shall discharge any firearms at or against any magazine or ((~~factory~~)) explosives manufacturing buildings or ignite any flame or flame-producing device nearer than two hundred feet from said magazine or explosives manufacturing building.

Sec. 21. Section 18, chapter 111, Laws of 1931 and RCW 70.74-.180 are each amended to read as follows:

Any person who shall have in his possession or control any shell, bomb or similar device, charged or filled with one or more

explosives, intending to use the same or cause same to be used for an unlawful purpose, shall be deemed guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not less than five years nor more than twenty-five years. (~~The possession or control by any person, of any such device, so charged or filled, shall be deemed prima facie evidence of an intent to use the same, or cause the same to be used, for an unlawful purpose.~~)

Sec. 22. Section 130, chapter 36, Laws of 1917 and RCW 78.40-.491 are each amended to read as follows:

Any person who shall store or keep any (~~powder or ether~~) explosive (~~in a quantity greater than one pound~~) in any (~~occupied~~) inhabited dwelling house or residence, or in any outhouse appertaining thereto, within three hundred feet of any dwelling, shall be guilty of a misdemeanor: PROVIDED, That small arms smokeless propellants in quantities not exceeding twenty-five pounds may be allowed.

Sec. 23. Section 400, chapter 249, Laws of 1909 and RCW 70.74-.270 are each amended to read as follows:

Every person who shall maliciously place any explosive substance or material in, upon, under, against or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure the same if exploded, shall be guilty of a felony, and if the circumstances and surroundings are such that the safety of any person might be endangered by the explosion thereof, shall be punished by imprisonment in the state penitentiary for not more than (~~twenty~~) twenty-five years (~~and in every other case by imprisonment in the state penitentiary for not more than five years~~).

Sec. 24. Section 401, chapter 249, Laws of 1909 and RCW 70.74-.280 are each amended to read as follows:

Every person who shall maliciously, by the explosion of gunpowder or any other explosive substance or material, destroy or damage any building, car, airplane, vessel, common carrier, railroad track,

public utility transmission system or structure, shall be punished as follows:

(1) If thereby the life or safe y of a human being is endangered, by imprisonment in the state penitentiary for not more than twenty years((~~τ~~));

(2) In every other case by imprisonment in the state penitentiary for not more than five years.

Sec. 25. Section 252, chapter 249, Laws of 1909 and RCW 70.74-.290 are each amended to read as follows:

Every person who shall make or keep any explosive (~~(or-combustible-substance)~~) in any city or village, or carry it through the streets thereof in a quantity, or manner prohibited by law, or by ordinance of such municipality; and every person who, by careless, negligent or unauthorized use or management of any such explosive (~~(or combustible-substance)~~), shall injure or cause injury to the person or property of another, shall be guilty of a gross misdemeanor.

Sec. 26. Section 254, chapter 249, Laws of 1909 and RCW 70.74-.300 are each amended to read as follows:

Every person who shall put up for sale, or who shall deliver to any warehouseman, dock, depot, or common carrier any package, cask or can containing (~~(benzine, gasoline, naphtha)~~) any explosive, nitroglycerine, dynamite, or powder (~~(or-ether-explosive-or-combustible substance)~~), without having (~~(printed-thereon-in-a-conspicuous-place-in-large-letters-the-word-"Explosive")~~) been properly labeled thereon to indicate its explosive classification, shall be guilty of a gross misdemeanor.

Sec. 27. Section 1, chapter 245, Laws of 1927, and RCW 70.74-.310 are each amended to read as follows:

Any person other than a lawfully constituted peace officer of this state who shall deposit, leave, place, spray, scatter, spread or throw in any building, or any place, or who shall counsel, aid, assist, encourage, incite or direct any other person or persons to deposit, leave, place, spray, scatter, spread or throw, in any building or

place, or who shall have in his possession for the purpose of, and with the intent of depositing, leaving, placing, spraying, scattering, spreading or throwing, in any building or place, or of counseling, aiding, assisting, encouraging, inciting or directing any other person or persons to deposit, leave, place, spray, scatter, spread or throw, any stink bomb, stink paint, tear bomb, tear shell, explosive or flame-producing device, or any other device, material, chemical or substance, which, when exploded or opened, or without such exploding or opening, by reason of its offensive and pungent odor, does or will annoy, injure, endanger or inconvenience any person or persons, shall be guilty of a gross misdemeanor: PROVIDED, That this section shall not apply to persons in the military service, actually engaged in the performance of military duties, pursuant to orders from competent authority nor to any property owner or person acting under his authority in providing protection against the commission of a felony.

NEW SECTION. Sec. 28. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

The federal regulations of the United States department of transportation on the transportation of small arms ammunition, of small arms ammunition primers, and of small arms smokeless propellants are hereby adopted in this 1969 amendatory act by reference.

The director of the department of labor and industries has the authority to issue future regulations in accordance with amendments and additions to the federal regulations of the United States department of transportation on the transportation of small arms ammunition, of small arms ammunition primers, and of small arms smokeless propellants.

NEW SECTION. Sec. 29. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Small arms ammunition shall be separated from flammable liquids, flammable solids and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of twenty-five feet.

NEW SECTION. Sec. 30. There is added to chapter 111, Laws of

1931 and to chapter 70.74 RCW a new section to read as follows:

Quantities of small arms smokeless propellant (class B) in shipping containers approved by the federal department of transportation not in excess of fifty pounds may be transported in a private vehicle.

Quantities in excess of twenty-five pounds but not to exceed fifty pounds in a private passenger vehicle shall be transported in an approved magazine as specified by department of labor and industries rules and regulations.

Transportation of quantities in excess of fifty pounds is prohibited in passenger vehicles: PROVIDED, That this requirement shall not apply to duly licensed dealers.

Transportation of quantities in excess of fifty pounds shall be in accordance with federal department of transportation regulations.

Small arms smokeless propellant intended for personal use in quantities not to exceed twenty-five pounds may be stored without restriction in residences; quantities over twenty-five pounds but not to exceed fifty pounds shall be stored in a strong box or cabinet constructed with three-fourths inch plywood (minimum), or equivalent, on all sides, top, and bottom.

Not more than seventy-five pounds of small arms smokeless propellant, in containers of one pound maximum capacity may be displayed in commercial establishments.

Quantities in excess of one hundred fifty pounds shall be stored in magazines constructed as specified in the rules and regulations for construction of magazines, and located in compliance with this 1969 amendatory act.

All small arms smokeless propellant when stored shall be packed in federal department of transportation approved containers.

NEW SECTION. Sec. 31. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the fed-

eral department of transportation.

Truck or rail transportation of small arms ammunition primers shall be in accordance with the federal regulation of the United States department of transportation.

No more than twenty-five thousand small arms ammunition primers shall be transported in a private passenger vehicle: PROVIDED, That this requirement shall not apply to duly licensed dealers.

Quantities not to exceed ten thousand small arms ammunition primers may be stored in a residence.

Small arms ammunition primers shall be separate from flammable liquids, flammable solids, and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of twenty-five feet.

Not more than seven hundred fifty thousand small arms ammunition primers shall be stored in any one building except as next provided; no more than one hundred thousand shall be stored in any one pile, and piles shall be separated by at least fifteen feet.

Quantities of small arms ammunition primers in excess of seven hundred fifty thousand shall be stored in magazines in accordance with section 9 of this 1969 amendatory act.

NEW SECTION. Sec. 32. The following acts or parts of acts are hereby repealed:

- (1) Section 20, chapter 111, Laws of 1931 and RCW 70.74.190;
- (2) Section 21, chapter 111, Laws of 1931 and RCW 70.74.200;
- (3) Section 6, chapter 111, Laws of 1931 and RCW 70.74.060;
- (4) Section 7, chapter 111, Laws of 1931 and RCW 70.74.070;
- (5) Section 8, chapter 111, Laws of 1931 and RCW 70.74.080;
- (6) Section 9, chapter 111, Laws of 1931 and RCW 70.74.090.

NEW SECTION. Sec. 33. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1969 amendatory act, or the application of the provision to other

persons or circumstances is not affected.

Passed the House March 14, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 22, 1969  
Filed in office of Secretary of State April 22, 1969

CHAPTER 138  
[House Bill No. 380]  
JUVENILE COURTS--COMMITMENT---FINANCIAL  
SUPPORT OF CHILD

AN ACT Relating to juvenile courts; and amending section 8, chapter 160, Laws of 1913, as amended by section 7, chapter 302, Laws of 1961, and RCW 13.04.100.

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

Section 1. Section 8, chapter 160, Laws of 1913, as amended by section 7, chapter 302, Laws of 1961, and RCW 13.04.100 are each amended to read as follows:

An order of commitment may be temporary or permanent in the discretion of the court, and may be revoked or modified as the circumstances of the case may thereafter require. In any case in which the court shall find the child dependent or delinquent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. ~~((In any case where it appears that the parents, guardian, or other person having custody of the child is unable to support the child, or contribute to his support, the court shall give notice of such fact to the department of public assistance, and in all such cases the department shall be given an opportunity to appear and be heard,--In event such child is ordered committed other than to the department of institutions, or the department of public assistance, the court may further order that the department of public assistance~~

~~support, or contribute to the support of the child to the extent that the total of such support will not exceed the rate per month as from time to time may be fixed by said department for other children in similar foster care. If, under emergency circumstances, immediate placement in foster care is necessary, or desirable for the welfare of the child, the court may place a child directly with a foster parent or parents in a foster home not then having a certificate as such, and in such case the court shall notify the department of public assistance of such placement.~~

~~The department of public assistance shall promptly evaluate the home in relation to the needs of the child, report its findings to the court and keep the court informed of the progress of the child. In the event of such emergency placement, the department of public assistance shall pay for such foster care from the time of placement. Such foster care may be provided for a child who is, by order, under the supervision of a probation officer.~~

~~Whenever a child is committed to the department of public assistance, the department shall report to the court, from time to time as the court may require, as to the financial condition of the parent or guardian. PROVIDED, That no order for the payment by the department of public assistance of all or part of the expense of support and maintenance of a dependent or delinquent child shall be effective for more than six months, unless a new order is secured at the expiration of that period.)~~

Passed the House March 14, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 22, 1969  
Filed in office of Secretary of State April 22, 1969

CHAPTER 139  
[Engrossed House Bill No. 539]  
CITIES, TOWNS,  
COUNTIES--BUS SERVICE

AN ACT Relating to state and local government; and adding a new section to chapter 239, Laws of 1967 and to chapter 39.34 RCW.

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

NEW SECTION. Section 1. There is added to chapter 239, Laws

of 1967 and to chapter 39.34 RCW a new section to read as follows:

In addition to the other powers granted by chapter 39.34 RCW, one or more cities or towns or a county, or any combination thereof, may enter into agreements with each other to allow a city to operate bus service for the transportation of the general public within the territorial boundaries of each when no such existing bus certificate of public convenience and necessity has been authorized by the Washington Utilities and Transportation Commission: PROVIDED, HOWEVER, That such transportation may extend beyond the territorial boundaries of either party to the agreement if the agreement so provides, and if such service is not in conflict with existing bus service authorized by the Washington Utilities and Transportation Commission. The provisions of this section shall be cumulative and nonexclusive and shall not affect any other right granted by this chapter or any other provision of law.

Passed the House March 14, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 22, 1969  
Filed in office of Secretary of State April 22, 1969

CHAPTER 140  
[House Bill No. 548]  
RIOT REINSURANCE  
REIMBURSEMENT--ASSESSMENTS--FUND

AN ACT Relating to insurance; and adding a new section to Title 48 RCW.

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

NEW SECTION. Section 1. There is added to Title 48 RCW a new section to read as follows:

(1) A fund designated "Riot Reinsurance Reimbursement Fund" is hereby established, hereafter referred to as the fund which shall be used for the payment of amounts necessary to reimburse the secretary of the department of housing and urban development under the provisions of Section 1223(a) (1) of the Urban Property Protection and Reinsurance Act of 1968 (Public Law 90-448) for losses reinsured by the secretary of the department of housing and urban development and occurring in this state on or after August 1, 1968. After receipt by

the state treasurer of a statement requesting reimbursement from the secretary of the department of housing and urban development and upon certification promptly made by the commissioner of insurance hereafter referred to as the commissioner, of the correctness of the amount thereof, the commissioner is hereby authorized to provide for an assessment upon insurers authorized to do business in this state in amounts sufficient for the fund to pay reimbursement to the secretary of the department of housing and urban development: PROVIDED, That the amount assessed each insurer shall be in the same proportion that the premiums written by each insurer in this state bear to the aggregate premiums written in this state by all insurance companies on those lines for which reinsurance was available in this state from the secretary of the department of housing and urban development during the preceding calendar year.

(2) In the event any insurer fails, by reason of insolvency, to pay any assessment as provided herein, the amount assessed each insurer, as computed under subsection (1) of this section, shall be immediately recalculated excluding therefrom the insolvent insurer so that its assessment is, in effect, assumed and redistributed among the remaining insurers.

(3) When assessments as provided herein are made, the individual insurer, after having paid the full amount assessed against the insurer, may deduct from future premium tax liabilities an amount not to exceed twenty percent per annum until such deductions equal the amount of the assessment levied against the insurer.

(4) This section shall cease to be of any force and effect upon termination of the Urban Property Protection and Reinsurance Act of 1968 (Public Law 90-448), except that obligations incurred pursuant to the provisions of this section shall not be impaired by the expiration of the same.

Passed the House March 24, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 22, 1969  
Filed in office of Secretary of State April 22, 1969

CHAPTER 141  
[Engrossed Senate Bill No. 411]  
WATER POLLUTION CONTROL--  
PROJECTS--STATE AID

AN ACT Relating to water pollution control; authorizing the water pollution control commission and municipal or public corporations and political subdivisions to enter into contracts and the commission to loan moneys for the purpose of assisting said municipal or public corporations and political subdivisions in financing water pollution control projects; and adding new sections to chapter 90.48 RCW.

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

NEW SECTION. Section 1. There is added to chapter 90.48 RCW a new section to read as follows:

The commission is authorized to enter into contracts with any municipal or public corporation or political subdivision within the state for the purpose of assisting such agencies to finance the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state, including but not limited to, systems for the control of storm or surface waters which will provide for the removal of waste or polluting materials in a manner conforming to the comprehensive plan of water pollution control and abatement proposed by the agencies and approved by the commission. Any such contract may provide for:

(1) The payment by the commission to a municipal or public corporation or political subdivision on a monthly, quarterly, or annual basis of varying amounts of moneys as advances which shall be repayable by said municipal or public corporation, or political subdivision under conditions determined by the commission.

Contracts made by the commission shall be subject to the following limitations:

(1) No contract shall be made unless the commission shall find that the project cannot be financed at reasonable cost or within statutory limitations by the borrower without the making of such con-

tract.

(2) No contract shall be made with any public or municipal corporation or political subdivision to assist in the financing of any project located within a sewage drainage basin for which the commission shall have previously adopted a comprehensive water pollution control and abatement plan unless the project is found by the commission to conform with the basin comprehensive plan.

(3) The commission shall determine the interest rate, not to exceed ten percent per annum, which such advances shall bear.

(4) The commission shall provide such reasonable terms and conditions of repayment of advances as it may determine.

(5) A pollution facilities construction revolving account in the general fund is created; the moneys therein to be used solely to fulfill commitments arising from contracts authorized under this act. The total outstanding amount which the commission may at any time be obligated to pay under all outstanding contracts made pursuant to this section shall not exceed the moneys available for such payment from said account. Moneys of said account may be invested in direct obligations of the United States pending application to such payment. Earnings from such investment shall be paid into said account and applied as other moneys of said account.

(6) Repayments of advances made pursuant to such contracts shall be paid into the pollution facilities construction revolving account and may be again advanced by the commission to finance other water pollution control projects pursuant to this act on as nearly a continuous revolving basis as is practical.

(7) Municipal or public corporations or political subdivisions shall meet such qualifications and follow such procedures in applying for contract assistance as shall be established by the commission.

In making such contracts the commission shall give priority to projects which will provide relief from actual or potential public health hazards or water pollution conditions and which provide substantial capacity beyond present requirements to meet anticipated

future demand.

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 provisions to other persons or circumstances is not affected.

Passed the Senate April 15, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 23, 1969  
Filed in office of Secretary of State April 23, 1969

CHAPTER 142  
[Engrossed Senate Bill No. 116]  
FINANCIAL INSTITUTIONS--REAL  
ESTATE DEVELOPERS--USURY

AN ACT Relating to usury; adding a new section to chapter 23, Laws of 1967 ex. sess. and to chapter 19.52 RCW.

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

NEW SECTION. Section 1. There is added to chapter 23, Laws of 1967 ex. sess. and to chapter 19.52 RCW a new section to read as follows:

Corporations, Massachusetts trusts, associations, and limited partnerships engaged in the business of lending money or the development or improvement of real estate in the state of Washington may not plead the defense of usury nor maintain any action thereon: PROVIDED, HOWEVER, That this section shall apply only to a transaction which involves an amount in excess of \$100,000.

Passed the Senate April 16, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 143  
[Engrossed Senate Bill No. 122]  
CRIMINAL PROCEDURE--WITNESSES

AN ACT Relating to criminal procedure; amending section 93, page 116, Laws of 1854, as last amended by section 1, chapter 83, Laws of 1915, and RCW 10.52.040.

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

Section 1. Section 93, page 116, Laws of 1854, as last amended by section 1, chapter 83, Laws of 1915, and RCW 10.52.040 are each amended to read as follows:

Witnesses may be compelled to attend and testify before the grand jury; and witnesses on behalf of the state, or of the defendant, in a criminal prosecution, may be compelled to attend and testify in open court, if they have been subpoenaed, without their fees being first paid or tendered, unless otherwise provided by law; the court may, upon the motion of the prosecuting attorney or defense counsel, recognize witnesses, with or without sureties, to attend and testify at any hearing or trial in any criminal prosecution in any court of this state, or before the grand jury (~~and in~~). In default of such recognizance, or in the event that surety is required and has not been obtained, the court shall require the appearance of the witness before the court and shall appoint counsel for the witness if he is indigent and then shall determine that the testimony of the witness would be material to either the prosecution or the defendant and that the witness would not attend the trial of the matter unless detained and, therefore, the court may direct that such witness shall be detained in the custody of the sheriff until the hearing or trial (~~(of the prosecution in which such testimony may be required;--PROVIDED;--HOWEVER;--That each witness so detained by order of court pursuant to the provisions of this section; shall be paid; in addition to witness fees for actual attendance in court; the sum of one dollar per day for time actually detained in custody; and shall be furnished food and lodging while so detained; and))~~ in which the witness is to testify: PROVIDED, That each witness detained for failure to obtain surety shall be paid, in addition to witness fees for actual appearance in court, for each day of his detention a sum equal to the daily jury fee paid to a juror serving in a superior court; and each witness in breach of recognizance and who is detained therefor shall be paid, in addition to witness fees for actual appearance in court, the sum of one dollar for each day of his detention. Any such witness shall be provided food and lodging while so detained. Any person accused of any crime in this state, by indictment, information, or otherwise, may, in the examination or trial of the cause, offer himself, or her-

self, as a witness in his or her own behalf, and shall be allowed to testify as other witnesses in such case, and when accused shall so testify, he or she shall be subject to all the rules of law relating to cross-examination of other witnesses: PROVIDED, That nothing in this code shall be construed to compel such accused person to offer himself or herself as a witness in such case: AND PROVIDED FURTHER, That it shall be the duty of the court to instruct the jury that no inference of guilt shall arise against the accused if the accused shall fail or refuse to testify as a witness in his or her own behalf.

Passed the Senate April 16, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 144  
[Engrossed Senate Bill No. 123]  
CIVIL PROCEDURE--CHANGE  
OF VENUE--FEES AND COSTS

AN ACT Relating to civil procedure; and amending sections 55 and 56, page 14, Laws of 1869 as last amended by section 54, Code of 1881, and RCW 4.12.090.

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

Section 1. Sections 55 and 56, page 14, Laws of 1869 as last amended by Section 54, Code of 1881, and RCW 4.12.090 are each amended to read as follows:

(1) When an order is made transferring an action or proceeding for trial, the clerk of the court must transmit the pleadings and papers therein to the court to which it is transferred. The costs and fees thereof and of filing the papers anew ((;)) must be paid by the party at whose instance the order was made, except in the cases mentioned in RCW 4.12.030 (1), in which case the plaintiff shall pay costs of transfer and, in addition thereto, if the court finds that the plaintiff could have determined the county of proper venue with reasonable diligence, it shall order the plaintiff to pay the reasonable attorney's fee of the defendant for the changing of venue to the proper county. The court to which an action or proceeding is transferred has and exercises over the same the like jurisdiction as if it

had been originally commenced therein.

(2) In acting on any motion for dismissal without prejudice in a case where a motion for change of venue under subsection (1) of this section has been made, the court shall, if it determines the motion for change of venue proper, determine the amount of attorney's fee properly to be awarded to defendant and, if the action be dismissed, the attorney's fee shall be a setoff against any claim subsequently brought on the same cause of action.

Passed the Senate April 16, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 145  
[Substitute House Bill No. 33]  
WASHINGTON MEAT  
INSPECTION ACT

AN ACT Relating to meat inspection; providing penalties; repealing section 1, chapter 204, Laws of 1959, as amended by section 1, chapter 120, Laws of 1967 ex. sess., and RCW 16.49.010; repealing section 2, chapter 204, Laws of 1959 and RCW 16.49.020; repealing section 3, chapter 204, Laws of 1959 and RCW 16.49.030; repealing section 4, chapter 204, Laws of 1959 and RCW 16.49-.040; repealing section 5, chapter 204, Laws of 1959 and RCW 16.49.050; repealing section 6, chapter 204, Laws of 1959 and RCW 16.49.060; repealing section 7, chapter 204, Laws of 1959 and RCW 16.49.070; repealing section 8, chapter 204, Laws of 1959 and RCW 16.49.080; repealing section 9, chapter 204, Laws of 1959 and RCW 16.49.090; repealing section 10, chapter 204, Laws of 1959 and RCW 16.49.100; repealing section 11, chapter 204, Laws of 1959 and RCW 16.49.110; repealing section 12, chapter 204, Laws of 1959 and RCW 16.49.120; repealing section 13, chapter 204, Laws of 1959 and RCW 16.49.130; repealing section 14, chapter 204, Laws of 1959 and RCW 16.49.140; repealing section 15, chapter 204, Laws of 1959 and RCW 16.49.150; repealing section 16, chapter 204, Laws of 1959 and RCW 16.49-.160; repealing section 17, chapter 204, Laws of 1959 and RCW

16.49.170; repealing section 18, chapter 204, Laws of 1959 and RCW 16.49.180; repealing section 19, chapter 204, Laws of 1959 and RCW 16.49.190; repealing section 20, chapter 204, Laws of 1959 and RCW 16.49.200; repealing section 21, chapter 204, Laws of 1959, as amended by section 2, chapter 120, Laws of 1967 ex. sess., and RCW 16.49.210; repealing section 22, chapter 204, Laws of 1959 and RCW 16.49.220; repealing section 23, chapter 204, Laws of 1959 and RCW 16.49.230; repealing section 24, chapter 204, Laws of 1959 and RCW 16.49.240; repealing section 25, chapter 204, Laws of 1959 and RCW 16.49.250; repealing section 26, chapter 204, Laws of 1959 and RCW 16.49.260; repealing section 27, chapter 204, Laws of 1959 and RCW 16.49.270; repealing section 28, chapter 204, Laws of 1959 and RCW 16.49.280; repealing section 29, chapter 204, Laws of 1959 and RCW 16.49.290; repealing section 30, chapter 204, Laws of 1959 and RCW 16.49.300; repealing section 31, chapter 204, Laws of 1959 and RCW 16.49.310; repealing section 32, chapter 204, Laws of 1959 and RCW 16.49.320; repealing section 33, chapter 204, Laws of 1959 and RCW 16.49.330; repealing section 34, chapter 204, Laws of 1959 and RCW 16.49.340; repealing section 35, chapter 204, Laws of 1959 and RCW 16.49.350; repealing section 36, chapter 204, Laws of 1959 and RCW 16.49.360; repealing section 37, chapter 204, Laws of 1959 and RCW 16.49.370; repealing section 38, chapter 204, Laws of 1959 and RCW 16.49.380; repealing section 39, chapter 204, Laws of 1959 and RCW 16.49.390; repealing section 40, chapter 204, Laws of 1959 and RCW 16.49.400; repealing section 41, chapter 204, Laws of 1959 and RCW 16.49.410; repealing section 42, chapter 204, Laws of 1959 and RCW 16.49.420; repealing section 45, chapter 204, Laws of 1959 and RCW 16.49.450; repealing section 3, chapter 91, Laws of 1961 and RCW 16.49.456; repealing section 4, chapter 91, Laws of 1961 and RCW 16.49.458; repealing section 46, chapter 204, Laws of 1959 and RCW 16.49.460; repealing section 47, chapter

204, Laws of 1959 and RCW 16.49.470; repealing section 48, chapter 204, Laws of 1959 and RCW 16.49.480; repealing section 49, chapter 204, Laws of 1959 and RCW 16.49.490; repealing section 52, chapter 204, Laws of 1959 and RCW 16.49.520; and repealing section 53, chapter 204, Laws of 1959 and RCW 16.49.900.

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

NEW SECTION. Section 1. This act may be known and cited as the "Washington meat inspection act".

NEW SECTION. Sec. 2. The purposes of this act are to adopt new legislation governing meat and meat food products and to promote uniformity of state legislation with the federal meat inspection act. Meat and meat food products are an important source of the state's total supply of food. They are consumed throughout the state and the major portion thereof moves in intrastate commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Meat and meat food products not reaching these standards are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that all articles and animals which are regulated under this act substantially affect the public and that regulation by the director as contemplated by this act is appropriate to protect the health and welfare of consumers.

NEW SECTION. Sec. 3. Unless the context otherwise requires, the definitions in sections 4 through 25 govern the construction of this act.

NEW SECTION. Sec. 4. "Department" means the department of agriculture of the state of Washington.

NEW SECTION. Sec. 5. "Director" means the director of the department of agriculture or his duly authorized representative.

NEW SECTION. Sec. 6. "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.

NEW SECTION. Sec. 7. "Consumer" means an ultimate consumer or any facility such as a restaurant, boarding house, institution or catering service which prepares food for immediate consumption by the consumer on the premises where it is prepared or elsewhere.

NEW SECTION. Sec. 8. "Retail meat dealer" means any person who handles or prepares meat for the purpose of sale to consumers.

NEW SECTION. Sec. 9. "Wholesale meat dealer" means any person who prepares or handles meat for distribution or sale to any retail meat dealer or consumer, including any distribution facility owned or controlled by one or more retail meat dealers used for preparing meat or distributing meat to any such retail meat dealer or consumer.

NEW SECTION. Sec. 10. "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

NEW SECTION. Sec. 11. "Governmental unit" means any governmental unit, agency, or political subdivision including cities, towns and counties which may be formed under the laws of the state of Washington.

NEW SECTION. Sec. 12. "Animal food manufacturer" means any person processing animal food derived wholly or in part from carcasses or parts or products of the carcasses of meat food animals.

NEW SECTION. Sec. 13. "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or any other portion of the carcass of any meat food animal, excepting products which contain meat or other portions of such car-

casses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the director under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as it applies to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to meat food animals.

NEW SECTION. Sec. 14. "Meat food animal" means cattle, sheep, swine, goats, horses or any other animal capable of use as a human food.

NEW SECTION. Sec. 15. "Capable of use as human food" means any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the director to deter its use as human food, or unless it is naturally inedible by humans.

NEW SECTION. Sec. 16. "Adulterated" means any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; (b) a food additive, or (c) a color additive) which may, in the judgment of the director, make such article unfit for human food;

(3) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which

is unsafe within the meaning of RCW 69.04.392;

(4) If it bears or contains any food additive which is unsafe within the meaning of RCW 69.04.394;

(5) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396: PROVIDED, That an article which is not adulterated under subsection (2), (3) or (4) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the director in establishments at which inspection is maintained under this act;

(6) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(7) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(8) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(9) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(10) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to RCW 69.04.394;

(11) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or, if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(12) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy,

putrid, or decomposed substance.

NEW SECTION. Sec. 17. "Misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed, or filled as to be misleading;

(5) If in a package or other container unless it bears a label showing (a) the name and place of business of the manufacturer, packer, or distributor; and (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: PROVIDED, That under clause (b) of this subsection (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the director;

(6) If any word, statement, or other information required by or under authority of this act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the director under section 30 (3) of this 1969 act unless (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the director under section 30 (3) of this 1969 act, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subsection (7), unless its label bears (a) the common or usual name of the food, if any there be, and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the director, be designated as spices, flavorings, and colorings without naming each: PROVIDED, That, to the extent that compliance with the requirements of clause (b) of this subsection (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the director.

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as prescribed by the director;

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: PROVIDED, That, to the extent that compliance with the requirements of this subsection (11) is impracticable, exemptions shall be established by regulations promulgated by the director; or

(12) If it fails to bear directly thereon, or on its container as the director may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the director may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

NEW SECTION. Sec. 18. "Label" means a display of written,

printed, or graphic matter upon the immediate container (not including package liners) of any article.

NEW SECTION. Sec. 19. "Labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

NEW SECTION. Sec. 20. "Uniform Washington food, drug, and cosmetic act" means chapter 69.04 RCW as enacted or hereafter amended.

NEW SECTION. Sec. 21. "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this act as under the uniform Washington food, drug, and cosmetic act.

NEW SECTION. Sec. 22. "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article or animal under this act.

NEW SECTION. Sec. 23. "Official inspection legend" means any symbol prescribed by regulations of the director showing that an article was inspected and passed in accordance with this act.

NEW SECTION. Sec. 24. "Official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this act.

NEW SECTION. Sec. 25. "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

NEW SECTION. Sec. 26. For purposes set forth in section 2 of this act, the director shall cause inspections and examinations of all meat animals for disease before they shall be allowed to enter into any slaughtering, packing, meat-canning, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in intrastate commerce; and all meat food animals found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other meat food

animals, and when so slaughtered the carcasses of meat food animals shall be subject to careful examination and inspection, as provided by the rules and regulations adopted by the director under the provisions of this act.

NEW SECTION. Sec. 27. For purposes set forth in section 2 of this act, the director shall cause a post mortem examination and inspection of the carcasses and parts thereof of all meat food animals to be prepared at any slaughtering, meat-canning, salting, packing, or similar establishments in this state as articles of intrastate commerce, which are capable of use as human food. The carcasses and parts thereof of such meat food animals found to be not adulterated shall, by the inspectors be marked, stamped, tagged or labeled as "Inspected and passed." The said inspectors shall label, mark, stamp or tag as "Inspected and condemned" all carcasses and parts thereof of meat food animals found to be adulterated. All carcasses and parts thereof of meat food animals found to be adulterated, and all carcasses and parts thereof thus inspected shall be destroyed for food purposes by the said establishment in the presence of an inspector. The director may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof. The inspectors shall reinspect the carcasses or part thereof when they deem it necessary to determine whether the carcasses or part thereof have become adulterated since the first inspection. If any carcass or parts thereof shall upon examination and inspection subsequent to the first examination, be found to be adulterated, it shall be destroyed for food purposes by said establishment in the presence of an inspector, and the director may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

NEW SECTION. Sec. 28. The foregoing provisions shall apply to all carcasses or parts of carcasses of meat food animals, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, or similar establishment, and

such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products, which, after having been issued from any slaughtering, meat-canning, salting, packing, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The director may limit the entry of carcasses, parts of carcasses, meat food products and other materials into any establishment at which inspection under this act is maintained, under conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishment will be consistent with the purposes of this act.

NEW SECTION. Sec. 29. For the purposes hereinbefore set forth the director shall cause to be made, by inspectors employed for that purpose, an examination and inspection of all meat food products prepared for sale or use in any slaughtering, meat-canning, salting, packing, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "inspected and passed" all such products found not adulterated; and said inspectors shall label, mark, stamp, or tag as "inspected and condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the director may remove inspectors from any establishment which fails to destroy such condemned meat food products.

NEW SECTION. Sec. 30. (1) When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provi-

sions of this act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "Inspected and passed" under the provisions of this act and no inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(2) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the director may require, the information required under section 17 of this act.

(3) The director, whenever he determines such action is necessary for the protection of the public, may prescribe: (a) The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or meat food animals subject to this act; (b) definitions and standards of identity or composition for articles not inconsistent with any such standards established under the uniform Washington food, drug and cosmetic act.

(4) No article subject to this act shall be sold or offered for sale by any person, firm, or corporation, in this state, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the director are permitted.

(5) If the director has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the director such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the director so directs, be withheld pending hearing and final determination by the director. Any such determination by the director shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the superior court in the county in which such person, firm, or corporation has its principal place of business, or to the superior court of Thurston county.

NEW SECTION. Sec. 31. The director shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of slaughtering, meat-canning, salting, packing, or similar establishments in which meat food animals are slaughtered and the meat and meat food products thereof are prepared for sale or use in this state as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

NEW SECTION. Sec. 32. The director shall cause an examination and inspection of all meat food animals, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of sale or use in this state to be made

during the nighttime as well as during the daytime when the slaughtering of said meat food animals, or the preparation of said food products is conducted during the nighttime.

NEW SECTION. Sec. 33. No person, firm, or corporation shall, with respect to any meat food animals or any carcasses, parts of carcasses, meat or meat food products of any such animals--

(1) slaughter any such meat food animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for sale or use in this state, except in compliance with the requirements of this act or the federal meat inspection act (21 USC 71 et seq.);

(2) sell, knowingly transport, offer for sale, or knowingly offer for transportation, or knowingly receive for transportation, in intrastate commerce, (a) any such articles which (i) are capable of use as human food and (ii) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (b) any articles required to be inspected under this act or the federal meat inspection act (21 USC 71 et seq) unless they have been so inspected and passed; or

(3) do, with respect to any such articles which are capable of use as human food any act, knowingly while they are being transported in intrastate commerce, or while held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

NEW SECTION. Sec. 34. (1) No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the director.

(2) No person, firm, or corporation shall--

(a) forge any official device, mark, or certificate;

(b) without authorization from the director use any official

device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(c) contrary to the regulations prescribed by the director, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(d) knowingly possess, without promptly notifying the director or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof bearing any counterfeit, simulated, forged, or improperly altered official mark;

(e) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the director; or

(f) knowingly represent that any article has been inspected and passed, or exempted, under this act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

NEW SECTION. Sec. 35. No person, firm, or corporation shall sell, knowingly transport, offer for sale or knowingly offer for transportation, or knowingly receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the director to show the kinds of animals from which they were derived. When required by the director, with respect to establishments at which inspection is maintained under this act, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which other meat food animals are slaughtered or their carcasses, parts thereof, meat or meat food products are prepared.

NEW SECTION. Sec. 36. Any person, firm or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, or any

other officer or employee of the state authorized to perform any of the duties prescribed by this act or by the rules and regulations of the director, any money or other thing of value, with intent to influence said inspector, or other officer or employee of the state in the discharge of any duty provided for in this act, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars and by imprisonment for not less than one year nor more than three years; and any inspector, or other officer or employee of the state authorized to perform any of the duties prescribed by this act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in intrastate commerce any gift, money, or other thing of value, given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged and shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars and by imprisonment for not less than one year nor more than three years.

NEW SECTION. Sec. 37. (1) The provisions of this act requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for intrastate commerce shall not apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor to the custom slaughter by any person, firm, or corporation of meat food animals delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, ex-

clusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: PROVIDED, That the director shall promulgate such rules and regulations as are necessary to prevent the commingling of inspected and uninspected meat.

(2) The adulteration and misbranding provisions of this act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section.

NEW SECTION. Sec. 38. The director may by regulations prescribe conditions under which carcasses, parts of carcasses, and meat food products of meat food animals capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for intrastate commerce, whenever the director deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is an infraction punishable under section 63 of this act.

NEW SECTION. Sec. 39. Inspection shall not be provided under this act at any establishment for the slaughter of meat food animals or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the director to deter their use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the director or are naturally inedible by humans.

NEW SECTION. Sec. 40. (1) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the director, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor:

(a) Any persons, firms, or corporations that engage, for intrastate commerce, in the business of slaughtering any meat food animals, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(b) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting in intrastate commerce, or storing in or for intrastate commerce, any carcasses, or parts or products of carcasses, of any such animals;

(c) Any persons, firms, or corporations that engage in business, in or for intrastate commerce, as renderers, or engage in the business of buying, selling, or transporting, in intrastate commerce, or importing, any dead, dying, disabled, or diseased meat food animals or parts of the carcasses of any such animals that have died otherwise than by slaughter.

(2) Any record required to be maintained by this act shall be maintained for such period of time as the director may by regulations prescribe.

NEW SECTION. Sec. 41. Whenever the director shall deem it necessary in order to furnish proper, efficient and economical inspection of two or more establishments and the proper inspection of meat food animals or meat, the director, after a hearing on written

notice to the licensee of each such establishment affected, may designate days and hours for the slaughter of meat food animals and the preparation or processing of meat at such establishments. The director in making such designation of days and hours shall give consideration to the existing practices at the affected establishment fixing the time for slaughter of meat food animals and the preparation or processing of meat thereof.

NEW SECTION. Sec. 42. The director, whenever he finds any carcass, part thereof, meat or meat food product subject to the provisions of this act away from the establishment where such carcass, part thereof, meat or meat food product was prepared or anywhere in intrastate commerce, that is adulterated or misbranded, shall render such meat or meat food product unsalable or shall order the destruction of such carcass, part thereof, meat or meat food product which are hereby declared to be a public nuisance.

NEW SECTION. Sec. 43. The director may, when he finds or has probable cause to believe that any carcass, part thereof, meat or meat food product subject to the provisions of this act which has been or may be introduced into intrastate commerce and such carcass, part thereof, meat or meat food product is so adulterated or misbranded that its embargo is necessary to protect the public from injury, affix on such carcass, part thereof, meat or meat food product a notice of its embargo prohibiting its sale or movement in intrastate commerce without a release from the director. The director shall subsequent to embargo, if he finds that such carcass, part thereof, meat or meat food product is not adulterated or misbranded so as to be in violation of this act, remove such embargo forthwith.

NEW SECTION. Sec. 44. When the director has embargoed any carcass, part thereof, meat or meat food product, he shall petition the superior court of the county in which such carcass, part thereof, meat or meat food product is located without delay and within twenty days for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and after a prompt hearing to any claim-

ant of such carcass, part thereof, meat or meat food product, shall issue an order which directs the removal of such embargo or the destruction or the correction and release of such carcass, part thereof, meat or meat food product. An order for destruction or correction and release shall contain such provisions for the payment of pertinent court costs and fees and administrative expenses as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provisions for a bond, as the court finds indicated in the circumstance.

NEW SECTION. Sec. 45. The director need not petition the superior court as provided for in section 44 of this act, if the owner or the claimant of such carcass, part thereof, meat or meat food product agrees in writing to the disposition of such carcass, part thereof, meat or meat food product as the director may order.

NEW SECTION. Sec. 46. Two or more petitions under section 44 of this act, which pend at the same time and which present the same issue and claimant hereunder, may be consolidated for simultaneous determination by one court of jurisdiction, upon application to any court of jurisdiction by the director or by such claimant.

NEW SECTION. Sec. 47. The claimant in any proceeding by petition under section 44 of this act shall be entitled to receive a representative sample of the article subject to such proceeding, upon application to the court of jurisdiction made at any time after such petition and prior to the hearing thereon.

NEW SECTION. Sec. 48. No state court shall allow the recovery of damages from administrative action for condemnation under the provisions of this act, if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 49. It shall be unlawful for any person, firm, or corporation to carry on any of the following enumerated activities, without first having obtained a license from the department

- (1) To operate a meat food animal slaughtering establishment;
- (2) To prepare (as defined in section 10 of this act) carcasses

or parts of carcasses of meat food animals;

- (3) To act as a meat broker;
- (4) To act as an animal food manufacturer;
- (5) To act as a meat food product manufacturer;
- (6) To act as a custom slaughterer at any mobile or fixed location.

Such license shall be an annual license and shall expire on June 30th of each year. A separate license shall be required for every location or establishment where any such enumerated activities are carried on. Application for a license shall be on a form prescribed by the department and accompanied by a twenty-five dollar annual license fee. Such application shall include the full name of the applicant for the license and the location where one or more of the enumerated activities will be carried on by the applicant. If such applicant is an individual, receiver, trustee, firm or corporation, the full name of each member of the firm, or the names of the officers of the corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the department. Upon approval of the application by the department and compliance with the provisions of this act, including applicable regulations adopted hereunder by the department the applicant shall be issued a license or renewal thereof.

NEW SECTION. Sec. 50. If the application for the renewal of any license provided for under this act is not filed prior to July 1st in any year an additional fee of twenty-five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he has not carried on the activity for which he was licensed under the provisions of this act subsequent to the expiration of his license.

NEW SECTION. Sec. 51. The department may, subsequent to a hearing thereon subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) deny, suspend, revoke any license required under the provisions of this act if it determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this act, the rules and regulations adopted hereunder, or any lawful order of the department.

(2) Refused, neglected or failed to keep and maintain records required by this act, or to make such records available when requested pursuant to the provisions of this act.

(3) Refused the department access to any facilities or parts of such facilities subject to the provisions of this act.

NEW SECTION. Sec. 52. The provisions of sections 27 through 29 of this act shall in no way limit the department's authority to forthwith withdraw inspection at any facility or establishment subject to the provisions of this act when the department through its inspectors determines that such facility or establishment is unsanitary and that the carcasses or parts thereof, meat or meat food products prepared therein would be adulterated because of such unsanitary conditions.

NEW SECTION. Sec. 53. The adoption of any rules and regulations under the provisions of this act, or the holding of a hearing in regard to a license issued or which may be issued under the provisions of this act shall be subject to the applicable provisions of chapter 34.04 RCW, the Administrative Procedure Act, as enacted or hereafter amended.

NEW SECTION. Sec. 54. The regulations promulgated under the provisions of the federal meat inspection act (21 USC 71 et. seq.) and not in conflict with the provisions of this act are hereby adopted as regulations applicable under the provisions of this act: PROVIDED, That the director may adopt any subsequent changes promulgated under the provisions of 21 USC 71 et seq. not in conflict with the provi-

sions of this act.

NEW SECTION. Sec. 55. The director shall employ inspectors to make examination and inspection of all meat food animals, the inspection of which is provided for under the provisions of this act, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be not adulterated; and shall perform such other duties as are provided by this act and by the rules and regulations to be prescribed by the director, and said director shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said director not inconsistent with provisions of this act.

NEW SECTION. Sec. 56. The repeal of chapter 16.49 RCW (Meat Inspection Act) and the enactment of this act shall not be deemed to have repealed any rules adopted under chapter 16.49 RCW not in conflict with the provisions of this act and relating to custom farm slaughterers, and custom slaughtering establishments. For the purpose of this act, it shall be deemed that such rules have been adopted under the provisions of this act pursuant to chapter 34.04 RCW, as enacted or hereafter amended concerning the adoption of rules. Any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning the adoption of rules.

NEW SECTION. Sec. 57. Costs for any overtime inspection service requested or required by a license shall be charged to said licensee at the actual cost to the department including supervisor

cost. Charges for such overtime inspection shall be due and payable by the licensee to the department by the end of the next business day. The director may withhold inspection at any establishment or facility operated by such licensee until proper payment has been made by the licensee as herein required. The director may further require that payment for overtime costs be made in advance if such licensee does not make proper payment for overtime inspection services.

NEW SECTION. Sec. 58. Any license issued under the provisions of chapter 16.49 RCW and expiring December 31, 1969, shall continue in effect until June 30, 1970, without the need of renewal.

NEW SECTION. Sec. 59. The director may in order to carry out the purpose of this act enter into agreements with any federal, state or other governmental unit for joint inspection programs or for the receipt of moneys from such federal, state or other governmental units in carrying out the purpose of this act.

NEW SECTION. Sec. 60. Since the purpose of this act is to promote uniformity of state legislation with the federal meat inspection act, the director is hereby authorized to adopt insofar as applicable, the regulations from time to time promulgated under the federal act, and to make the regulations promulgated under this act conform insofar as practicable with those promulgated under the federal act.

NEW SECTION. Sec. 61. All moneys received by the department under the provisions of this act shall be paid into the state treasury.

NEW SECTION. Sec. 62. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

NEW SECTION. Sec. 63. Any person violating any provisions of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and shall be guilty of a gross misdemeanor for any second or subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered

a first offense.

NEW SECTION. Sec. 64. The following acts or parts of acts and RCW sections are hereby repealed:

- (1) Section 1, chapter 204, Laws of 1959, section 1, chapter 120, Laws of 1967 ex. sess. and RCW 16.49.010;
- (2) Section 2, chapter 204, Laws of 1959 and RCW 16.49.020;
- (3) Section 3, chapter 204, Laws of 1959 and RCW 16.49.030;
- (4) Section 4, chapter 204, Laws of 1959 and RCW 16.49.040;
- (5) Section 5, chapter 204, Laws of 1959 and RCW 16.49.050;
- (6) Section 6, chapter 204, Laws of 1959 and RCW 16.49.060;
- (7) Section 7, chapter 204, Laws of 1959 and RCW 16.49.070;
- (8) Section 8, chapter 204, Laws of 1959 and RCW 16.49.080;
- (9) Section 9, chapter 204, Laws of 1959 and RCW 16.49.090;
- (10) Section 10, chapter 204, Laws of 1959 and RCW 16.49.100;
- (11) Section 11, chapter 204, Laws of 1959 and RCW 16.49.110;
- (12) Section 12, chapter 204, Laws of 1959 and RCW 16.49.120;
- (13) Section 13, chapter 204, Laws of 1959 and RCW 16.49.130;
- (14) Section 14, chapter 204, Laws of 1959 and RCW 16.49.140;
- (15) Section 15, chapter 204, Laws of 1959 and RCW 16.49.150;
- (16) Section 16, chapter 204, Laws of 1959 and RCW 16.49.160;
- (17) Section 17, chapter 204, Laws of 1959 and RCW 16.49.170;
- (18) Section 18, chapter 204, Laws of 1959 and RCW 16.49.180;
- (19) Section 19, chapter 204, Laws of 1959 and RCW 16.49.190;
- (20) Section 20, chapter 204, Laws of 1959 and RCW 16.49.200;
- (21) Section 21, chapter 204, Laws of 1959, section 2, chapter 120, Laws of 1967 ex. sess., and RCW 16.49.210;
- (22) Section 22, chapter 204, Laws of 1959 and RCW 16.49.220;
- (23) Section 23, chapter 204, Laws of 1959 and RCW 16.49.230;
- (24) Section 24, chapter 204, Laws of 1959 and RCW 16.49.240;
- (25) Section 25, chapter 204, Laws of 1959 and RCW 16.49.250;
- (26) Section 26, chapter 204, Laws of 1959 and RCW 16.49.260;
- (27) Section 27, chapter 204, Laws of 1959 and RCW 16.49.270;
- (28) Section 28, chapter 204, Laws of 1959 and RCW 16.49.280;

- (29) Section 29, chapter 204, Laws of 1959 and RCW 16.49.290;
- (30) Section 30, chapter 204, Laws of 1959 and RCW 16.49.300;
- (31) Section 31, chapter 204, Laws of 1959 and RCW 16.49.310;
- (32) Section 32, chapter 204, Laws of 1959 and RCW 16.49.320;
- (33) Section 33, chapter 204, Laws of 1959 and RCW 16.49.330;
- (34) Section 34, chapter 204, Laws of 1959 and RCW 16.49.340;
- (35) Section 35, chapter 204, Laws of 1959 and RCW 16.49.350;
- (36) Section 36, chapter 204, Laws of 1959 and RCW 16.49.360;
- (37) Section 37, chapter 204, Laws of 1959 and RCW 16.49.370;
- (38) Section 38, chapter 204, Laws of 1959 and RCW 16.49.380;
- (39) Section 39, chapter 204, Laws of 1959 and RCW 16.49.390;
- (40) Section 40, chapter 204, Laws of 1959 and RCW 16.49.400;
- (41) Section 41, chapter 204, Laws of 1959 and RCW 16.49.410;
- (42) Section 42, chapter 204, Laws of 1959 and RCW 16.49.420;
- (43) Section 45, chapter 204, Laws of 1959 and RCW 16.49.450;
- (44) Section 3, chapter 91, Laws of 1961 and RCW 16.49.456;
- (45) Section 4, chapter 91, Laws of 1961 and RCW 16.49.458;
- (46) Section 46, chapter 204, Laws of 1959 and RCW 16.49.460;
- (47) Section 47, chapter 204, Laws of 1959 and RCW 16.49.470;
- (48) Section 48, chapter 204, Laws of 1959 and RCW 16.49.480;
- (49) Section 49, chapter 204, Laws of 1959 and RCW 16.49.490;
- (50) Section 52, chapter 204, Laws of 1959 and RCW 16.49.520;
- (51) Section 53, chapter 204, Laws of 1959 and RCW 16.49.900.

NEW SECTION. Sec. 65. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 66. If any provision of this 1969 act, or its application to any person or circumstance is held invalid, the remainder of this 1969 act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 67. "Intrastate commerce" means any article in intrastate commerce whether such article is alive or processed and is intended for sale, held for sale, offered for sale, sold, stored, transported or handled in this state in any manner and pre-

pared for eventual distribution to consumers in this state whether at wholesale or retail.

NEW SECTION. Sec. 68. The provisions of this act including licensing and those requiring inspection of the slaughter of meat food animals and the preparation of carcasses or parts thereof, meat or meat food products shall not apply to operations of the types traditionally and usually conducted by a retail meat dealer at retail stores and restaurants, when conducted at any retail store or restaurant or similar type establishment for sale in normal retail quantities or service of such articles to ultimate consumers at such establishment. All other retail meat dealers not exempted under the provisions of this section shall be subject to the provisions of this act: PROVIDED, That any governmental unit may, when its inspection service is equivalent to that required under the provisions of this act as determined by the director and the comparable federal agency administering the federal meat inspection act, license and inspect any retail meat dealer's place of business subject to the provisions of this act when such retail meat dealer's place of business is situated within the jurisdiction of such governmental unit and such retail meat dealer sells at least fifty percent of the meat and meat food products at each such place of business to the ultimate consumer.

NEW SECTION. Sec. 69. This act shall in no manner be construed to deny or limit the authority of any governmental unit to license and carry on the necessary inspection of meat food animal carcasses or parts thereof, meat or meat food products distribution facilities and equipment of retail meat distributors, selling, offering for sale, holding for sale or trading, delivering or bartering meat within such governmental unit's jurisdiction and/or to prohibit the sale of meat food animal carcasses or parts thereof, meat or meat food products within its jurisdiction when such meat food animal carcasses or parts thereof, meat or meat food products are adulterated or distributed under unsanitary conditions.

NEW SECTION. Sec. 70. If any part of this act shall be found

to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the department, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the department, and such findings or determination shall not affect the operation of the remainder of this act in its application to the department.

Passed the House April 16, 1969.  
Passed the Senate April 11, 1969.  
Approved by the Governor April 24, 1969.  
Filed in office of Secretary of State April 24, 1969.

CHAPTER 146  
[Engrossed Substitute House Bill No. 42]  
WASHINGTON WHOLESOME  
POULTRY PRODUCTS ACT

AN ACT Relating to poultry inspecting; providing penalties; and adding a new chapter to Title 16 RCW.

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

NEW SECTION. Section 1. This act shall be known and designated as the "Washington wholesome poultry products act".

NEW SECTION. Sec. 2. The purposes of this act are to adopt new legislation governing poultry and poultry products and to promote uniformity of state legislation with the federal poultry products inspection act. Poultry and poultry products are an important source of the state's total supply of food. They are consumed throughout the state and the major portion thereof moves in intrastate commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry and poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Poultry and poultry products not reaching these standards are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry and poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and com-

pete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that all articles and poultry which are regulated under this act substantially affect the public and that regulation by the director as contemplated by this act is appropriate to protect the health and welfare of consumers.

NEW SECTION. Sec. 3. The definitions in sections 4 through 28 of this act, unless the context otherwise requires, shall govern the construction of this act.

NEW SECTION. Sec. 4. "Department" means the department of agriculture of the state of Washington.

NEW SECTION. Sec. 5. "Director" means the director of the department of agriculture or his authorized representative.

NEW SECTION. Sec. 6. "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.

NEW SECTION. Sec. 7. "Poultry" includes but is not limited to chickens, turkeys, ducks, geese, or any other bird used for human consumption whether live or slaughtered.

NEW SECTION. Sec. 8. "Poultry products" means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass, or part thereof, excepting poultry products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry and which are exempted by the director from definition as a poultry product under such conditions as the director may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

NEW SECTION. Sec. 9. "Adulterated" shall apply to any poultry product under one or more of the following circumstances:

- (1) If it bears or contains any poisonous or deleterious sub-

stance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health.

(2) If it bears or contains (by reason of administration of any substance to the live poultry or otherwise) and is an added poisonous or added deleterious substance (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; (b) a food additive; or (c) a color additive) which may, in the judgment of the director make such article unfit for human food;

(3) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of RCW 69.04.392 as it is now or hereafter amended;

(4) If it bears or contains any food additive which is unsafe within the meaning of RCW 69.04.394 as it is now or hereafter amended;

(5) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396 as it is now or hereafter amended: PROVIDED, That an article which is not otherwise deemed adulterated under subsections (2), (3), or (4) of this section, shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the director in official establishments;

(6) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(7) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(8) If it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

(9) If its container is composed, in whole or in part, of any

poisonous or deleterious substance which may render the contents injurious to health;

(10) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to RCW 69.04.394; or

(11) If any valuable constituent has been in whole or in part omitted or abstracted therefrom, or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

NEW SECTION. Sec. 10. "Misbranded" shall apply to any poultry product under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed, or filled as to be misleading;

(5) If in a package or other container unless it bears a label showing (a) the name and the place of business of the manufacturer, packer, or distributor; and (b) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: PROVIDED, That under part (b) of this subsection (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the director;

(6) If any word, statement, or other information required by or under authority of this act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the

labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the director under section 34 of this act unless (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the director under section 34 of this act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subsection (7) of this section, unless its label bears (a) the common or usual name of the food, if there be any, and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the director, be designated as spices, flavorings, and colorings without naming each: PROVIDED, That to the extent that compliance with the requirements of part (b) of this subsection (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the director;

(10) If it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: PROVIDED, That, to the extent that compliance with the requirements of this subsection (11) is impracticable, exemptions shall be established by regulations promulgated by the director; or

(12) If it fails to bear on its containers, and in the case of nonconsumer packaged carcasses directly thereon, as the director may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the director may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

NEW SECTION. Sec. 11. "Inspector" means an employee or official of the department authorized by the director to inspect poultry and poultry products under the authority of this act.

NEW SECTION. Sec. 12. "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article or poultry under this act.

NEW SECTION. Sec. 13. "Official inspection legend" means any symbol prescribed by regulations of the director showing that an article was inspected and passed in accordance with this act.

NEW SECTION. Sec. 14. "Official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this act.

NEW SECTION. Sec. 15. "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

NEW SECTION. Sec. 16. "Official establishment" means any es-

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tablissement licensed by the department at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this act.

NEW SECTION. Sec. 17. "Inspection service" means the animal industry division of the department having the responsibility for carrying out the provisions of this act.

NEW SECTION. Sec. 18. "Container" or "package" means any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

NEW SECTION. Sec. 19. "Label" means a display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article; and the term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

NEW SECTION. Sec. 20. "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

NEW SECTION. Sec. 21. "Immediate container" means any consumer package, or any other container in which poultry products, not consumer packaged, are packed.

NEW SECTION. Sec. 22. "Capable of use as human food" means any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the director to deter its use as human food, or it is naturally inedible by humans.

NEW SECTION. Sec. 23. "Processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

NEW SECTION. Sec. 24. "Uniform Washington food, drug and cosmetic act" means the act so entitled, as now or hereafter amended.

NEW SECTION. Sec. 25. "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this act as under the uniform Washing-

ton food, drug and cosmetic act as now or hereafter amended.

NEW SECTION. Sec. 26. "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

NEW SECTION. Sec. 27. "Renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this act.

NEW SECTION. Sec. 28. "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.

NEW SECTION. Sec. 29. In order to protect the public health by preventing the processing and distribution of unwholesome or adulterated poultry products in this state, the director shall when he deems it necessary cause to be made by inspectors preslaughter inspection of poultry in each official establishment processing poultry or poultry products.

NEW SECTION. Sec. 30. The director, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation and reinspection as he deems necessary of poultry and poultry products capable of use as a human food in each official establishment processing such poultry or poultry products.

NEW SECTION. Sec. 31. All poultry carcasses and parts thereof and other poultry products found to be adulterated shall be condemned and shall if no appeal be taken from such determination of condemnation be destroyed for human food purposes under the supervision of an inspector: PROVIDED, That carcasses, parts and products which by processing may be made not adulterated, need not be so condemned

and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal cost shall be at the cost of the appellant if the director determines the appeal is frivolous. If the determination of the condemnation is sustained the carcasses, parts and products shall be destroyed for human food purposes under the supervision of an inspector.

NEW SECTION. Sec. 32. Each official establishment slaughtering poultry or processing poultry products subject to the provisions of this act shall have such premises, facilities and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the director for the purpose of preventing the processing, distribution or sale of poultry products which are adulterated.

NEW SECTION. Sec. 33. All poultry products inspected at any official establishment under the authority of this act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers, and in the case of nonconsumer packaged carcasses directly thereon, as the director may require, the information required under section 10 of this act.

NEW SECTION. Sec. 34. The director whenever he determines such action is necessary for the protection of the public, may prescribe: (1) The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or poultry subject to this act; (2) definitions and standards of identity or composition of articles subject to this act and standards of fill of container for such articles not inconsistent with any such standards established under the uniform Washington food, drug and cosmetic act.

NEW SECTION. Sec. 35. No article subject to this act shall

be sold or offered for sale by any person in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers, which are not false or misleading and which are approved by the director, are permitted.

NEW SECTION. Sec. 36. If the director has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling, or container does not accept the determination of the director, such person may request a hearing, as provided for contested cases under chapter 34.04 RCW, as now or hereafter amended, but the use of the marking, labeling, or container shall, if the director so directs, be withheld pending hearing and final determination by the director. Any such determination by the director shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the superior court in the county in which such person has its principal place of business or to the superior court for Thurston county.

NEW SECTION. Sec. 37. No person shall:

(1) Slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for intrastate commerce, except in compliance with the requirements of this act;

(2) Sell, knowingly transport, offer for sale or knowingly offer for transportation, or knowingly receive for transportation, in this state (a) any poultry products which are capable of use as human food and which are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for

transportation; or (b) any poultry products required to be inspected under this act unless they have been so inspected and passed;

(3) Do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

(4) Sell, knowingly transport, offer for sale or transportation, knowingly receive for transportation, in this state or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head or viscera have not been removed in accordance with regulations promulgated by the director, except as may be authorized by regulations of the director.

(5) Use to his own advantage, or reveal other than to the authorized representatives of this state, United States government or any other state in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this act concerning any matter which is entitled to protection as a trade secret.

NEW SECTION. Sec. 38. No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the director.

NEW SECTION. Sec. 39. No person shall:

(1) Forge any official device, mark, or certificate;

(2) Without authorization from the director use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(3) Contrary to the regulations prescribed by the director, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) Possess, without promptly notifying the director or his

representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) Make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the director; or

(6) Represent that any article has been inspected and passed, or exempted, under this act when, in fact, it has, respectively, not been so inspected and passed, or exempted.

NEW SECTION. Sec. 40. Inspection shall not be provided under this act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in this state, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the director to deter their use for human food. No person shall buy, sell, knowingly transport, or offer for sale or knowingly offer for transportation, or knowingly receive for transportation, in this state, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the director or are naturally inedible by humans.

NEW SECTION. Sec. 41. The following classes of persons shall, for such period of time as the director may by regulations prescribe, not to exceed two years unless otherwise directed by the director for good cause shown, keep such records as are properly necessary for the effective enforcement of this act in order to insure against adulterated or misbranded poultry products for the Washington consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the director, afford such representative access to their places of business and oppor-

tunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor:

(1) Any person who engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for intrastate commerce, for use as human food or animal food;

(2) Any person who engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in intrastate commerce, or storing in or for intrastate commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person who engages in business, in or for intrastate commerce, as a renderer, or engages in the business of buying, selling, or transporting, in intrastate commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

NEW SECTION. Sec. 42. No person shall engage in business or intrastate commerce, as a poultry products broker, renderer or animal food manufacturer, or engage in business in intrastate commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for intrastate commerce, or engage in the business of buying, selling, or transporting in intrastate commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the director, he has registered with the director his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

NEW SECTION. Sec. 43. No person engaged in the business of buying, selling, or transporting in intrastate commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the car-

casses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the director may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

NEW SECTION. Sec. 44. (1) The director may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the director deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is an infraction punishable under section 61 of this act.

(2) Before any criminal proceedings are filed against a person for a violation of this act, such person shall be given reasonable notice of the alleged violation and an opportunity to present his views orally or in writing in regard to such contemplated action. Nothing in this act shall be construed as requiring the director to report for criminal prosecution violators of this act, whenever he believes that the public interest will be adequately served and compliance with the act obtained by a suitable written notice.

NEW SECTION. Sec. 45. Whenever the director shall deem it necessary in order to furnish proper, efficient and economical inspection of two or more establishments and the proper inspection of poultry or poultry products, the director, after a hearing on written notice to the licensee of each such establishment affected, may designate days and hours for the slaughter of poultry and the preparation or processing of poultry products at such establishments. The direc-

tor in making such designation of days and hours shall give consideration to the existing practices at the affected establishment fixing the time for slaughter of poultry and the preparation or processing of poultry products thereof.

NEW SECTION. Sec. 46. The director, whenever he finds any poultry or poultry products subject to the provisions of this act away from the establishment where such poultry or poultry products were prepared or anywhere in intrastate commerce that are adulterated or misbranded, shall render such poultry or poultry products unsalable or shall order the destruction of such poultry or poultry products which are hereby declared to be a public nuisance.

NEW SECTION. Sec. 47. The director may, when he finds, or has probable cause to believe that any poultry or poultry product subject to the provisions of this act which has been or may be introduced into intrastate commerce and such poultry or poultry products are so adulterated or misbranded that their embargo is necessary to protect the public from injury, affix on such poultry or poultry products a notice of their embargo prohibiting their sale or movement in intrastate commerce without a release from the director. The director shall subsequent to embargo, if he finds that such poultry or poultry products are not adulterated or misbranded so as to be in violation of this act, remove such embargo forthwith.

NEW SECTION. Sec. 48. When the director has embargoed any poultry or poultry products, he shall petition the superior court of the county in which the poultry or poultry product is located without delay and within twenty days for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and, after a prompt hearing to any claimant of poultry or poultry products, shall issue an order which directs the removal of such embargo or the destruction or the correction and release of such poultry or poultry products. An order for destruction or correction and release shall contain such provisions for the payment of pertinent court costs and fees and administrative expenses as is equitable and which the court

deems appropriate in the circumstances. An order for correction and release may contain such provisions for a bond, as the court finds indicated in the circumstance.

NEW SECTION. Sec. 49. The director need not petition the superior court as provided for in section 48 of this act, if the owner or the claimant of such poultry or poultry products agrees in writing to the disposition of such poultry or poultry products as the director may order.

NEW SECTION. Sec. 50. Two or more petitions under section 48 of this act, which pend at the same time and which present the same issue and claimant hereunder, may be consolidated for simultaneous determination by one court of competent jurisdiction, upon application to any court of jurisdiction by the director or by such claimant.

NEW SECTION. Sec. 51. The claimant in any proceeding by petition under section 48 of this act shall be entitled to receive a representative sample of the article subject to such proceedings, upon application to the court of competent jurisdiction made at any time after such petition and prior to the hearing thereon.

NEW SECTION. Sec. 52. No state court shall allow the recovery of damages from administrative action for condemnation under the provisions of this act, if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 53. It shall be unlawful for any person to operate a poultry slaughtering or processing establishment without first having obtained an annual license from the department, which shall expire on the 31st day of March following issuance. A separate license shall be required for each such establishment. Application for a license shall be on a form prescribed by the director and accompanied by a twenty-five dollar annual license fee. Such application shall include the full name of the applicant for the license and the location of the poultry slaughtering or processing establishment he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association, or corporation, the full

name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director. Upon the approval of the application by the director and compliance with the provisions of this act, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

NEW SECTION. Sec. 54. If the application for renewal of any license provided for under this act is not filed prior to April 1st in any year, an additional fee of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he has not operated a poultry slaughtering or processing establishment subsequent to the expiration of his license.

NEW SECTION. Sec. 55. The director may, subsequent to a hearing thereon, deny, suspend or revoke any license provided for in this act if he determines that an applicant has committed any of the following acts:

(1) Refused, neglected or failed to comply with the provisions of this act, the rules and regulations adopted hereunder, or any lawful order of the director.

(2) Refused, neglected or failed to keep and maintain records required by this act, or to make such records available when requested pursuant to the provisions of this act.

(3) Refused the department access to any portion or area of the food processing plant for the purpose of carrying out the provisions of this act.

(4) Refused the department access to any records required to

be kept under the provisions of this act.

NEW SECTION. Sec. 56. The adoption of any rules and regulations under the provisions of this act, or the holding of a hearing in regard to a license issued or which may be issued under the provisions of this act shall be subject to the applicable provisions of chapter 34.04 RCW, the Administrative Procedure Act, as now or hereafter amended.

NEW SECTION. Sec. 57. The director may in order to carry out the purpose of this act enter into agreements with any federal, state or other governmental unit for joint inspection programs or for the receipt of moneys from such federal, state or other governmental units in carrying out the purpose of this act.

NEW SECTION. Sec. 58. Since the purpose of this act is to promote uniformity of state legislation with the federal poultry products inspection act, the director is hereby authorized to adopt insofar as applicable, the regulations from time to time promulgated under the federal act, and to make the regulations promulgated under this act conform insofar as practicable with those promulgated under the federal act.

NEW SECTION. Sec. 59. All moneys received by the department under the provisions of this act shall be paid into the state treasury.

NEW SECTION. Sec. 60. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

NEW SECTION. Sec. 61. Any person violating any provisions of this act or any rules or regulations adopted hereunder shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 62. The provisions of this chapter shall

be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 63. If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

NEW SECTION. Sec. 64. "Intrastate commerce" means any article in intrastate commerce whether such article is alive or processed and is intended for sale, held for sale, offered for sale, sold, stored, transported or handled in this state in any manner and prepared for eventual distribution to consumers in this state whether at wholesale or retail.

NEW SECTION. Sec. 65. (1) The director shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this act--

(a) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up and/or packaging of poultry products on the premises where such sales to consumers are made;

(b) for such period of time as the director determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this act, any person engaged in the processing of poultry or poultry products for intrastate commerce and the poultry or poultry products processed by such person: PROVIDED, That no such exemption shall continue in effect on and after February 18, 1970; and

(c) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the director determines necessary to avoid conflict with such requirements while still effectuating the purposes of this act.

(2) (a) The director shall, by regulation and under such con-

ditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this act--

(i) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees; and

(ii) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: PROVIDED, That the director may promulgate such rules and regulations as are necessary to prevent the commingling of inspected and uninspected poultry and poultry products.

(b) In addition to the specific exemptions provided herein, the director shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with paragraph (c), for the exemption of the operations of poultry producers not exempted under paragraph (a), which are engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof, from such provisions of this act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this act.

(c) The provisions of this act shall not apply to poultry producers with respect to poultry of their own raising on their own farms if--

(i) such producers slaughter not more than two hundred fifty turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey);

(ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on

their own farms.

(3) The adulteration and misbranding provisions of this act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under subsections (1) and (2).

(4) The director may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this act.

NEW SECTION. Sec. 66. The exemptions set forth in section 65 of this act shall not include an exemption from the licensing provisions set forth in section 53 of this act for persons slaughtering or processing poultry except as to retail dealers conforming to the provisions of section 65 (1) (a) of this act and producers conforming to the provisions of section 65 (2) (c) of this act: PROVIDED, That any city or county may, when its inspection service is equivalent to that required under the provisions of this act as determined by the director and the comparable federal agency administering the federal poultry inspection act, license and inspect any retail dealer's place of business subject to the provisions of this act when such retail dealer's place of business is situated within the jurisdiction of such city or county and such retail dealer sells at least fifty percent of the poultry and poultry products at each such place of business to the ultimate consumer.

NEW SECTION. Sec. 67. This act shall in no manner be construed to deny or limit the authority of a city or county to license and carry on the necessary inspection of poultry or poultry products, distribution facilities and equipment of retail poultry and poultry product distributors selling, offering for sale, holding for sale, or trading, delivering or bartering poultry or poultry products within their jurisdiction and/or prohibit the sale of poultry or poultry products within their jurisdiction when such poultry or poultry products are adulterated or distributed under unsanitary conditions.

NEW SECTION. Sec. 68. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the department, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the department, and such findings or determination shall not affect the operation of the remainder of this act in its application to the department.

NEW SECTION. Sec. 69. This act shall constitute a new chapter in Title 16 RCW.

Passed the House April 16, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 147  
[House Bill No. 92]  
MUNICIPAL COURTS--  
CITIES OVER 500,000

AN ACT Relating to municipal courts; amending section 35.20.100, chapter 7, Laws of 1965 as amended by section 2, chapter 241, Laws of 1967 and RCW 35.20.100; amending sections 35.20.090, 35.20.210, 35.20.220, 35.20.230 and 35.20.250, chapter 7, Laws of 1965 and RCW 35.20.090, 35.20.210, 35.20.220, 35.20.230 and 35.20.250; adding new sections to chapter 7, Laws of 1965 and to chapter 35.20 RCW; and repealing section 35.20.130, chapter 7, Laws of 1965 as amended by section 3, chapter 241, Laws of 1967 and RCW 35.20.130.

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

Section 1. Section 35.20.100, chapter 7, Laws of 1965 as amended by section 2, chapter 241, Laws of 1967, and RCW 35.20.100 are each amended to read as follows:

There shall be three departments of the municipal court, which shall be designated as Department Nos. 1, 2 and 3: PROVIDED, That when the administration of justice and the accomplishment of the work of the court make additional departments necessary, the legislative body of the city (~~shall~~) may create one additional department for each additional (~~one-hundred~~) fifty thousand inhabitants over five  
[1090]

hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by (~~chapter 96, section 2, Laws of 1951~~) RCW 43.62.030 as now or hereafter amended (~~(RCW 43.62.030)~~). The departments shall be established in such places as may be provided by the legislative body of the city, and each department shall be presided over by a municipal judge. The judges shall select, by majority vote, one of their number to act as presiding judge of the municipal court for a term of one year, and he shall be responsible for administration of the court and assignment of calendars to all departments. A change of venue from one department of the municipal court to another department shall be allowed in accordance with the provisions of RCW 3.66.090, 3.20.100 and 3.20.110 in all civil and criminal proceedings. The city shall assume the costs of the elections of the municipal judges in accordance with the provisions of RCW 29-13.045.

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.20 RCW a new section to read as follows:

There shall be a court administrator of the municipal court appointed by the judges of the municipal court, subject to confirmation by a majority of the legislative body of the city, and removable by the judges of the municipal court subject to like confirmation. Before entering upon the duties of his office the court administrator shall take and subscribe an oath the same as required for officers of the city, and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned for the faithful performance of his duties, and that he will pay over to the treasurer of said city all moneys belonging to the city which shall come into his hands as such court administrator. The court administrator shall be paid such compensation as the legislative body of the city may deem reasonable. The court administrator shall act under the supervision and control of the presiding judge of the municipal court and shall supervise the functions of the chief clerk and director of the traffic violations bureau or

similar agency of the city, and perform such other duties as may be assigned to him by the presiding judge of the municipal court.

NEW SECTION. Sec. 3. There is added to chapter 7, Laws of 1965 and to chapter 35.20 RCW a new section to read as follows:

There shall be a director of the traffic violations bureau or such similar agency of the city as may be created by ordinance of said city. Said director shall be appointed by the judges of the municipal court subject to such civil service laws and rules as may be provided in such city. Said director shall act under the supervision of the court administrator of the municipal court and shall be responsible for the supervision of the traffic violations bureau or similar agency of the city. Upon this 1969 amendatory act becoming effective those employees connected with the traffic violations bureau under civil service status shall be continued in such employment and such classification. Before entering upon the duties of his office said director shall take and subscribe an oath the same as required for officers of the city and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned for the faithful performance of his duties, and that he will faithfully account to and pay over to the treasurer of said city all moneys belonging to the city which shall come into his hands as such director. Said director shall be paid such compensation as the legislative body of the city may deem reasonable.

Sec. 4. Section 35.20.210, chapter 7, Laws of 1965 and RCW 35.20.210 are each amended to read as follows:

There shall be a chief clerk of the municipal court appointed by the ~~((city comptroller from the civil service clerical employees performing duties and clerical work relating to the functions of the court))~~ judges of the municipal court subject to such civil service laws and rules as may be provided in such city. Upon this ~~((chapter))~~ 1969 amendatory act becoming effective ~~((June 8, 1955))~~ those employees connected with the court under civil service status shall be

continued in such employment and such classification (~~(under-the-department-of-the-city-comptroller-of-such-city)~~). Before he enters upon the duties of his office the chief clerk shall take and subscribe an oath the same as ~~((ether-city))~~ required for officers of the city, and shall execute ~~((to-his-city))~~ a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that he will faithfully account to pay over to the treasurer of said city all moneys coming into his hands as such clerk, and that he will faithfully perform the duties of his office to the best of his knowledge and ability. Upon the recommendation of the ~~((judge-er))~~ judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court ~~((when-they))~~ as said legislative body deems ~~((the-same))~~ necessary, with such compensation as ~~((they))~~ said legislative body may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: PROVIDED, That the judges of the municipal court shall appoint such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with justices of the peace and the superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

Sec. 5. Section 35.20.220, chapter 7, Laws of 1965 and RCW 35.20.220 are each amended to read as follows:

The chief clerk, under the supervision and direction of the ~~((city-comptroller))~~ court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the ses-

sion of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all moneys received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

Sec. 6. Section 35.20.230, chapter 7, Laws of 1965 and RCW 35.20.230 are each amended to read as follows:

The judges of the municipal court shall appoint a (~~probation officer~~ and) director of probation services who shall under the supervision of the presiding judge of the municipal court supervise the probation officers of the municipal court. The judges of the municipal court shall also appoint a bailiff for the court, together with such (~~additional~~) number of probation officers (~~or~~) and additional bailiffs as may be authorized by the legislative body of the city. Said director of probation services, probation officers, and bailiff or bailiffs shall be paid by the city treasurer in such amount as is deemed reasonable by the legislative body of the city (~~or~~): PROVIDED, That such additional probation officers and bailiffs of the court as may be authorized by the (~~legislative body of the city or the~~) county commissioners shall be paid (~~respectively~~) from the (~~city and/or~~) county (~~treasuries~~) treasury.

Sec. 7. Section 35.20.250, chapter 7, Laws of 1965 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. (~~Judges~~

~~of the municipal court, in their discretion, shall have the power to suspend all or part of any sentence, and fix the terms thereof, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case.)~~) Fines 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. 8. Section 35.20.090, chapter 7, Laws of 1965 and RCW 35.20.090 are each amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace 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 justices of the peace, or the trial may be by a judge of the municipal 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. ~~((No))~~ 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. There is added to chapter 7, Laws of 1965 and to chapter 35.20 RCW a new section to read as follows:

Judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence, fix the terms of any such deferral or suspension, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case.

NEW SECTION. Sec. 10. Section 35.20.130, chapter 7, Laws of 1965 as amended by section 3, chapter 241, Laws of 1967 and RCW 35.20.130 are each repealed.

NEW SECTION. Sec. 11. If any provision of this 1969 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 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 148  
[House Bill No. 194]  
WATER DISTRICTS--SEWER  
DISTRICTS--MERGER--  
COMMISSIONERS, COMPENSATION

AN ACT Relating to water and sewer districts; providing a method for the merger thereof into sewer districts; prescribing powers, duties, and functions in relation thereto; providing for an election; providing for the transfer of property and payment of liabilities; granting powers to sewer districts; providing for issuance of revenue bonds; authorizing assessments; amending section 9, chapter 210, Laws of 1941, as last amended by section 4, chapter 103, Laws of 1959, and RCW 56.12.010; and amending section 7, chapter 114, Laws of 1929, as last amended by section 5, chapter 108, Laws of 1959 and RCW 57.12.010.

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

NEW SECTION. Section 1. Any water district, acting alone or in conjunction with any other water district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to, and in the same county with, a sewer district, may merge into the sewer district, and the sewer district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.

NEW SECTION. Sec. 2. A merger of one or more water districts into a sewer district may be initiated in any one of the following ways:

(1) Whenever the board of commissioners of the sewer district, on the one hand, and the board of commissioners of the water district or of the respective water districts seeking to merge into the sewer district, on the other hand, each determine by resolution that the merger of such water district or water districts into the sewer district shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such district so desiring to merge.

(2) Whenever ten percent of the qualified electors residing within each of the sewer districts and the water district or districts involved petition the board of commissioners of their respective districts for a merger of such district into the sewer district.

(3) Whenever ten percent of the qualified electors residing within the sewer district petition the board of sewer commissioners for such a merger, and the board of water commissioners of the district or each water district to be merged determines by resolution that the merger of such district into the sewer district will be conducive to the public health, welfare and convenience of the two districts.

NEW SECTION. Sec. 3. Whenever a merger is initiated in any of the three ways provided in section 2 of this act, the boards of the sewer and water commissioners of the respective districts involved shall enter into an agreement providing for the merger. The agreement must be entered into within ninety days following completion of the last act required for initiation of the merger by any one of the means above specified, as provided in section 2 of this act. Where two or more water districts seek to merge into a sewer district at or about the same time, there need be but one agreement of merger signed by the sewer district and such two or more water districts if the parties so agree.

The respective boards of sewer and water commissioners of such districts shall certify such agreement to the county auditor of the county in which the districts are located within twenty days from date of execution of such agreement, with a certified copy thereof filed with the clerk of the board of county commissioners of such county. Thereupon, the county auditor shall call a special election for the purpose of submitting to the voters of the water district or of each of the two or more water districts involved the proposition of whether the water district shall be merged into the sewer district. Notice of the election shall be given, and the election conducted, in accordance with the general election laws.

NEW SECTION. Sec. 4. If at such election a majority of the voters in the water district or all or either of the water districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the sewer district and each water district in which the majority of voters voted in favor of the merger, and each such water district shall cease to exist and shall become a part of the sewer district. The water commissioners of any water district so merged shall cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of sewer commissioners of the sewer district.

NEW SECTION. Sec. 5. All funds, rights and property, real and personal, of any water district merging into a sewer district shall vest in and become the property of the sewer district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owed by the water district, shall remain the obligation of and, as applicable, a lien upon the land, assets and/or revenue of the original district. The board of commissioners of the sewer district shall make such levies, assessments or charges upon said land or the water or sewer users therein as are necessary to pay

any indebtednesses of the merged water districts as and when the same mature.

NEW SECTION. Sec. 6. Following merger, the sewer district and the board of commissioners thereof shall have all powers granted water districts by Title 57 RCW. The sewer district shall have the power to issue revenue bonds to which are pledged water revenue, sewer revenue, or both water and sewer revenue, as well as the power to levy assessments against property specially benefited in the manner levied by utility local improvement districts, for improvements to the water system or the sewer system or both.

Sec. 7. Section 9, chapter 210, Laws of 1941, as last amended by section 4, chapter 103, Laws of 1959, and RCW 56.12.010 are each amended to read as follows:

The governing body of a sewer district shall be a board of commissioners consisting of three members. The commissioners shall annually elect one of their number as president and another as secretary of the board.

A district ((~~may~~)) shall provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district: PROVIDED, That the per diem for each commissioner shall not exceed ((~~six~~)) one thousand two hundred dollars per year. In addition, the secretary may be paid a reasonable sum for his services as secretary and for bookkeeping work and keeping the records of the district. No commissioner shall be employed full time by the district.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose, which shall be a public record.

Sec. 8. Section 7, chapter 114, Laws of 1929, as last amended by section 5, chapter 108, Laws of 1959 and RCW 57.12.010 are each amended to read as follows:

The officers of a district shall be a board of water commissioners consisting of three members. The board shall annually elect one of its members as president and another as secretary.

The secretary may be paid a reasonable sum for the clerical services performed by him. The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

A district (~~may~~) shall provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district: PROVIDED, That the per diem for each commissioner shall not exceed (~~six-hundred~~) twelve hundred dollars per year. No commissioners shall be employed full time by the district. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business, including his subsistence and lodging while away from his place of residence and mileage for use of personal automobile at the rate of (~~five~~) ten cents per mile.

The date for holding elections and taking office as herein provided shall be subject to the provisions of any consolidated election laws that may be made applicable thereto although previously enacted.

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 16, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 149  
[Engrossed House Bill No. 311]  
GLUE SNIFFING

AN ACT Relating to glue sniffing; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. As used in this act, the phrase "Glue containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any glue, cement, or other adhesive containing one or more of the following chemical compounds:

- (1) Acetone;
- (2) Amylacetate;
- (3) Benzol or benzene;
- (4) Butyl acetate;
- (5) Butyl alcohol;
- (6) Carbon tetrachloride;
- (7) Chloroform;
- (8) Cyclohexanone;
- (9) Ethanol or ethyl alcohol;
- (10) Ethyl acetate;
- (11) Hexane;
- (12) Isopropanol or isopropyl alcohol;
- (13) Isopropyl acetate;
- (14) Methyl "cellosolve" acetate;
- (15) Methyl ethyl ketone;
- (16) Methyl isobutyl ketone;
- (17) Toluol or toluene;
- (18) Trichloroethylene;
- (19) Tricresyl phosphate;
- (20) Xylol or Zylene; or
- (21) Any other solvent, material substance, chemical or combination thereof, having the property of releasing toxic vapors.

NEW SECTION. Sec. 2. It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of glue as defined in section 1 of this act or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction or dulling of the senses of the

nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes: PROVIDED, HOWEVER, That this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

NEW SECTION. Sec. 3. No person shall, for the purpose of violating section 2 of this act, use, or possess for the purpose of so using, any glue containing a solvent having the property of releasing toxic vapors or fumes.

NEW SECTION. Sec. 4. No person shall sell, offer to sell, deliver, or give to any other person under eighteen years of age any tube or other container of glue containing a solvent having the property of releasing toxic vapors or fumes, if he has knowledge that the product sold, offered for sale, delivered or given will be used for the purpose set forth in section 2 of this act.

NEW SECTION. Sec. 5. Any person who violates this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or by both.

Passed the House April 16, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 150  
[House Bill No. 318]  
TEACHERS' RETIREMENT

AN ACT Relating to teachers' retirement; amending section 9, chapter 80, Laws of 1947, as amended by section 2, chapter 14, Laws of 1963 ex. sess., and RCW 41.32.030; amending section 7, chapter 80, Laws of 1947 and RCW 41.32.070; amending section 10, chapter 80, Laws of 1947 and RCW 41.32.100; amending section 12, chapter 80, Laws of 1947 and RCW 41.32.120; amending section 18, chapter 80, Laws of 1947 and RCW 41.32.180; amending section 20, chapter 80, Laws of 1947, as last amended by section 2, chapter 81, Laws of 1965 ex. sess., and RCW 41.32.200; amending section 1, chapter 297, Laws of 1961 and RCW 41.32.203; amending section 22, chapter 80, Laws of 1947 and RCW 41.32.220;

amending section 31, chapter 80, Laws of 1947, as last amended by section 8, chapter 81, Laws of 1965 ex. sess., and RCW 41.32.310; amending section 33, chapter 80, Laws of 1947, as amended by section 14, chapter 274, Laws of 1955, and RCW 41.32.330; amending section 34, chapter 80, Laws of 1947, as last amended by section 3, chapter 132, Laws of 1961, and RCW 41.32.340; amending section 41, chapter 80, Laws of 1947, as last amended by section 12, chapter 14, Laws of 1963 ex. sess., and RCW 41.32.410; amending section 48, chapter 80, Laws of 1947, as last amended by section 1, chapter 151, Laws of 1967 ex. sess., and RCW 41.32.480; amending section 16, chapter 14, Laws of 1963 ex. sess., and RCW 41.32.497; amending section 50, chapter 80, Laws of 1947, as last amended by section 6, chapter 50, Laws of 1967, and RCW 41.32.500; amending section 51, chapter 80, Laws of 1947, as last amended by section 17, chapter 14, Laws of 1963 ex. sess., and RCW 41.32.510; amending section 20, chapter 14, Laws of 1963 ex. sess., as amended by section 8, chapter 50, Laws of 1967, and RCW 41.32.522; amending section 21, chapter 14, Laws of 1963 ex. sess., as last amended by section 9, chapter 50, Laws of 1967, and RCW 41.32.523; amending section 55, chapter 80, Laws of 1947, as last amended by section 10, chapter 50, Laws of 1967, and RCW 41.32.550; amending section 4, chapter 76, Laws of 1957, as last amended by section 4, chapter 151, Laws of 1967, and RCW 28.81.170; amending section 28B.10.465, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.465; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and providing effective dates.

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

Section 1. Section 9, chapter 80, Laws of 1947, as amended by section 2, chapter 14, Laws of 1963 ex. sess., and RCW 41.32.030 are each amended to read as follows:

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All of the assets of the retirement system shall be credited according to the purposes for which they are held, to one of two funds to be maintained in the state treasury, namely, the teachers' retirement pension reserve fund and the teachers' retirement fund. In the records of the teachers' retirement system the teachers' retirement fund shall be subdivided into the annuity fund, the annuity reserve fund, the survivors' benefit fund, the pension fund, the disability reserve fund, the death benefit fund, the income fund, ((and)) the expense fund, and such other funds as may from time to time be created by the board of trustees for the purpose of the internal accounting record.

Sec. 2. Section 7, chapter 80, Laws of 1947 and RCW 41.32.070 are each amended to read as follows:

Each member of the board of trustees shall ~~((within-ten-days))~~ at the first board meeting which he attends after his appointment or election take an oath of office that so far as it devolves upon him he will diligently and honestly administer the affairs of said board, and that he will not knowingly violate or willingly permit to be violated any provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the members making it and certified by the officer before whom it is taken and immediately filed in the office of the secretary of state.

Sec. 3. Section 10, chapter 80, Laws of 1947 and RCW 41.32-.100 are each amended to read as follows:

The board of trustees shall from its membership annually at the first meeting in July elect a chairman. The board shall by a majority vote of all its members appoint a ~~((secretary-manager))~~ director who shall not be a member of the board and who shall serve until a successor is appointed. The board shall also have authority to appoint an assistant director upon the advice and recommendation of the director. The positions of director and assistant director shall be exempt from the classification requirements and merit system rules of the state of Washington personnel board. The ~~((secretary-manager))~~ director shall engage, upon authorization of the board of trustees, such clerical and

technical services as shall be required to transact the business of the retirement system. The compensation of all persons engaged or authorized by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve.

Sec. 4. Section 12, chapter 80, Laws of 1947 and RCW 41.32-.120 are each amended to read as follows:

The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall publish annually (~~on or before the first day of January~~) a report showing the fiscal transactions of the retirement system for the preceding school year; the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

Sec. 5. Section 18, chapter 80, Laws of 1947 and RCW 41.32.180 are each amended to read as follows:

At each regular meeting, the board of trustees shall authorize payment of retirement allowances, disability allowances, salaries and other regular disbursements to be made during the succeeding three months. (~~At the first regular meeting in each fiscal year, the board shall designate two of its members whose signatures shall appear upon its vouchers.~~) Retirement and disability allowances shall be paid monthly.

Sec. 6. Section 20, chapter 80, Laws of 1947, as last amended by section 2, chapter 81, Laws of 1965 ex. sess., and RCW 41.32.200 are each amended to read as follows:

The board of trustees shall be the trustees of the several funds created by this chapter and shall have full power to authorize the state finance committee to invest and reinvest such funds in the following classes of securities, and not otherwise:

- (1) Bonds, notes, or other obligations of the United States or

its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder;

(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: PROVIDED, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: PROVIDED, That any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city

of Canada which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association;

(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1916, known as the "federal farm loan act," as amended or supplemented from time to time;

(9) Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

(10) Obligations of any other state or the Commonwealth of Puerto Rico, municipal authority or political subdivision within the state or commonwealth issued pursuant to the laws of such state or commonwealth with principal and interest payable from tolls or other special revenues: PROVIDED, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(11) ~~((Corporate-bonds))~~ Bonds, ~~((and))~~ debentures, or other obligations issued by any corporation duly organized and operating in any state of the United States: PROVIDED, That such securities are rated not less than "A" by ~~((two))~~ a nationally recognized rating ~~((agency))~~ agency ~~((--PROVIDED-FURTHER--That-investment-in-bonds-and-debentures-in-this-subsection-(11)-shall-be-limited-to-twenty-percent-of-any-one-issue))~~);

(12) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state (~~((---PROVIDED, That the investment of any one fund in any one such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation))~~ including investment in their savings accounts, deposit accounts, bonds, debentures, and other obligations or securities (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation, approved by the state insurance commissioner, which is licensed to insure real estate loans in the state of Washington: PROVIDED, That the investment in any such savings and loan association shall not exceed the amount insured or guaranteed;

(13) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the deposit of any one fund in any such banks shall not exceed the amount insured by the federal deposit insurance corporation;

(14) First mortgages on unencumbered real property which are insured by the Federal Housing Administration under the National Housing Act (as from time to time amended), or are guaranteed by the Veterans Administration under the Servicemen's Readjustment Act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection essentially the same as that provided by the said National Housing Act or the said Servicemen's Readjustment Act. In the event that a state investment board is not created the state finance committee shall first analyze and appraise the board's procedures and policies for investing in such mortgages;

(15) Capital notes or debentures of any national or state bank doing business in the United States of America; ((and))

(16) Equipment trust certificates issued by any corporation

duly organized and operating in any state of the United States of America;

(17) Appropriate contracts of life insurance or annuities from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases would, in the judgment of the retirement board, be appropriate or necessary to carry out the purposes of this chapter;

(18) Subject to the limitations hereinafter provided, investments may be made in amounts not to exceed twenty-five percent of the system's total investments in the shares of certain open-end investment companies: PROVIDED, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company and shall only be made in the shares of such companies as are registered as "open-end companies" under the Federal Investment Company Act of 1940, as amended. Such company must be at least ten years old and have net assets of at least fifty million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase: PROVIDED FURTHER, That the total investments in the shares of "open-end" investment companies together with investments in preferred stock and shares of corporations shall not exceed twenty-five percent of the total investments (cost basis) of the system; and

(19) Subject to the limitations hereinafter provided, investments may be made in preferred stock or shares of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That

(a) The board receives advice in writing on all stock investments from an investment counsel engaged by the board of trustees. This counsel shall be an investment counseling firm hired on a con-

tractual basis. Such advice shall become part of the official minutes of the next succeeding meeting of the board. The counsel shall not be engaged in the business of buying, selling, or otherwise marketing securities during the time of its employment by the board.

(b) Stock investments, including shares in open-end investment companies, shall not exceed twenty-five percent of the total investments (cost basis) of the system.

(c) Such investment in the stock of any one company shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unsigned surplus, of at least fifty million dollars.

(iii) Any preferred stock.

(iv) The common stock of Washington corporations which meet all other listed qualifications except that of being registered on a national exchange.

(f) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

Subject to the above limitations and subject to any limitations, conditions, and restrictions contained in policy-making resolutions adopted by the state teachers' retirement board, the state finance committee shall have the power to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds: PROVIDED, That no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged.

Sec. 7. Section 4, chapter 297, Laws of 1961 and RCW 41.32-.203 are each amended to read as follows:

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his custody pursuant to RCW 41.32.202 as the said sums become due and payable, and to pay the same, when so collected, into the fund to which the investments belong. The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the teachers' retirement fund or the teachers' retirement pension reserve fund.

Sec. 8. Section 22, chapter 80, Laws of 1947 and RCW 41.32-.220 are each amended to read as follows:

The treasurer of the state shall be the custodian of all moneys received by him for the retirement system. All payments from several funds of the retirement system shall be made only upon vouchers signed by ~~((two-members-of-the-board-of-trustees))~~ the director of the department or such persons as he may designate. ~~((A-duly-attested copy-of-a-resolution-by-the-board-of-trustees-designating-these-mem-~~

~~bers and bearing on its face specimen signatures of those members shall be filed with the state auditor as his authority for issuing warrants upon such vouchers. -- No voucher shall be drawn unless it has been previously authorized by resolution of the board of trustees.)~~

Sec. 9. Section 31, chapter 80, Laws of 1947, as last amended by section 8, chapter 81, Laws of 1965 ex. sess., and RCW 41.32.310 are each amended to read as follows:

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments before June 30, 1970; or, if not employed on the effective date of this act, before June 30th of the fifth school year after entry into public school employment in this state. Payments covering all types of membership service credit may be made in a lump sum when due, or in annual installments, with three percent interest. The first annual installment of at least twenty percent of the amount due must be paid before the date specified above, and the final payment before June 30th of the fourth school year following that in which the first payment was made: PROVIDED, That a member who had the opportunity under this section prior to July 1, 1965 to establish credit for services previously rendered and failed to do so shall be permitted to establish such credit only for previous public school service rendered in the state of Washington: PROVIDED FURTHER, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969 to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32-.260 and 41.32.330. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state.

Sec. 10. Section 33, chapter 80, Laws of 1947, as amended by section 14, chapter 274, Laws of 1955, and RCW 41.32.330 are each a-

mended to read as follows:

The board of trustees may allow credit for professional preparation to a member for attendance at institutions of higher learning, or for a scholarship or grant under an established foundation, subsequent to becoming a public school teacher; but not more than ~~((one year-of-such-credit-may-be-granted-in-any-ten-year-period-of-service, and-not-more-than))~~ two years of such credit may be granted to any member.

Sec. 11. Section 34, chapter 80, Laws of 1947, as last amended by section 3, chapter 132, Laws of 1961, and RCW 41.32.340 are each amended to read as follows:

Creditable service of a member at retirement shall consist of the membership service rendered by him for which credit has been allowed, and also, if he has a prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate. No pension payments shall be made for service credits established or reestablished after July 1, 1955, if such credits entitle the member to retirement benefits from any other public state or local retirement system or fund. No pension payments shall be made for service credits established or reestablished after July 1, 1961, if such credits entitle the member to retirement benefits from a public federal retirement system or fund for services rendered under a civilian program: PROVIDED, That no pension payments shall be made for service credits established or reestablished after July 1, 1969, if credit for the same service is retained for benefits under any other retirement system or fund.

NEW SECTION. Sec. 12. An income fund is hereby created for the purpose of crediting regular interest and such other income as may be derived from the deposits and investments of the various funds of the teachers' retirement fund. All accumulated contributions in the account of a terminated member which remain unclaimed after the expiration of ten years from the date of termination shall thereafter be transferred to the income fund as provided in RCW 41.32.510. Any

moneys that may come into the possession of the retirement system in the form of gifts or bequests which are not allocated to a specific fund, or any other moneys the disposition of which is not otherwise provided herein, shall be credited to the income fund. The moneys accumulated in the income fund shall be available for transfer, upon board authorization, to the expense fund toward payment of the members' share of the operating costs of the system as provided in RCW 41.32.410, and for regular interest allowance to the various funds of the teachers' retirement fund as provided in RCW 41.32.190 and 41.32-.460.

Sec. 13. Section 41, chapter 80, Laws of 1947, as last amended by section 12, chapter 14, Laws of 1963 ex. sess., and RCW 41.32-.410 are each amended to read as follows:

At the ~~((else))~~ beginning, of each fiscal year the board of trustees shall ~~((withdraw))~~ transfer from the pension fund and the ~~((annuity))~~ income fund to the expense fund ~~((in-equal))~~ amounts ~~((a sum))~~ sufficient to defray the expenses of the retirement system estimated by them for ~~((the-ensuing))~~ that year ~~((and-plate-that-amount in-the-expense-fund))~~: PROVIDED, That the amounts transferred to the expense fund shall result in the state and the members of the system sharing equally in the operating costs of the system. The board of trustees shall have authority to assess a withdrawal fee and such other service charges as may be necessary to ~~((provide))~~ assist in providing for the members' contributions to the expense fund. Any such withdrawal fee or other service charges shall be deducted from ~~((each))~~ the member's annuity fund account during the year in which the assessment is made and all money received from such assessments shall be credited to the expense fund toward payment of the members' share of the operating costs of the system.

Sec. 14. Section 48, chapter 80, Laws of 1947, as last amended by section 1, chapter 151, Laws of 1967 ex. sess., and RCW 41.32-.480 are each amended to read as follows:

- (1) Any member who has left public school service after having

completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension of four dollars per month for each year of creditable service established except as provided in RCW 41.32.497. Effective July 1, 1967, anyone then receiving a retirement allowance or a survivor retirement allowance under this chapter, based on thirty-five years of creditable service, and who has established more than thirty-five years of service credit with the retirement system, shall thereafter receive a retirement allowance based on the total years of service credit established.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension of four dollars per month for each year of creditable service established except as provided in RCW 41.32.497.

(3) Any member who has attained age fifty-five years and who has completed not less than twenty-five years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance which shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of the earliest date upon which he could otherwise retire under subsections (1) and (2) of this section.

Sec. 15. Section 16, chapter 14, Laws of 1963 ex. sess., and RCW 41.32.497 are each amended to read as follows:

Any member who qualified for a retirement allowance which is effective on or after July 1, 1964 shall receive a retirement allowance consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A service pension which shall be equal to one one-hundred twentieth of his average earnable compensation for his five highest compensated years of service within the last ten years times the total years of creditable service established with the retirement system: PROVIDED, That no member shall receive a pension of less than four dollars per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month: PROVIDED, FURTHER, That the benefits under this section shall be available only to members who terminate public school service in this state on or after July 1, 1964 and shall include such members who terminated public school service in this state at the close of the 1963-1964 school year: PROVIDED FURTHER, That all members who apply and qualify for a retirement allowance to become effective on or after July 1, 1969 shall receive the annuity and pension benefits provided under this section regardless of the date on which a member terminated Washington public school service.

Sec. 16. Section 50, chapter 80, Laws of 1947, as last amended by section 6, chapter 50, Laws of 1967, and RCW 41.32.500 are each amended to read as follows:

Membership in the retirement system is terminated and the prior service certificate becomes void when a member retires for service or disability, dies, withdraws his accumulated contributions (~~(= transfers his membership to the state employees' retirement system)~~) or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

- (1) If he is eligible for retirement;
- (2) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;
- (3) If he is not eligible for retirement but has established ~~((ten))~~ five or more years of Washington membership service credit.

Sec. 17. Section 51, chapter 80, Laws of 1947, as last amended by section 17, chapter 14, Laws of 1963 ex. sess., and RCW 41.32-.510 are each amended to read as follows:

Should a member cease to be employed in the public schools of this state and request upon a form provided by the board of trustees a refund of his accumulated contributions with interest to the June 30th next preceding, this amount shall be paid to him less any withdrawal fee which may be assessed by the board of trustees which shall be deposited to the ~~((annuity-fund's-share-of-the-cost-of-operation))~~ expense fund. The amount withdrawn, together with interest must be paid if he desires to reestablish his former service credits. Upon termination of membership, interest on accumulated contributions in the annuity fund shall cease and all accumulated contributions unclaimed after the expiration of ten years thereafter become an integral part of the ~~((annuity))~~ income fund. Termination of employment with one employer for the specific purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer, whether for the same school year or for the ensuing school year, shall not qualify a member for a refund of his accumulated contributions. A member who files an application for a refund of his accumulated contributions and subsequently enters into a contract for or resumes public school employment before a refund payment has been made shall not be eligible for such payment.

Sec. 18. Section 20, chapter 14, Laws of 1963 ex. sess., as amended by section 8, chapter 50, Laws of 1967, and RCW 41.32.522 are each amended to read as follows:

Upon receipt of proper proof of death of a member who was employed on a full time basis and who contributed to the death benefit fund during the fiscal year in which his death occurs, or who was under contract for full time employment in a Washington public school for the fiscal year immediately following the year in which such contribution to the death benefit fund was made, or who submits an application for a retirement allowance to be approved at the next regular meeting of the board of trustees immediately following termination of his full time Washington public school service and who dies before the first installment of his retirement allowance becomes due, or who is receiving or is entitled to receive temporary disability payments, or who upon becoming eligible for a disability retirement allowance submits an application for such an allowance to be approved at the next regular meeting of the board of trustees immediately following the date of his eligibility for a disability retirement allowance and dies before the first installment of such allowance becomes due, a death benefit of (~~three~~) four hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: PROVIDED, That the deceased member had established at least one year of credit with the retirement system for full time Washington membership service and that his contribution to the death benefit fund for a given fiscal year shall qualify him for the death benefit in the event his death occurs before the beginning of the ensuing school year: AND PROVIDED FURTHER, That a deceased member who was not employed full time in Washington public school service during the fiscal year immediately preceding the year of his death shall have been employed full time in Washington public school service for at least fifty consecutive days during the fiscal year of his death.

Sec. 19. Section 21, chapter 14, Laws of 1963 ex. sess., as last amended by section 9, chapter 50, Laws of 1967, and RCW 41.32-

.523 are each amended to read as follows:

Upon receipt of proper proof of death of a member who does not qualify for the death benefit of (~~three~~) four hundred dollars under RCW 41.32.522, or a former member who was retired for age, service or disability, a death benefit of (~~one~~) two hundred fifty dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: PROVIDED, That the member or the retired former member had established not less than ten years of credit with the retirement system for full time Washington membership service.

Sec. 20. Section 55, chapter 80, Laws of 1947, as last amended by section 10, chapter 50, Laws of 1967, and RCW 41.32.550 are each amended to read as follows:

Should the board determine from the report of the medical director that a member in full time service has become permanently disabled for the performance of his duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all his accumulated contributions in a lump sum payment and canceling his membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he had fifteen or more years of creditable service established with the retirement system, a retirement allowance because of disability: PROVIDED, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provisions of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension equal to the (~~actuarial-equivalent-of-the~~) service pension to which he would be

entitled (~~(at age sixty)~~) under RCW 41.32.497: PROVIDED, That in no case shall such pension be less than four dollars per month for each year of creditable service established, nor shall the total allowance for disability be less than seventy-five dollars per month. If the member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees. (~~(A member who is retired for disability under the provisions of this 1963 amendatory act shall at age sixty receive the full pension as provided for service retirement at age sixty. In no case shall his recomputed retirement allowance be less than seventy-five dollars per month.)~~)

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the board of trustees or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system.

NEW SECTION. Sec. 21. The provisions of sections 1 through 20 of this 1969 amendatory act shall take effect on July 1, 1969.

Sec. 22. Section 4, chapter 76, Laws of 1957, as last amended by section 4, chapter 151, Laws of 1967, and RCW 28.81.170 are each amended to read as follows:

(1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such

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

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after the effective date of this amendatory act, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Sec. 23. Section 28B.10.465, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.465 are each amended to read as follows:

(1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension of four dollars per month for each year of creditable service established and retained at the time of said designation except as provided in RCW 41.32.497. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state

teachers' retirement system may, at his election and at any time on and after midnight, June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

NEW SECTION. Sec. 24. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (HB 58). The provisions of section 22 of the instant act seek to change existing laws. The provisions of section 23 seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of section 22 of the instant bill take effect on July 1, 1969 unless the proposed 1969 education code becomes law and takes effect prior to July 1, 1969, in which case the provisions of section 22 shall not take effect at all but section 23 shall take effect on July 1, 1969. It is the further intent of the legislature that if the provisions of the 1969 education code becomes law and does not take effect until after July 1, 1969, then the provisions of section 22 of this instant act shall take effect on July 1, 1969 and shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of section 22 shall expire and the provisions of section 23 shall concomitantly become effective. It is the further intent of the legislature that the provisions of section 23 shall not take effect unless the 1969 education code is adopted at this legislature, but if such event occurs the amendatory provisions of section 23 shall be construed as amending the correlative section of the 1969 education code and shall be

in pari materia with the 1969 education code as provided herein.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 151  
[Engrossed House Bill No. 334]  
LIENS FOR LABOR, MATERIAL  
AND TAXES ON PUBLIC WORKS

AN ACT Relating to liens for labor, material and taxes on public works;  
and amending section 1, chapter 166, Laws of 1921 as last amended  
by section 1, chapter 238, Laws of 1963 and RCW 60.28.010; and  
amending section 1, chapter 91, Laws of 1957 as amended by section  
26, chapter 26, Laws of 1967 1st ex. sess. and RCW 60.28.070.

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

Section 1. Section 1, chapter 166, Laws of 1921 as last amended  
by section 1, chapter 238, Laws of 1963 and RCW 60.28.010 are each amended  
to read as follows:

(1) Contracts for public improvements or work by the state, or any  
county, city, town, district, board, or other public body, shall provide,  
and there shall be reserved from the moneys earned by the contractor on  
estimates during the progress of the improvement or work, a sum equal to  
ten percent of the first one hundred thousand dollars and five percent for  
all amounts over one hundred thousand dollars of such estimates, said sum  
to be retained by the state, county, city, town, district, board, or other  
public body, as a trust fund for the protection and payment of any person  
or persons, mechanic, subcontractor or materialman who shall perform any  
labor upon such contract or the doing of said work, and all persons who  
shall supply such person or persons or subcontractors with provisions and  
supplies for the carrying on of such work, and the state with respect to  
taxes imposed pursuant to Title 82 which may be due from such contractor.  
Said fund shall be retained for a period of thirty days following the final  
acceptance of said improvement or work as completed, and every person per-  
forming labor or furnishing supplies toward the completion of said improve-  
ment or work shall have a lien upon said fund so reserved (~~(, provided)~~):  
PROVIDED, That such notice of the lien of such claimant shall be given in

the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED ((,HOWEVER)) FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the entire contract.

(2) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Sec. 2. Section 1, chapter 91, Laws of 1957 as amended by section 26, chapter 26, Laws of 1967 1st ex. sess. and RCW 60.28.070 are each amended to read as follows:

Where final completion of a contract executed by (1) the Washington state highway commission for the construction of any highway building, road, bridge, street, or any part of a public highway or (2) a city or county for construction of any urban arterial project for which urban

arterial trust account moneys are to be expended is delayed by any unforeseen condition beyond the control of the contractor and the reservation of moneys earned as required herein shall work undue hardship on the contractor, then the highway commission, city or county, as appropriate, thirty days after completion of all work required under the contract other than that delayed by such unforeseen condition and no taxes having been certified as due or to become due by the department of revenue and no claims filed by any materialman or laborer, may at its discretion order funds reserved for the work actually completed paid to the contractor upon the contractor's delivering good and sufficient bond, with two or more sureties, or with a surety company, in the amount of the reserved funds then paid to the contractor, to the effect that no taxes shall be certified or claims filed for work done other than that delayed by the unforeseen condition within a period of thirty days following final acceptance of said improvement or work as completed; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

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CHAPTER 152  
[House Bill No. 345]  
STATE PERSONNEL--ADMINISTRATION--  
EMPLOYEES SUGGESTION AWARDS

AN ACT Relating to state personnel; authorizing the receipt and expenditure of federal funds, and authorizing the department of personnel to make its services available to the exempt service; providing that agencies shall reimburse the department of personnel for services rendered in administering the employees suggestions awards program; amending section 8, chapter 1, Laws of 1961 as amended by section 5, chapter 45, Laws of 1969, and RCW 41.06.080; amending section 1, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.010; amending section 2, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.020; amend-

ing section 4, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.040; amending section 5, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.050; amending section 6, chapter 142, Laws of 1965 ex. sess., and RCW 41.60.060; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; and adding a new section to chapter 142, Laws of 1965 ex. sess., and to chapter 41.60 RCW.

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

NEW SECTION. Section 1. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

The state personnel board is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280.

Sec. 2. Section 8, chapter 1, Laws of 1961 as amended by section 5, chapter 45, Laws of 1969, and RCW 41.06.080 are each amended to read as follows:

Notwithstanding the provisions of this chapter, the department of personnel may make its services available on request, on a reimbursable basis, to:

- (1) Either the legislative or the judicial branch of the state government;
- (2) Any county, city, town, or other municipal subdivision of the state;
- (3) The institutions of higher learning;
- (4) (~~The department of highways~~) Any agency, class, or position set forth in RCW 41.06.070.

Sec. 3. Section 1, chapter 142, Laws of 1965 ex. sess., and RCW 41.60.010 are each amended to read as follows:

As used in this chapter:

- (1) "Board" means the employee suggestion awards board.
- (2) "Employee suggestion program" means the program developed

by the board under RCW 41.60.020(2).

(3) "Secretary" means the secretary of the employee suggestion program.

(4) "Institutions of higher learning" are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, The Evergreen State College, and the various state community college districts.

Sec. 4. Section 2, chapter 142, Laws of 1965 ex. sess., and RCW 41.60.020 are each amended to read as follows:

(1) There is ~~((hereby))~~ established the employee suggestion awards board. The board shall consist of the director of personnel or his designee who shall serve as its chairman and ~~((three))~~ two state officers or state employees appointed by the governor, to serve at his pleasure. ~~((The members of the board shall elect one member as chairman.))~~ The governor shall appoint a state officer or state employee to serve as secretary of the employee suggestion program.

(2) The board shall formulate, establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: PROVIDED, That this 1969 amendatory act shall not apply to the institutions of higher learning or to their employees.

(3) The secretary, with the approval of the employee suggestion awards board, shall prepare rules and regulations necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter.

Sec. 5. Section 4, chapter 142, Laws of 1965 ex. sess., and RCW 41.60.040 are each amended to read as follows:

Cash awards ~~((y not to exceed a total of five thousand dollars during any fiscal year.))~~ may be paid from the department of personnel service fund not to exceed a total of five thousand dollars during any fiscal year from sources provided in this 1969 amendatory act, togeth-

er with such other funds as may be available from donations, grants, and other sources: PROVIDED, That no award or awards in any fiscal year to any one employee shall exceed three hundred dollars.

Sec. 6. Section 5, chapter 142, Laws of 1965 ex. sess., and RCW 41.60.050 are each amended to read as follows:

Administrative expenses of the board in administering this chapter (~~((shall-be-limited-to-two-hundred-dollars-per-biennium-and))~~) shall be paid from the department of personnel service fund and shall be limited to five thousand dollars per biennium from sources provided in this 1969 amendatory act together with such other funds as may be available from donations, grants and other sources.

Sec. 7. Section 6, chapter 142, Laws of 1965 ex. sess., and RCW 41.60.060 are each amended to read as follows:

~~((1))~~) The estimated annual amount of the cash awards and administrative expenses under this chapter which are to be paid from the department of personnel service fund shall be in addition to the administrative expenses and costs of operating the personnel departments established under the provisions of RCW 41.06.030 (~~((,41,06,050))~~) and 41.06.060, as now or hereafter amended, and shall be added to and collected with the administrative expenses and costs of operating ~~((these-agencies))~~ the department of personnel under RCW 41.06.280.

~~((2)--Vouchers-for-the-payment-of-cash-awards-and-administrative-expenses-shall-be-prepared-by-the-directors-of-the-personnel-boards-established-by-RCW-41,06,030,41,06,050-and-41,06,060-payable-from-the-department-of-personnel-service-fund-upon-certification-of-the-chairman-or-secretary-of-the-employee-suggestion-awards-board-of-the-amount-of-the-cash-award-and-the-person-to-whom-the-award-has-been-made-or-the-amount-of-the-administrative-expenses,))~~

NEW SECTION. Sec. 8. There is added to chapter 142, Laws of 1965 ex. sess., and to chapter 41.60 RCW a new section to read as follows:

An amount may be charged against the agencies allotments subject to chapter 41.60 RCW pro rata, at a rate to be fixed by the

chairman of the employees suggestion awards board from time to time which will provide the employees suggestion awards board with funds to pay the administrative expenses and cash awards provided in this 1969 amendatory act during the allotment period. Funds made available from other sources for expenditure under this 1969 amendatory act shall be paid into and disbursed from the department of personnel service fund.

The moneys for employees suggestion awards shall be disbursed by the state treasurer by warrant on vouchers duly authorized by the chairman of the employees suggestion awards board or his designee.

Passed the House April 16, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 153  
[Engrossed Substitute House Bill No. 421]  
SCHOOL BUSES--LEASES--  
DRIVER QUALIFICATIONS

AN ACT Relating to education; authorizing school districts to lease school buses to any other school districts; amending section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 12, Laws of 1967 and section 1, chapter 29, Laws of 1967 ex. sess. and RCW 28.58.100; adding a new section to chapter 28.04 RCW; amending section 28A.24.055, chapter ..., Laws of 1969 (HB 58) and RCW 28A.24.055; adding a new section to chapter 28A.04 RCW; and providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Title 28A RCW if such title shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 2, chapter 68, Laws of 1955 as last amended by section 1, chapter 12, Laws of 1967 and section 1, chapter 29, Laws of 1967 ex. sess., and RCW 28.58.100 are each amended to read as follows:

Every board of directors, unless otherwise specially provided

by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;

(2) 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 teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;

(4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship;

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

(8) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including textbooks;

(c) Establish an instructional materials committee to be ap-

pointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the county or intermediate district superintendent of schools, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district (s) which serve their children;

(d) Provide for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free textbooks, 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.

(9) 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.

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

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

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

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

Any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds at times when those buses are not needed by that district

and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED, FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children in jeopardy.

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

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) 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: PROVIDED, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district;

(15) Adopt written policies on granting leaves to persons under contracts of employment with the school district(s) in positions

requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certified and noncertified employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) Accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) Accumulated leave under this proviso shall be transferred from one district to another, and from the office of superintendent of public instruction and offices of county and intermediate district

superintendent and boards of education;

(h) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

NEW SECTION. Sec. 2. There is added to chapter 28.04 RCW a new section to read as follows:

In addition to other powers and duties, the state board of education shall adopt rules and regulations governing the training and qualifications of school bus drivers. Such rules and regulations shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules and regulations shall not conflict with the authority of the department of motor vehicles to license school bus drivers in accordance with RCW 46.20.440 through 46.20.470.

Part II. Sections affecting proposed 1969 education code.

Sec. 3. Section 28A.24.055, chapter ..., Laws of 1969 (HB 58) and RCW 28A.24.055 are each amended to read as follows:

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

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

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or

without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

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

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

The board may provide insurance by contract purchase for payment of hospital and medical expenses in an amount not exceeding one thousand dollars per child, per injury for the benefit of school children injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the school children notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contrac-

tor to procure such insurance as the board deems advisable.

NEW SECTION. Sec. 4. There is added to chapter 28A.04 RCW a new section to read as follows:

In addition to other powers and duties, the state board of education shall adopt rules and regulations governing the training and qualifications of school bus drivers. Such rules and regulations shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules and regulations shall not conflict with the authority of the department of motor vehicles to license school bus drivers in accordance with RCW 46.20.440 through 46.20.470.

#### Part III. Construction

NEW SECTION. Sec. 5. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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 House April 16, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 154  
[Engrossed House Bill No. 437]  
COUNTIES--TRANSFER OF TERRITORY  
TO ADJOINING COUNTY

AN ACT Relating to counties; and the transfer of territory therein having less than fifty registered voters, and providing the procedure therefor.

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

NEW SECTION. Section 1. Whenever a majority of the registered voters residing within a part of any county desire that that portion of the territory in which they are registered voters shall be stricken from said county and annexed to an adjoining county, and such portion to be stricken contains not more than fifty such registered voters at the time of petition as hereinafter provided, they may petition therefor, and said territory may be stricken from the county of which it shall then be a part and added to and made a part of the county contiguous thereto as hereinafter in this 1969 act provided.

NEW SECTION. Sec. 2. The petition shall describe with certainty the boundary and area of the territory to be stricken from one county and annexed to an adjoining county, with the reasons for making the change and shall be presented to the board of county commissioners of the county in which the territory is located, which board shall proceed to ascertain if the petition is signed by a majority of the registered voters of the territory sought to be stricken off and transferred to the contiguous county.

If the petition is signed by a majority of the registered voters of the territory sought to be stricken off and there will remain in the county from which it is to be taken more than four thousand inhabitants as required in Article XI, section 3 of the state Constitu-

tion, the board shall either approve or disapprove of the petition by majority vote. If the board disapproves the petition, it shall have no further effect and there will be no election. If the board approves the petition, then it shall make an order that a special election be held, within the limits of the territory described in the petition, on a date to be named in said order, which election shall be within ninety days from the date said petition is filed with said board.

Notice of election shall contain a description of the territory proposed to be transferred and the names of the counties from and to which the transfer is intended to be made and shall be published as required in RCW 29.27.080.

NEW SECTION. Sec. 3. The election shall be conducted in all respects as any other special election, insofar as applicable, except that there shall be triplicate returns made, one to each of the respective county auditors and another to the office of the secretary of state. The ballots used at such election shall contain the words, "For transferring territory", or "Against transferring territory". The votes shall be canvassed, as by law required within twenty days. If three-fifths of the votes cast in the territory at such election are "For transferring territory", the proposition shall be submitted to the county commissioners, as representative of the constituents of the county to which the territory is to be annexed. If each member of the board of county commissioners of the county to which the territory is to be annexed agree to the annexation thereof, the territory described in the petition shall become a part of and be added to and made a part of the said county contiguous thereto, effective on the thirty-first of December following, at which time the governor shall issue his proclamation of the change of county line.

NEW SECTION. Sec. 4. All assessments and collection of taxes, and all judicial proceedings commenced prior to the governor's proclamation transferring territory to a contiguous county, shall be continued, prosecuted, and completed in the same manner as if no such

transfer has been made.

NEW SECTION. Sec. 5. Every township, precinct, school and other district officers, if any, within the transferred territory shall continue to hold their respective offices within the county to which they may be transferred until their respective terms of office expire, and until their successors are elected and qualified.

NEW SECTION. Sec. 6. Every county thus enlarged shall assume and pay to the county from which the territory is stricken its proportion of the bonded and warranted indebtedness of the county from which such territory is taken, in the proportion that the assessed valuation of the transferred territory lying within the boundary of the county from which said territory is taken, bears to the assessed valuation of the whole county from which said territory is taken. The adjustment of such indebtedness shall be based on the assessment for the year in which said transfer of territory is made: PROVIDED, That in the accounting between the said counties, neither county shall be charged with any debt or liability incurred in the purchase of any county property or the purchase of any county building or structure which shall fall within or be retained by the other county. The payment provided in this section shall be made when and as taxes are collected upon property in the transferred territory by the county to which said territory is transferred.

NEW SECTION. Sec. 7. The expense of the election provided for in section 2 of this 1969 act shall be paid by the petitioners requesting such transfer if the vote thereon is "Against transferring territory" but shall be paid by the county annexing the proposed territory if the vote is "For transferring territory."

NEW SECTION. Sec. 8. All records, documents and papers of record and on file in the office of the county clerk, county auditor, county assessor and any other officer of the county from which any territory is taken in any wise affecting the title or possession of real or other property in said territory shall be transcribed, and such transcript shall be certified by the proper officers without

charge and transmitted to the respective county officers of the county to which said territory is transferred. Such transcripts shall be made by such person or persons as may be employed by the county to which said territory is transferred and said transcripts shall be recorded or filed, as the case may be, by the officers of the county to which said territory is transferred, and shall be received as evidence in any court or place as though originally recorded and filed in the county in which said territory is transferred; said transcribing shall be done at the expense of the county to which said territory is transferred.

NEW SECTION. Sec. 9. For the purpose of representation in the state legislature and in the congress of the United States, until otherwise changed by law, any territory transferred from one county to another shall become a part of the legislative and congressional district of which the adjacent territory in the county to which it is annexed, is a part.

NEW SECTION. Sec. 10. If any territory so transferred is at the time of such transfer a part of any port district, public utility district, hospital district, or such other district funded in part upon the assessed valuation of property within said district, such territory shall remain a part of such district until otherwise changed by law, and the property within said territory shall be subject to the levy of taxes for such districts as though such transfer had not been made.

NEW SECTION. Sec. 11. The authorization for annexation provided for in this amendatory act shall expire on January 1, 1971.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

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CHAPTER 155  
[Engrossed House Bill No. 597]  
DRIVERS' LICENSE PHOTOGRAPHS--  
PERSONAL IDENTIFICATION CARDS  
FOR NONDRIVERS (IDENTICARD)

AN ACT Relating to identification of persons living within the state of Washington; amending section 51, chapter 145, Laws of 1967

ex. sess., and RCW 46.20.115; creating new sections; and providing an effective date.

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

NEW SECTION. Section 1. The identification of the injured or the seriously ill is often difficult. The need for an identification file to facilitate use by proper law enforcement officers has hampered law enforcement. Personal identification for criminal, personal and commercial reasons is becoming most important at a time when it is increasingly difficult to accomplish. The legislature finds that the public health and welfare requires a standard and readily recognizable means of identification of each person living within the state. The legislature further finds that the need for an identification file by law enforcement agencies must be met. The use of photographic drivers' licenses will greatly aid the problem, but some means of identification must be provided for persons who do not possess a driver's license. The purpose of this 1969 amendatory act is to provide for the positive identification of persons, both through an expanded use of drivers' licenses and also through issue of personal identification cards for nondrivers.

Sec. 2. Section 51, chapter 145, Laws of 1967 ex. sess., and RCW 46.20.115 are each amended to read as follows:

The department of motor vehicles shall (~~at the option of a driver-license-applicant~~) issue a driver's license containing a photograph of the applicant for an additional fee of (~~one dollar~~) fifty cents. Such fee shall be deposited in the highway safety fund. The department shall not adopt any photographic processes incompatible with its pre-bill system of issuing driver's licenses.

NEW SECTION. Sec. 3. The department shall plainly label each license "not valid for identification purposes" where the applicant is unable to prove his or her identity commensurate to the regulations adopted by the director.

NEW SECTION. Sec. 4. The department shall issue "identcards", containing a picture, to nondrivers for a fee of three dollars, such

fee shall be deposited in the highway safety fund. To be eligible, each applicant shall produce evidence commensurate to the regulations adopted by the director that positively proves identity. The "identificard" shall be distinctly designed so that it will not be confused with the official driver license. The identicard shall be valid for five years.

NEW SECTION. Sec. 5. The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of motor vehicles as authorized by this 1969 amendatory act. The negative file shall become a part of the driver record file maintained by the department. It shall be available as a reference file to assist official governmental enforcement agencies in the identification of persons suspected of committing crimes.

NEW SECTION. Sec. 6. The rules and regulations adopted pursuant to this 1969 amendatory act shall be reasonable in view of the purposes to be served by this 1969 amendatory act.

NEW SECTION. Sec. 7. This 1969 amendatory act shall take effect September 1, 1969.

Passed the House April 16, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

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CHAPTER 156  
[House Bill No. 659]  
BUSINESS AND OCCUPATION, PUBLIC UTILITY  
TAXES--EXEMPTIONS--PAYMENTS OR  
CONTRIBUTIONS TO LOCAL GOVERNMENTS

AN ACT Relating to revenue and taxation; exempting amounts or value paid and contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation for capital purposes or for the payment of bonds issued for capital purposes from the provisions of chapters 82.04 and 82.16 RCW; and adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 15, Laws of 1961, and to chapters 82.04 and 82.16 RCW a new section to read as

follows:

The tax imposed by chapters 82.04 and 82.16 RCW shall not apply or be deemed to apply to amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the state of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes.

Service charges shall not be included in this exemption even though used wholly or in part for capital purposes.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 157  
[House Bill No. 392]  
MEDICAL REVIEW COMMITTEES--  
MEMBERS--ACTIONS AGAINST, IMMUNITY

AN ACT Relating to actions against medical review committees; and adding a new section to chapter 4.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.08 RCW a new section to read as follows:

Physicians licensed under chapters 18.71 or 18.57 RCW and dentists licensed under chapter 18.32 RCW who are members of review committees for medical or dental societies, and licensed hospitals, or committees whose duties require evaluation of credentials and qualifications of physicians and dentists shall be immune from civil action for damages arising out of the performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

Passed the House April 16, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 158  
[Engrossed Senate Bill No. 217]  
LANDSCAPE ARCHITECTURE

AN ACT Relating to landscape architecture; providing for the licensing and registration of landscape architects; and providing penalties.

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

NEW SECTION. Section 1. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture for hire, shall be required to submit evidence that he is qualified so to practice and shall be registered under the provisions of this act.

NEW SECTION. Sec. 2. It shall be unlawful for any person to use, or advertise the title landscape architect, landscape architecture, or landscape architectural, unless such person has duly registered under the provisions of this act.

NEW SECTION. Sec. 3. The following words and phrases as hereinafter used in this act shall have the following meanings:

"Director" means the director of motor vehicles of the state of Washington.

"Board" means the state board of registration for landscape architects.

"Landscape architect" means a person who engages in the practice of landscape architecture as hereinafter defined. A person practices landscape architecture within the meaning and intent of this act who performs for hire professional services such as consultations, investigations, reconnaissance, research, planning, design or teaching supervision in connection with the development of land areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, or natural drainage and erosion

control. This practice shall include the location, design, and arrangement of such tangible objects as pools, walls, steps, trellises, canopies, and other nonhabitable structures, and such features as are incidental and necessary to the purposes outlined herein. It involves the design and arrangement of land forms and the development of outdoor space including, but not limited to, the design of public parks, playgrounds, cemeteries, home and school grounds, and the development of industrial and recreational sites.

NEW SECTION. Sec. 4. There is created a state board of registration for landscape architects. The board shall consist of three landscape architects and two members from closely related professions and/or trades. Members of the board shall be appointed by the governor and must be residents of this state having the qualifications required by this act.

Members of the board must, while serving on the board, be actively engaged in their profession or trade and, immediately preceding appointment, have had at least five years experience in responsible charge of work or teaching within their profession or trade.

NEW SECTION. Sec. 5. The members of the first board shall serve for the following terms:

One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years from the date of appointment or until successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years, or until his successor has been appointed and qualified: PROVIDED, That no member shall serve more than ten consecutive years.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment

for the unexpired term. In carrying out the provisions of this act, the members of the board shall receive twenty five dollars per day as compensation and shall be reimbursed for expenses according to the provisions of RCW 43.03.050 and 43.03.060, such funds to be provided from the landscape architects' account in the state general fund.

NEW SECTION. Sec. 6. The board shall adopt rules for its own organization and procedure and such other rules as it may deem necessary to the proper performance of its duties. Three members of the board shall constitute a quorum for the conduct of any business of the board.

The board may conduct hearings concerning alleged violations of the provisions of this act. In conducting such hearings the chairman of the board, or any member of the board acting in his place, may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, and require the production of books, records, papers and documents. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or to produce any books, records, papers or documents so required to be produced, the board may present its petition to the superior court of the county in which such person resides, setting forth the facts, and thereupon the court shall, in any proper case, enter a suitable order compelling compliance with the provisions of this act and imposing such other terms and conditions as the court may deem equitable.

NEW SECTION. Sec. 7. The following will be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional landscape architect.

The applicant must have completed a course of study in landscape architecture and have been graduated from a college or school approved by the board as offering a curriculum in landscape architecture, or the equivalent thereof, in any form of training, as determined by the board. Each complete year of study in any registered college or school of landscape architecture may be accepted in

lieu of one year of equivalent training.

He must have a minimum of seven years in any combination of training and experience, and shall present proof to the director of passing such written examinations as may be prescribed by the board.

Registration under this act shall be on an individual, personal basis, and the director shall not register any firm, company, partnership, corporation, nor any public agency. Corporate practice is not permitted under the provisions of this act.

NEW SECTION. Sec. 8. Application for registration shall be filed with the director prior to the date set for examination and shall contain statements made under oath showing the applicant's education and a detailed summary of his practical experience, and shall contain not less than five references, of whom three or more shall be landscape architects having personal knowledge of his landscape architectural experience.

The application fee shall be forty dollars: PROVIDED, That twenty dollars shall accompany the application as a nonrefundable examination fee, and twenty dollars for issuance of the certificate.

The application fee for reexamination shall be forty dollars of which twenty dollars shall be nonrefundable and twenty dollars payable for issuance of the certificate, and must be filed with the director not less than six days prior to the date set for examination.

At any time within the first two years following the effective date of this act, the board shall certify for registration, without examination, any applicant who submits proof that he has had at least a combination of education and experience substantially equivalent to six years of practice in landscape architecture prior to the effective date of this act.

NEW SECTION. Sec. 9. Examinations of applicants for certificates of registration shall be held at least annually or at such times and places as the board may determine. The board shall determine from the examination and the material submitted with the applications whether or not the applicants possess sufficient knowledge,

ability and moral fitness to safely and properly practice landscape architecture and to hold themselves out to the public as persons qualified for that practice.

The scope of the examination and methods of procedure shall be prescribed by the board with special reference to landscape construction materials and methods, grading and drainage, plant materials suited for use in the northwest, specifications and supervisory practice, history and theory of landscape architecture relative to landscape architectural design, site planning and land design, subdivision, urban design, and a practical knowledge of botany, horticulture and similar subjects related to the practice of landscape architecture.

Applicants who fail to pass any subjects shall be permitted to retake the examination in the subjects failed, a minimum passing grade in each subject shall be seventy percent with an average in all subjects of seventy-five percent. A passing grade in any subject area shall exempt the applicant from examination in that subject for five years: PROVIDED, That failure to complete successfully the entire examination within five years will result in requiring a retake of the entire examination. A certificate of registration shall be granted by the director to all qualified applicants who shall be certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

NEW SECTION. Sec. 10. The director may, upon payment of a filing and investigation fee including the current registration fee in amount as determined by the board, grant a certificate or registration without examination to any applicant who is a registered landscape architect in any other state or country whose requirements for registration are at least substantially equivalent to the requirements of this state for registration by examination, and which extends the same privileges of reciprocity to landscape architects registered in this state.

NEW SECTION. Sec. 11. Certificates of registration shall ex-

pire on the last day of June following their issuance or renewal. The board shall set the yearly fee for renewal which shall not be less than fifty dollars. Renewal may be effected during the month of June by payment to the director of the required fee.

In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee at the discretion of the board: PROVIDED, That any registrant in good standing, upon fully retiring from landscape architectural practice, may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee. Any registrant, other than a properly withdrawn licensee, who fails to renew his registration for a period of one year may reinstate only on reexamination as is required for new registrants.

NEW SECTION. Sec. 12. The director may refuse to renew, or may suspend or revoke, a certificate of registration to use the titles landscape architect, landscape architecture, or landscape architectural in this state upon the following grounds:

- (1) The holder of the certificate of registration is impersonating a practitioner or former practitioner.
- (2) The holder of the certificate of registration is guilty of fraud, deceit, gross negligence, gross incompetency or gross misconduct in the practice of landscape architecture.
- (3) The holder of the certificate of registration permits his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by employees subject to his direction and control.
- (4) The holder of the certificate has committed fraud in applying for or obtaining a certificate.

NEW SECTION. Sec. 13. Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing and shall be sworn

to by the person making them and shall be filed with the director.

All charges unless dismissed by the director as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred.

Action of suspension, revocation, or refusal to renew, by the director, shall be based upon the findings of the board after charges and evidence in support thereof have been heard and determined.

NEW SECTION. Sec. 14. Upon the recommendations of the board, the director may restore a license to any person whose license has been suspended or revoked. Application for the reissuance of a license shall be made in such a manner as indicated by the board.

A new certificate of registration to replace any certificate lost or destroyed, or mutilated may be issued by the director, and a charge of one dollar shall be made for such issuance.

NEW SECTION. Sec. 15. The director shall issue a certificate of registration upon payment of the registration fee as provided in this act to any applicant who has satisfactorily met all requirements for registration. All certificates of registration shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman and the secretary of the board, and by the director.

Each registrant shall obtain a seal of a design authorized by the board, bearing the registrant's name and the legend, "registered landscape architect." All sheets of drawings and title pages of specifications prepared by the registrant shall be stamped with said seal.

NEW SECTION. Sec. 16. It shall be unlawful for anyone to stamp or seal any document with the seal after the certificate of registrant named thereon has expired or been revoked, or while the certificate is suspended.

NEW SECTION. Sec. 17. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

NEW SECTION. Sec. 18. The board is authorized to apply for

relief by injunction without bond to restrain a person from the commission of any act which is prohibited by this act. The members of the board shall not be personally liable for their action in any such proceeding or in any other proceeding instituted by the board under the provisions of this act. The board, in any proper case, shall cause prosecution to be instituted in any county or counties where any violation of this act occurs, and shall aid in the prosecution of the violator.

NEW SECTION. Sec. 19. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 16, 1969  
 Passed the House April 10, 1969  
 Approved by the Governor April 24, 1969  
 Filed in office of Secretary of State April 24, 1969

CHAPTER 159  
 [Engrossed Senate Bill No. 228]  
 PUBLIC ASSISTANCE--FUNERAL EXPENSES

AN ACT Relating to public assistance; and amending section 74.08.120, chapter 26, Laws of 1959, as amended by section 1, chapter 102, Laws of 1965 ex. sess. and RCW 74.08.120.

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

Section 1. Section 74.08.120, chapter 26, Laws of 1959 as amended by section 1, chapter 102, Laws of 1965 ex. sess. and RCW 74.08.120 are each amended to read as follows:

The term "funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services, including necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

The department is hereby authorized through the county offices to assume responsibility for the funeral of deceased persons dying without assets sufficient to pay for the minimum standard funeral herein provided: PROVIDED, HOWEVER, That the director may furnish funeral assistance in other cases if the assets are left to a sur-

living spouse and/or to minor children and if the assets are re-sources permitted to be owned by or available to an eligible applicant or recipient under RCW 74.04.005, and the department shall there-by have a lien against said assets valid for six years from the date of filing with the ((~~county clerk~~)) county auditor and such lien claim shall have preference to all other claims except prior secured creditors. If the assets remain exempt, or if no probate is commenced, the lien shall automatically terminate without further action six years after filing. If the deceased person is survived by a spouse or is a minor child survived by his parent or parents, the department may take into consideration the assets of such surviving spouse, parent, or parents in determining whether or not the department will assume responsibility for the funeral.

The department shall not pay more than cost for a minimum standard service rendered by each vendor. Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state departments, agencies and commissions. The payments made by the department shall not be subject to supplementation by the relatives or friends of recipients. Whenever relatives or friends provide for other than the minimum standard service authorized, the state shall not participate in the payment of any part of the cost.

Passed the Senate April 16, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 160  
[Engrossed Substitute Senate Bill No. 355]  
STATE-OWNED PROPERTY--REGULATIONS  
FOR PUBLIC USE--PENALTY--COMMISSIONER  
OF PUBLIC LANDS, POLICE POWERS

AN ACT Relating to rules, regulations, statutes and ordinances govern-ing use by the public of state-owned lands and property; pro-viding for enforcement; adding a new section to chapter 43.30

RCW; and prescribing criminal penalties.

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

NEW SECTION. Section 1. There is added to chapter 43.30 RCW a new section 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.

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.

Passed the Senate April 16, 1969

Passed the House April 9, 1969

Approved by the Governor April 24, 1969

Filed in office of Secretary of State April 24, 1969

CHAPTER 161  
[Engrossed Senate Bill No. 413]  
TUBERCULOSIS CONTROL

AN ACT Relating to tuberculosis hospitals or facilities; amending section 3, chapter 4, Laws of 1953 ex. sess. as amended by section 18, chapter 54, Laws of 1967, and RCW 70.32.080; and adding a new section to chapter 70.32 RCW.

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

Section 1. Section 3, chapter 4, Laws of 1953 ex. sess. as amended by section 18, chapter 54, Laws of 1967, and RCW 70.32.080, are each amended to read as follows:

The state director of health shall annually review the tuberculosis hospitalization program in the state to determine if, through the transfer of tuberculosis patients from one tuberculosis hospital

or facility into another tuberculosis hospital or facility which maintains good standards of medical care as determined by the state department of health, taking into consideration the welfare of the patients concerned, and the geographic distribution and availability of existing tuberculosis hospitals and facilities, a financial savings will result to the state for tuberculosis control. Prior to giving notice of the proposed transfer, the director of health shall conduct a public hearing in the county in which the tuberculosis hospital or facility is located from which the tuberculosis patients are to be transferred; thirty days' notice of such hearing shall be given by the director of health to the affected hospital and the general public. If the director of health shall determine after the hearing that (1) the welfare of the patient will not be adversely affected, and that (2) financial savings will result to the state, he shall notify the county requesting that such transfer be effectuated within a reasonable time but not to exceed one year from the date of such notification: PROVIDED, That if the said county refuses to make such transfers, the director of health shall not allocate any state funds for tuberculosis control to said county: PROVIDED FURTHER, That the department of health shall always provide state funds for tuberculosis control to a minimum of two tuberculosis hospitals or facilities to be located as specified in section 2 of this 1969 amendatory act.

NEW SECTION. Sec. 2. There is added to chapter 70.32 RCW a new section to read as follows:

The department of health is required and shall provide state funds for tuberculosis control to a minimum of two tuberculosis hospitals or facilities to be located as hereafter specified in this section; one to be located in western Washington west of the Cascade mountains and the other to be located in a county east of the Cascade mountains: PROVIDED, That nothing in this 1969 amendatory act shall be construed to relieve counties from the obligation to provide moneys for tuberculosis control pursuant to RCW 70.32.010 as now law or here-

after amended.

Passed the Senate April 17, 1969  
Passed the House April 11, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 162  
[Engrossed Senate Bill No. 514]  
GREEN RIVER GORGE  
CONSERVATION AREA

AN ACT Relating to state parks and recreation; establishing Green River Gorge conservation area; and providing for the acquisition of certain lands for parks and conservation purposes.

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

NEW SECTION. Section 1. The Green River Gorge, between the town of Kanasket and the Kummer bridge in King county, is a twelve mile spectacularly winding gorge with steep to overhanging rock walls reaching heights of from one hundred fifty to three hundred feet. The beauty and natural features of the gorge are generally confined within the canyon rim. This twelve mile gorge area contains many examples of unique biological and geological features for educational and recreational interpretation, almost two miles of Eocene sediment rocks and fossils are exposed revealing one of the most complete stratigraphic sections to be found in the region. The area, a unique recreational attraction with more than one million seven hundred thousand people living within an hour's driving time, is presently used by hikers, geologists, fishermen, kayakers and canoeists, picnickers and swimmers, and those seeking the solitude offered by this unique area. Abutting and adjacent landowners generally have kept the gorge lands in their natural state; however, economic and urbanization pressures for development are rapidly increasing. Local and state outdoor recreation plans show a regional need for resources and facilities which could be developed in this area. A twelve mile strip incorporating the visual basins of the Green River from the Kummer bridge to Palmer needs to be acquired and developed as a conservation area to preserve this unique area for the recreational needs of the region.

NEW SECTION. Sec. 2. There is hereby created a Washington state parks and recreation commission conservation area to be known as "Green River Gorge conservation area".

NEW SECTION. Sec. 3. In addition to all other powers and duties prescribed by law, the state parks and recreation commission is authorized and directed to acquire such real property, easements, or rights in the Green River gorge in King county, together with such real property, easements, and rights as is necessary for such park and conservation purposes in any manner authorized by law for the acquisition of lands for parks and parkway purposes. Except for such real property as is necessary and convenient for development of picnicking or camping areas and their related facilities, it is the intent of this section that such property shall be acquired to preserve, as much as possible, the gorge within the canyon rim in its natural pristine state.

NEW SECTION. Sec. 4. Nothing herein shall be construed as authorizing or directing the state parks and recreation commission to acquire any real property, easements, or rights in the Green River gorge in King county which are now held by any state agency for the purposes of outdoor recreation, conservation, fish, or wildlife management or public hunting or fishing without the approval of such agency.

Passed the Senate April 16, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

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CHAPTER 163  
[Engrossed Senate Bill No. 539]  
NONPROFIT CORPORATIONS

AN ACT Relating to nonprofit corporations; amending section 11, chapter 235, Laws of 1967 and RCW 24.03.050; amending section 51, chapter 235, Laws of 1967 and RCW 24.03.250; amending section 52, chapter 235, Laws of 1967 and RCW 24.03.255; amending section 67, chapter 235, Laws of 1967 and RCW 24.03.330; amending section 82, chapter 235, Laws of 1967 and RCW 24.03.405; amending section 83, chapter 235, Laws of 1967 and RCW 24.03-

.410; amending section 85, chapter 235, Laws of 1967 and RCW 24.03.420; amending section 98, chapter 235, Laws of 1967 and RCW 24.03.915; and adding a new section to chapter 235, Laws of 1967 and to chapter 24.03 RCW.

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

Section 1. Section 11, chapter 235, Laws of 1967 and RCW 24-.03.050 are each amended to read as follows:

Each corporation shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office. The ~~((resident))~~ registered agent and registered office shall be designated by duly adopted resolution of the board of directors; and a verified statement of such designation, executed by the president or a vice president of the corporation, together with a copy of the board of directors' designating resolution certified as true by the secretary of the corporation, shall be filed with the secretary of state.

Sec. 2. Section 51, chapter 235, Laws of 1967 and RCW 24.03-.250 are each amended to read as follows:

A corporation may be dissolved involuntarily by a decree of the superior court in an action filed by the attorney general when it is established that:

(1) ~~((The corporation has failed to file its annual report within the time required by this chapter, or~~

~~{2}))~~ The corporation procured its articles of incorporation through fraud; or

~~((3))~~ (2) The corporation has continued to exceed or abuse

the authority conferred upon it by law (~~or~~

~~(4)--The corporation has failed for ninety days to appoint and maintain a registered agent in this state, or~~

~~(5)--The corporation has failed for ninety days after change of its registered agent to file in the office of the secretary of state a statement of such change)).~~

Sec. 3. Section 52, chapter 235, Laws of 1967 and RCW 24.03-.255 are each amended to read as follows:

The secretary of state (~~on or before the first day of October of each year, shall certify to the attorney general the names of all corporations which have failed to file their annual reports in accordance with the provisions of this chapter,--He~~) shall (~~also~~) certify, from time to time, the names of all corporations which have given (~~either~~) cause for dissolution as provided in this chapter, together with the facts pertinent thereto. Whenever the secretary of state shall certify the name of a corporation to the attorney general as having given any cause for dissolution, the secretary of state shall concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt of such certification, the attorney general shall file an action in the name of the state against such corporation for its dissolution. (~~Every such certificate from the secretary of state to the attorney general pertaining to the failure of a corporation to file an annual report shall be taken and received in all courts as prima facie evidence of the facts therein stated; if, before action is filed, the corporation shall file its annual report, or shall appoint or maintain a registered agent as provided in this chapter, shall file with the secretary of state the required statement of change of registered agent, such fact shall be forthwith certified by the secretary of state to the attorney general and he shall not file an action against such corporation for such cause;--If, after action is filed, the corporation shall file its annual report, or shall appoint or maintain a registered agent as provided in this~~

~~chapter, or shall file with the secretary of state the required state-  
ment of change of registered agent, and shall pay the costs of such  
action; the action for such cause shall abate.)~~

Sec. 4. Section 67, chapter 235, Laws of 1967 and RCW 24.03-.330 are each amended to read as follows:

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

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

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

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

(3) Issue a certificate of authority to conduct affairs in this state to which he shall affix the other duplicate original application.

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

Sec. 5. Section 82, chapter 235, Laws of 1967 and RCW 24.03.405 are each amended to read as follows:

The secretary of state shall charge and collect for:

(1) Filing articles of incorporation and issuing a certificate of incorporation, twenty dollars.

(2) Filing articles of amendment and issuing a certificate of amendment, ten dollars.

(3) Filing articles of merger or consolidation and issuing

a certificate of merger or consolidation, ten dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar.

(5) Filing articles of dissolution, five dollars.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, five dollars.

(8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars.

(11) Filing a certificate by a foreign corporation of the appointment of a ~~((resident))~~ registered agent, ~~((ten))~~ one ~~((dollars))~~ dollar.

(12) Filing a certificate by a foreign corporation of the revocation of the appointment of a ~~((resident))~~ registered agent, ~~((ten))~~ one ~~((dollars))~~ dollar.

(13) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, one dollar.

Sec. 6. Section 83, chapter 235, Laws of 1967 and RCW 24.03.410 are each amended to read as follows:

The secretary of state shall charge and collect:

(1) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, fifty cents per page and two dollars for the certificate and affixing the seal thereto.

(2) At the time of any service of process on him as

~~((resident))~~ registered agent of a corporation, two 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. 7. Section 85, chapter 235, Laws of 1967 and RCW 24.03.420 are each amended to read as follows:

~~((Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by this chapter--shall be subject to a penalty of five dollars to be assessed by the secretary of state.))~~

Each corporation, domestic or foreign, that fails or refuses to answer truthfully and fully within the time prescribed by this chapter interrogatories propounded by the secretary of state in accordance with the provisions of this chapter, shall be deemed to be guilty of a misdemeanor and upon conviction thereof may be fined in any amount not exceeding five hundred dollars.

Sec. 8. Section 98, chapter 235, Laws of 1967 and RCW 24.03.915 are each amended to read as follows:

The secretary of state shall notify all existing nonprofit corporations thirty days prior to the effective date of this chapter ~~((of the provisions herein requiring an annual report.--If such notification to any corporation from the secretary of state is returned unclaimed the corporation shall be dissolved by striking the name of such corporation from the records on file in the office of the secretary of state.~~

~~Corporations may be reinstated upon paying a five dollar fee in addition to any other fees that may be due or owing the secretary of state and filing its annual report)),~~ that in the event they fail to appoint a registered agent as provided in this 1969 amendatory act within ninety days following the effective date of this 1969 amendatory act, they shall thereupon cease to exist.

Corporations so dissolved by operation of law may be reinstated as provided elsewhere in this 1969 amendatory act.

NEW SECTION. Sec. 9. There is hereby added to chapter 235, Laws of 1967 and to chapter 24.03 RCW a new section to read as follows:

When a corporation:

- (1) Has failed to file its annual report within the time required by this 1969 amendatory act; or
- (2) Has failed for ninety days to appoint or maintain a registered agent in this state; or
- (3) Has failed for ninety days, after change of its registered agent, to file in the office of the secretary of state a statement of such change; the secretary of state shall notify the corporation by certified mail that it shall cease to exist if it does not perform the required act within thirty days. If the corporation fails to perform within thirty days following receipt of the letter, it shall automatically cease to exist.

A corporation which has ceased to exist by operation of this section may be reinstated within a period of three years following its dissolution by operation of law if it shall file its annual report or if it shall appoint or maintain a registered agent, or if it shall file with the secretary of state a required statement of change of registered agent and in addition, if it shall pay a reinstatement fee of five dollars plus any other fees that may be due and owing the secretary of state. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 24.03.300 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and members.

Passed the Senate April 17, 1969  
Passed the House April 11, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

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CHAPTER 164  
[House Bill No. 309]  
VENEREAL DISEASE--MINORS--  
TREATMENT, CONSENT, LIABILITY FOR PAYMENT

AN ACT Relating to public health; and providing for the care and pre-

vention of venereal disease in minors.

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

NEW SECTION. Section 1. A minor fourteen years of age or older who may have come in contact with any venereal disease or suspected venereal disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.

Passed the House April 16, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

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CHAPTER 165  
[Engrossed House Bill No. 408]  
JUVENILE COURT  
PROBATION SERVICES

AN ACT Relating to juvenile court probation services; authorizing the director of institutions to make payments of state funds to counties for special juvenile court probation supervision programs, providing procedures and requirements for county participation, formulas for payments to counties, promulgation of rules; and providing an effective date.

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

NEW SECTION. Section 1. It is the intention of the legislature in enacting this act to increase the protection afforded the citizens of this state, to permit a more even administration of justice in the juvenile courts, to rehabilitate juvenile offenders, and to reduce the necessity for commitment of juveniles to state juvenile correctional institutions by strengthening and improving the supervision of juveniles placed on probation by the juvenile courts of this state.

NEW SECTION. Sec. 2. From any state moneys made available

for such purpose, the state of Washington, through the department of institutions, shall, in accordance with this act, share in the cost of supervising probationers who could otherwise be committed by the juvenile courts to the custody of the director of the department of institutions, and who are granted probation and placed in "special supervision programs."

NEW SECTION. Sec. 3. The department of institutions shall adopt rules prescribing minimum standards for the operation of "special supervision programs" and such other rules as may be necessary for the administration of the provisions of this act. A "special supervision program" is one embodying a degree of supervision substantially above the usual or the use of new techniques in addition to, or instead of, routine supervision techniques, and which meets the standards prescribed pursuant to this section. Such standards shall be sufficiently flexible to foster the development of new and improved supervision practices. The director of institutions shall seek advice from appropriate county officials in developing standards and procedures for the operation of "special supervision programs".

NEW SECTION. Sec. 4. Any county may make application to the department of institutions in the manner and form prescribed by the department for financial aid for the cost of "special supervision programs". Any such application must include a plan or plans for providing special supervision of juveniles on probation and a method for certifying that moneys received are spent only for these "special supervision programs".

NEW SECTION. Sec. 5. No county shall be entitled to receive any state funds provided by this act until its application is approved, and unless and until the minimum standards prescribed by the department of institutions are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of institutions.

The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the director. The county and state population shall be that certified as of April 1st of each year by the planning and community affairs agency, or such successor agency as shall be given responsibility by the 1969 legislature for the census functions of chapter 43.62 RCW, such population figures to be provided to the director of institutions not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1).

(3) The amount that may be paid to a county pursuant to this act shall be the actual cost of the operation of a special supervision program or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The director of institutions will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this act based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made

by a county pursuant to this act, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns less than one-half of the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the director of the department of institutions, the director may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(6) Funds received by participating counties under this act shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

(7) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full-time additional probation officer unless the total number of juveniles placed on probation annually is twenty or fewer in which case the county may receive from the state one-half the salary of a full-time officer.

(8) In the event a county chooses the alternative proposal in subsection (7), it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and is paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by five per-

cent its own base commitment rate.

(9) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the director may make the computations and payments under this act as though the counties served with probation services were one geographical unit.

NEW SECTION. Sec. 6. The director of institutions may make pro rata payments to eligible counties for periods of less than one year, but for periods of not less than six months, upon satisfactory demonstration of a reduction in commitments in accordance with the provisions of this act and the regulations of the department of institutions.

NEW SECTION. Sec. 7. This act shall become effective on July 1, 1969.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 166  
[House Bill No. 465]  
STATE RESIDENTIAL SCHOOL RESIDENTS--  
PLACEMENT IN GROUP HOMES--SUPPORT

AN ACT Relating to mentally or physically deficient persons who are residents of state residential schools; amending section 72.33.160, chapter 28, Laws of 1959 and RCW 72.33.160; and providing an effective date.

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

NEW SECTION. Section 1. The department of institutions is authorized to pay for all or a portion of the costs of care, support and training of residents of state residential schools for the mentally and/or physically deficient persons who are placed in group homes, as hereinafter provided. "Mental deficiency" or "physical deficiency" for the purposes of this 1969 amendatory act shall have the same meaning as those terms are defined in RCW 72.33.020 as now or hereafter

amended.

NEW SECTION. Sec. 2. All payments made by the department of institutions in accordance with section 1 of this 1969 amendatory act shall, insofar as reasonably possible, be supplementary to payments to be made for the costs of care, support and training in a group home by the estate of such resident of the state residential school, or from any resource which such resident may have, or become entitled to, from any public, private, federal or state agency. Payments by the department of institutions under this act may, in its discretion, be paid directly to group homes, or to counties having created community boards for mental retardation services in accordance with the provisions of chapter 110, Laws of 1967 ex. sess.

NEW SECTION. Sec. 3. The department of institutions shall promulgate rules and regulations concerning the eligibility of residents of state schools for placement in group homes under the authority of this 1969 amendatory act, determination of ability of such persons or their estates to pay all or a portion of the cost of care, support and training, the manner and method of licensing or certification and inspection and approval of such group homes for placement under this 1969 amendatory act and procedures for the payment of costs of care, maintenance and training in group homes.

Such rules and regulations shall include standards for care, maintenance and training to be met by such group homes. In addition, the department of institutions shall be responsible for coordinating state activities and resources relating to group home placements to the end that state and local resources will be efficiently expended and an effective community-based group home program may be created.

Sec. 4. Section 72.33.160, chapter 28, Laws of 1959 and RCW 72.33.160 are each amended to read as follows:

Whenever in the judgment of the superintendent of any state school, the treatment and training of any resident has progressed to the point that it is deemed advisable to return such resident to the community, the superintendent may grant placement on such terms and

conditions as he may deem advisable after reasonable notice to and consultation with the parent entitled to custody or the acting guardian of such person.

Whenever any person who has been a resident of a state school leaves said school on placement, responsibility of the school to provide care, support or medical attention shall cease unless such person shall be returned to such state school or unless arrangements have been made either to assume special expenses of such person while on placement, or to assume all or a portion of the costs of care, support and training for such person while on placement in a group home.

The department of institutions shall periodically evaluate at reasonable intervals the adjustment of the resident to the placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement.

NEW SECTION. Sec. 5. This act shall become effective on July 1, 1969.

Passed the House April 16, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 167  
[Engrossed House Bill No. 466]  
LAW AGAINST DISCRIMINATION--  
REAL ESTATE TRANSACTIONS

AN ACT Relating to civil rights; amending section 1, chapter 183, Laws of 1949 as amended by section 1, chapter 37, Laws of 1957, and RCW 49.60.010; amending section 2, chapter 183, Laws of 1949 as amended by section 3, chapter 37, Laws of 1957, and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 1, chapter 103, Laws of 1961, and RCW 49.60.040; adding new sections to chapter 183, Laws of 1949 and to chapter 49.60 RCW; and repealing section 15, chapter 37, Laws of 1957, and RCW 49.60.217.

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

Section 1. Section 1, chapter 183, Laws of 1949 as amended by

section 1, chapter 37, Laws of 1957, and RCW 49.60.010 are each amended to read as follows:

This chapter shall be known as the "law against discrimination." It is an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in places of public resort, accommodation or amusement, and in ~~((publicly-assisted-housing))~~ real property transactions because of race, creed, color, or national origin; and the board established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. Section 2, chapter 183, Laws of 1949 as amended by section 3, chapter 37, Laws of 1957, and RCW 49.60.030 are each amended to read as follows:

The right to be free from discrimination because of race, creed, color, or national origin is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (1) The right to obtain and hold employment without discrimination;
- (2) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement;
- (3) The right to ~~((secure-publicly-assisted-housing))~~ engage in real estate transactions without discrimination.

Sec. 3. Section 3, chapter 183, Laws of 1949 as last amended by section 1, chapter 103, Laws of 1961, and RCW 49.60.040 are each

amended to read as follows:

As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

"Employer" includes any person acting in the interest of an employer, directly, or indirectly, who has eight or more persons in his employ, and does not include any religious or sectarian organization, not organized for private profit;

"Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

"Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

"National origin" includes "ancestry";

"Full enjoyment of" includes the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited;

"Any place of public resort, accommodation, assemblage or amusement" includes, but is not limited to, any place, licensed or

unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing herein contained shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything herein contained apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

~~( "Publicly-assisted-housing" includes any building, structure or portion thereof which is used or occupied or is intended to be used or occupied as the home, residence or sleeping place of one or more persons, and the acquisition, construction, rehabilitation, repair or maintenance of which is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency there-~~

~~of, or the state or any of its political subdivisions, or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly assisted only during the life of such loan and such guarantee or insurance, or if a commitment, issued by a government agency, is outstanding that the acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions, or any agency thereof,~~

~~"Owner" includes the owner, lessee, sublessee, assignee, agent, creditor, lender or other person having the right to ownership or possession of housing, or to have housing pledged as security for a debt.)~~

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental or lease of real property.

NEW SECTION. Sec. 4. There is added to chapter 183, Laws of 1949 and to chapter 49.60 RCW a new section to read as follows:

It is an unfair practice for any person, whether acting for himself or another, because of race, creed, color, or national origin:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;

(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

(6) To print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(7) To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(8) To expel a person from occupancy of real property; or

(9) To attempt to do any of the unfair practices defined in this section.

NEW SECTION. Sec. 5. There is added to chapter 183, Laws of 1949 and to chapter 49.60 RCW a new section to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color or national origin.

NEW SECTION. Sec. 6. There is added to chapter 183, Laws of 1949 and to chapter 49.60 RCW a new section to read as follows:

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy or lease thereof to individuals of a specified race, creed, color or national origin, and every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, or national origin, is

void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

NEW SECTION. Sec. 7. When a determination has been made under RCW 49.60.250 that an unfair practice involving real property has been committed, the board or its successor may, in addition to other relief authorized by RCW 49.60.250, award the complainant up to one thousand dollars for loss of the right secured by this act to be free from discrimination in real property transactions because of race, creed, color or national origin. Enforcement of the order and appeal therefrom by the complainant or respondent shall be made as provided in RCW 49.60.260 and 49.60.270.

NEW SECTION. Sec. 8. The board against discrimination or its successor and units of local government administering ordinances with provisions similar to the real estate provisions of the law against discrimination are authorized and directed to enter into cooperative agreements or arrangements for receiving and processing complaints so that duplication of functions shall be minimized and multiple hearings avoided. No complainant may secure relief from more than one instrumentality of state, or local government, nor shall any relief be granted by any state or local instrumentality if relief has been granted or proceedings are continuing in any federal agency, court, or instrumentality, unless such proceedings have been deferred pending state action.

NEW SECTION. Sec. 9. Section 15, chapter 37, Laws of 1957 and RCW 49.60.217 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 per-

sons or circumstances is not affected.

Passed the House April 16, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969.

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CHAPTER 168  
[Substitute House Bill No. 563]  
AIR POLLUTION CONTROL--WASHINGTON  
CLEAN AIR ACT AMENDED

AN ACT Relating to environmental quality; providing for the control of air pollution; amending section 1, chapter 238, Laws of 1967 and RCW 70.94.011; amending section 3, chapter 232, Laws of 1957 as last amended by section 1, chapter 61, Laws of 1967 ex. sess. and RCW 70.94.030; amending section 11, chapter 238, Laws of 1967 and RCW 70.94.068; amending section 12, chapter 238, Laws of 1967 and RCW 70.94.069; amending section 7, chapter 232, Laws of 1957 as amended by section 13, chapter 238, Laws of 1967 and RCW 70.94.070; amending section 14, chapter 238, Laws of 1967 and RCW 70.94.081; amending section 15, chapter 238, Laws of 1967 and RCW 70.94.091; amending section 16, chapter 238, Laws of 1967 and RCW 70.94.092; amending section 17, chapter 238, Laws of 1967 and RCW 70.94.093; amending section 18, chapter 238, Laws of 1967 and RCW 70.94.094; amending section 19, chapter 238, Laws of 1967 and RCW 70.94.095; amending section 20, chapter 238, Laws of 1967 and RCW 70.94.096; amending section 10, chapter 232, Laws of 1957 as amended by section 21, chapter 238, Laws of 1967 and RCW 70.94.100; amending section 12, chapter 232, Laws of 1957 as amended by section 23, chapter 238, Laws of 1967 and RCW 70.94.120; amending section 13, chapter 232, Laws of 1957 as amended by section 24, chapter 238, Laws of 1967 and RCW 70.94.130; amending section 25, chapter 238, Laws of 1967 and RCW 70.94.141; amending section 26, chapter 238, Laws of 1967 and RCW 70.94.142; amending section 27, chapter 238, Laws of 1967 and RCW 70.94.143; amending section 28, chapter 238, Laws of 1967 and RCW 70.94.151; amending section 29, chapter 238, Laws of 1967 and RCW 70.94.152;

amending section 17, chapter 232, Laws of 1957 as amended by section 30, chapter 238, Laws of 1967 and RCW 70.94.170; amending section 31, chapter 238, Laws of 1967 and RCW 70.94-.181; amending section 33, chapter 238, Laws of 1967 and RCW 70.94.205; amending section 34, chapter 238, Laws of 1967 and RCW 70.94.211; amending section 35, chapter 238, Laws of 1967 and RCW 70.94.221; amending section 36, chapter 238, Laws of 1967 and RCW 70.94.222; amending section 37, chapter 238, Laws of 1967 and RCW 70.94.223; amending section 23, chapter 232, Laws of 1957 as amended by section 38, chapter 238, Laws of 1967 and RCW 70.94.230; amending section 39, chapter 238, Laws of 1967 and RCW 70.94.231; amending section 24, chapter 232, Laws of 1957 as amended by section 41, chapter 238, Laws of 1967 and RCW 70.94.240; amending section 26, chapter 232, Laws of 1957 as amended by section 43, chapter 238, Laws of 1967 and RCW 70.94.260; amending section 1, chapter 188, Laws of 1961 as amended by section 44, chapter 238, Laws of 1967 and RCW 70.94.300; amending section 3, chapter 188, Laws of 1961 and RCW 70.94.320; amending section 46, chapter 238, Laws of 1967 and RCW 70.94.331; amending section 49, chapter 238, Laws of 1967 and RCW 70.94.334; amending section 50, chapter 238, Laws of 1967 and RCW 70.94.380; amending section 51, chapter 238, Laws of 1967 and RCW 70.94.385; amending section 52, chapter 238, Laws of 1967 and RCW 70.94.390; amending section 53, chapter 238, Laws of 1967 and RCW 70.94.395; amending section 54, chapter 238, Laws of 1967 and RCW 70.94.400; amending section 55, chapter 238, Laws of 1967 and RCW 70.94.405; amending section 56, chapter 238, Laws of 1967 and RCW 70.94.410; amending section 57, chapter 238, Laws of 1967 and RCW 70.94.415; amending section 58, chapter 238, Laws of 1967 and RCW 70.94.420; adding new sections to chapter 238, Laws of 1967 and to chapter 70.94 RCW; and repealing section 7, chapter 238, Laws of 1967 and RCW 70.94.061; repealing section 8, chapter 238, Laws of

1967 and RCW 70.94.062; repealing section 9, chapter 238, Laws of 1967 and RCW 70.94.064; repealing section 10, chapter 23, Laws of 1967 and RCW 70.94.066; providing penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 238, Laws of 1967 and RCW 70.94.011 are each amended to read as follows:

It is ((hereby)) declared to be the public policy of the state to secure and maintain such levels of air quality as will protect human health and safety, and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of its inhabitants, promote the economic and social development of the state and facilitate the enjoyment of the natural attractions of the state. The problems and effects of air pollution are frequently regional and interjurisdictional in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the buildup of air contaminants.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

It is also declared to be the public policy of the state to provide for the people of the populous metropolitan regions in the state the means of obtaining air pollution control not adequately provided by existing agencies of local government. For reasons of the present and potential dramatic growth in population, urbanization and industrialization, the special problem of air resource management, encompassing both corrective and preventive measures for the control of air pollution cannot be adequately met by the individual

towns, cities, and counties of many metropolitan regions.

In addition, the state is divided into two major areas, each having unique characteristics as to natural climactic and topographic features which may result in the different potentials for the accumulation and buildup of air contaminant concentrations. These two major areas are the area lying west of the Cascade Mountain crest and the area lying east of the Cascade Mountain crest. Within each of these major areas are regions which, because of the climate and topography and present and potential urbanization and industrial development may, through definitive evaluation be classed as regional air pollution areas.

To these ends it is the purpose of this chapter to provide for a coordinated state-wide program of air pollution prevention and control, for an appropriate distribution of responsibilities between the state, regional and local units of government, and for cooperation across jurisdictional lines in dealing with problems of air pollution.

Sec. 2. Section 3, chapter 232, Laws of 1957 as last amended by section 1, chapter 61, Laws of 1967 ex. sess. and RCW 70.94.030 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) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

(3) "Person" means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Board" means the board of directors of an authority (~~(ex a-regional-authority)~~).

(6) "Control officer" means the air pollution control officer of any (~~(city, town, county)~~) authority (~~(ex-regional-authority)~~).

(7) "State board" means the state air pollution control board, or any department or agency which by law shall succeed to its powers, duties and functions.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

~~((9) -- "Regional authority" means any regional air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries as provided in RCW 70.94.062.~~

~~(10))~~ (9) "Department" means the state department of health.

~~((11))~~ (10) "Ambient air" means the surrounding outside air.

~~((12))~~ (11) "Multicounty authority" means an authority (~~(other than a regional authority)~~) which consists of two or more counties.

(12) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants into the ambient air.

(13) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(14) "Air quality objective" means the concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which undesirable effects will not occur.

Sec. 3. Section 11, chapter 238, Laws of 1967 and RCW 70.94-.068 are each amended to read as follows:

The respective boards of county commissioners of two or more contiguous counties may merge any combination of their several inactive or activated authorities to form one activated multicounty

authority. Upon a determination that the purposes of this chapter will be served by such merger, each board of county commissioners may adopt the resolution providing for such merger. Such resolution shall become effective only when a similar resolution is adopted by the other contiguous county or counties comprising the proposed authority. The boundaries of such authority shall be coextensive with the boundaries of the counties within which it is located.

~~((Nothing in this section shall prevent any combination of the inactive or activated authorities located within the respective regional authorities as provided in RCW 70.94.062 from merging in accordance with this section to form an activated regional authority.))~~

Sec. 4. Section 12, chapter 238, Laws of 1967 and RCW 70.94-.069 are each amended to read as follows:

Whenever there occurs a merger of an inactive authority with an activated authority or authorities, or of two activated authorities to form a multicounty authority (~~(or a regional authority)~~), the board of directors shall be reorganized as provided in RCW 70.94.100, 70.94.110, and 70.94.120.

In the case of the merger of two or more activated authorities the rules and regulations of each authority shall continue in effect and shall be enforced within the jurisdiction of each until such time as the board of directors adopts rules and regulations applicable to the newly formed multicounty authority (~~(or regional authority)~~).

In the case of the merger of an inactive authority with an activated authority or authorities, upon approval of such merger by the board or boards of county commissioners of the county or counties comprising the existing activated authority or authorities, the rules and regulations of the activated authority or authorities shall remain in effect until superseded by the rules and regulations of the multicounty authority (~~(or regional authority)~~) as provided in RCW 70.94.230.

Sec. 5. Section 7, chapter 232, Laws of 1957 as amended by section 13, chapter 238, Laws of 1967 and RCW 70.94.070 are each

amended to read as follows:

The resolution or resolutions activating an air pollution authority (~~(or-a-regional-authority--as-the-case-may-be)~~); shall specify the name of the authority (~~(or-regional-authority)~~) and participating political bodies; the authority's (~~(or-regional-authority's)~~) principal place of business; the territory included within it; and the effective date upon which such authority (~~(or-regional-authority)~~) shall begin to transact business and exercise its powers. In addition, such resolution or resolutions may specify the amount of money to be contributed annually by each political subdivision, or a method of dividing expenses of the air pollution control program. Upon the adoption of a resolution or resolutions calling for the activation of an authority (~~(or-a-regional-authority)~~) or the merger of an inactive or activated authority or several activated authorities to form a multicounty authority (~~(or-a-regional-authority)~~), the governing body of each shall cause a certified copy of each such ordinance or resolution to be filed in the office of the secretary of state of the state of Washington. From and after the date of filing with the secretary of state a certified copy of each such resolution or resolutions, or the date specified in such resolution or resolutions, whichever is later, the authority (~~(or-regional-authority)~~) may begin to function and may exercise its powers.

Any authority (~~(or-regional-authority)~~) activated by the provisions of this chapter shall cause a certified copy of all information required by this section to be filed in the office of the secretary of the state of Washington.

Sec. 6. Section 14, chapter 238, Laws of 1967 and RCW 70.94-.081 are each amended to read as follows:

An activated authority (~~(or-an-activated-regional-authority)~~); shall be deemed a municipal corporation; have right to perpetual succession; adopt and use a seal; may sue and be sued in the name of the authority (~~(or-regional-authority)~~) in all courts and in all proceedings; and, may receive, account for and disburse funds, employ per-

sonnel, and acquire or dispose of any interest in real or personal property within or without the authority (~~(or-regional-authority)~~) in the furtherance of its purposes.

Sec. 7. Section 15, chapter 238, Laws of 1967 and RCW 70.94-.091 are each amended to read as follows:

An activated authority (~~(or-an-activated-regional-authority)~~) shall have the power to levy additional taxes in excess of the forty-mill limitation for any of the authorized purposes of such activated authority (~~(or-activated-regional-authority)~~), not in excess of one mill a year when authorized so to do by the electors of such authority (~~(or-regional-authority)~~) by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not more often than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the board, which special election may be called by the board, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing thereto to vote "No": PROVIDED, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said authority (~~(or-regional-authority)~~) who voted in the last preceding general election. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election. The expense of all special elections held pursuant to this section shall be paid by the authority (~~(or-regional-authority)~~).

Sec. 8. Section 16, chapter 238, Laws of 1967 and RCW 70.94-.092 are each amended to read as follows:

On or before the first Tuesday in September of each year, each activated authority (~~(or-activated-regional-authority)~~) shall adopt a budget for the following calendar year. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the pre-

ceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities, towns, and counties in the manner provided in this chapter. The affirmative vote of three-fourths of all members of the board shall be required to authorize emergency expenditures.

Sec. 9. Section 17, chapter 238, Laws of 1967 and RCW 70.94-.093 are each amended to read as follows:

(1) Each component city or town shall pay such proportion of the supplemental income to the authority (~~(or regional authority)~~) as determined by either one of the following prescribed methods or by a combination of fifty percent of one and fifty percent of the other as provided in subsection (1)(c) of this section:

(a) Each component city or town shall pay such proportion of the supplemental income as the assessed valuation of property within its limits bears to the total assessed valuation of taxable property within the activated authority (~~(or the activated regional authority)~~).

(b) Each component city or town shall pay such proportion of the supplemental income as the total population of such city or town bears to the total population of the activated authority (~~(or the activated regional authority)~~). The population of the city or town shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey.

(c) A combination of the methods prescribed in (a) and (b) of this subsection: PROVIDED, That such combination shall be of fifty percent of the method prescribed in (a) of this subsection and fifty percent of the method prescribed in (b) of this subsection.

(2) Each component county shall pay such proportion of such supplemental income to the authority (~~(or regional authority)~~) as determined by either one of the following prescribed methods or by a combination of fifty percent of one and fifty percent of the other as prescribed in subsection (2)(c) of this section:

(a) Each component county shall pay such proportion of such supplemental income as the assessed valuation of the property within the unincorporated area of such county lying within the activated authority (~~((or-activated-regional-authority))~~) bears to the total assessed valuation of taxable property within the activated authority (~~((or-activated-regional-authority))~~).

(b) Each component county shall pay such proportion of the supplemental income as the total population of the unincorporated area of such county bears to the total population of the activated authority (~~((or-the-activated-regional-authority))~~). The population of the county shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey.

(c) A combination of the methods prescribed in (a) and (b) of this subsection: PROVIDED, That such combination shall be of fifty percent of the method prescribed in (a) of this subsection and fifty percent of the method prescribed in (b) of this subsection.

(3) In making such determination of the assessed valuation of property in the component cities, towns and counties, the board shall use the last available assessed valuations. The board shall certify to each component city, town and county, prior to the fourth Monday in June of each year, the share of the supplemental income to be paid by such component city, town or county for the next calendar year. The latter shall then include such amount in its budget for the ensuing calendar year, and during such year shall pay to the activated authority (~~((or-activated-regional-authority))~~), in equal quarterly installments, the amount of its supplemental share.

Sec. 10. Section 18, chapter 238, Laws of 1967 and RCW 70.94-.094, are each amended to read as follows:

The treasurer of each component city, town or county shall create a separate fund into which shall be paid all money collected from taxes or from any other available sources, levied by or obtained for the activated authority (~~((or-activated-regional-authority))~~) on

property or on any other available sources in such city, town or county and such money shall be forwarded quarterly by the treasurer of each such city, town or county to the treasurer of the county designated by the board as the authority (~~(ex-the-regional-authority)~~) treasurer. The treasurer of the county so designated to serve as treasurer of the authority (~~(ex-the-regional-authority)~~) shall establish and maintain such funds as may be authorized by the board. Money shall be disbursed from such funds upon warrants drawn by the auditor of the county designated by the board as the authority (~~(ex-the-regional-authority)~~) auditor as authorized by the board. The respective county shall be reimbursed by the board for services rendered by the treasurer and auditor of the respective county in connection with the receipt and disbursement of such funds.

Sec. 11. Section 19, chapter 238, Laws of 1967 and RCW 70.94-.095 are each amended to read as follows:

It shall be the duty of the assessor of each component county to certify annually to the board the aggregate assessed valuation of all taxable property in all incorporated and unincorporated areas situated in any activated authority (~~(ex-activated-regional-authority)~~) as the same appears from the last assessment roll of his county.

Sec. 12. Section 20, chapter 238, Laws of 1967 and RCW 70.94-.096 are each amended to read as follows:

An activated authority (~~(ex-an-activated-regional-authority)~~) shall have the power when authorized by a majority of all members of the board to borrow money from any component city, town or county and such cities, towns and counties are hereby authorized to make such loans or advances on such terms as may be mutually agreed upon by the board and the legislative bodies of any such component city, town or county to provide funds to carry out the purposes of the activated authority (~~(ex-activated-regional-authority)~~).

Sec. 13. Section 10, chapter 232, Laws of 1957 as amended by section 21, chapter 238, Laws of 1967 and RCW 70.94.100 are each amended to read as follows:

(1) The governing body of each authority (~~(or regional authority)~~) shall be known as the board of directors.

(2) In the case of an authority comprised of one county the board shall be comprised of two appointees of the city selection committee as hereinafter provided, at least one of whom shall represent the city having the most population in the county, and two county commissioners to be designated by the board of county commissioners. In the case of an authority comprised of two or three counties, the board shall be comprised of one appointee of the city selection committee of each county as hereinafter provided, who shall represent the city having the most population in such county, and one county commissioner from each county to be designated by the board of county commissioners of each county making up the authority. In the case of an authority comprised of four or five counties, the board shall be comprised of one appointee of the city selection committee of each county as hereinafter provided who shall represent the city having the most population in such county, and one county commissioner from each county to be designated by the board of county commissioners of each county making up the authority. In the case of an authority comprised of six or more counties, the board shall be comprised of one county commissioner from each county to be designated by the board of county commissioners of each county making up the authority, and one appointee from each city with over one hundred thousand population to be appointed by the mayor and city council of such city.

~~((3) In the case of a regional authority comprised of those counties as defined in RCW 70.94.062, the board shall be comprised of these appointees and/or commissioners as provided in subsection (2) of this section.~~

~~(4))~~ (3) If the board of an authority (~~(or a regional authority)~~) otherwise would consist of an even number, the members selected as above provided shall agree upon and elect an additional member who shall be either a member of the governing body of one of the towns, cities or counties comprising the authority (~~(or regional authority)~~),

or a private citizen residing in the authority (~~(or-regional-authority)~~). All board members shall hold office at the pleasure of the appointing body.

Sec. 14. Section 12, chapter 232, Laws of 1957 as amended by section 23, chapter 238, Laws of 1967 and RCW 70.94.120 are each amended to read as follows:

The city selection committee of each county which is included within an authority (~~(or-a-regional-authority)~~) shall meet within one month after the activation of such authority (~~(or-regional-authority)~~) for the purpose of making its initial appointments to the board of such authority (~~(or-regional-authority)~~) and thereafter whenever necessary for the purpose of making succeeding appointments. All meetings shall be held upon at least two weeks written notice given by the county auditor to each member of the city selection committee of each county and he shall give such notice upon request of any member of such committee. A similar notice shall be given to the general public by a publication of such notice in a newspaper of general circulation in such authority (~~(or-regional-authority)~~). The county auditor shall act as recording officer, maintain its records and give appropriate notice of its proceedings and actions.

Sec. 15. Section 13, chapter 232, Laws of 1957 as amended by section 24, chapter 238, Laws of 1967 and RCW 70.94.130, are each amended to read as follows:

The board shall exercise all powers of the authority (~~(or-regional-authority)~~) except as otherwise provided. The board shall conduct its first meeting within thirty days after all of its members have been appointed or designated as provided in RCW 70.94.100. A majority of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary. Any member of the board may designate a regular alternate to serve on the board in his place with the same authority as the member when he is unable to attend. Each member

of the board, or his representative, shall receive from the authority (~~(or regional authority)~~) twenty-five dollars per day compensation (but not to exceed one thousand dollars per year) for each full day spent in the performance of his duties under this chapter, plus the actual and necessary expenses incurred by him in such performance. The board may appoint an executive director, and any other personnel, and shall determine their salaries, and pay same, together with any other proper indebtedness, from authority (~~(or regional authority)~~) funds.

Sec. 16. Section 25, chapter 238, Laws of 1967 and RCW 70.94-.141 are each amended to read as follows:

The (~~(governing body of any city, town or county, the)~~) board of any activated authority (~~(or activated regional authority)~~) in addition to any other powers vested in them by law, (~~(each)~~) shall have power to:

(1) Adopt, amend and repeal its own ordinances, resolutions, or rules and regulations, as the case may be, implementing this chapter and consistent with it, after consideration at a public hearing held in accordance with chapter 42.32 RCW.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of this chapter.

Sec. 17. Section 26, chapter 238, Laws of 1967 and RCW 70.94-.142 are each amended to read as follows:

In connection with the subpoena powers given in RCW 70.94-.141(2):

(1) In any hearing held under RCW 70.94.181, 70.94.221 and 70.94.333, the ((governing-body-of)) board or the state board, and

their authorized agents:

(a) shall issue a subpoena upon the request of any party and, to the extent required by rule or regulation, upon a statement or showing of general relevance and reasonable scope of the evidence sought;

(b) may issue a subpoena upon their own motion.

(2) The subpoena powers given in RCW 70.94.141(2) shall be state-wide in effect.

(3) Witnesses appearing under the compulsion of a subpoena in a hearing before ~~((a-governing-body-or))~~ the board or the state board shall be paid the same fees and mileage that are provided for witnesses in the courts of this state. Such fees and mileage, and the cost of duplicating records required to be produced by subpoena issued upon the motion of the ~~((governing-body))~~ board ~~((7))~~ or state board, shall be paid by the ~~((governing-body))~~ board ~~((7))~~ or state board. Such fees and mileage, and the cost of producing records required to be produced by subpoena issued upon the request of a party, shall be paid by that party.

(4) 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 the hearing, the ~~((governing-body))~~ board or state board shall file its written report thereof and proof of service of its subpoena, in any court of competent jurisdiction in the county where the examination, hearing or investigation is being conducted. Thereupon, the court shall forthwith cause the individual to be brought before it and, upon being satisfied that the subpoena is within the jurisdiction of the ~~((governing-body))~~ board or state board and otherwise in accordance with law, shall punish him as if the failure or refusal related to a subpoena from or testimony in that court.

(5) The state board may make such rules and regulations as to the issuance of its own subpoenas as are not inconsistent with the provisions of this chapter.

Sec. 18. Section 27, chapter 238, Laws of 1967 and RCW 70.94-.143 are each amended to read as follows:

~~((cities, towns, counties, activated authorities, and activated regional authorities))~~ Any authority exercising the powers and duties prescribed in this chapter may make application for, receive, administer, and expend any federal aid, under federal legislation from any agency of the federal government, for the prevention and control of air pollution or the development and administration of programs related to air pollution control and prevention, as permitted by RCW 70.94.141(12): PROVIDED, That any such application shall be submitted to and approved by the ~~((department))~~ state board. The ~~((department))~~ state board shall ~~((based upon such standards established by the state board))~~ adopt rules and regulations establishing standards for such approval and shall approve any such application, if it is consistent with this chapter, and any other applicable requirements of law.

Sec. 19. Section 28, chapter 238, Laws of 1967 and RCW 70.94-.151 are each amended to read as follows:

(1) The ~~((governing body of any city, town or county, or the))~~ board of any activated authority ~~((or activated regional authority))~~ or the state board, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such ~~((city, town, county))~~ authority, ~~((regional authority))~~ or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, reso-

lutions, rules or regulations of the state board or (~~of the governing-body-or~~) board of the (~~city-town-county~~) authority, (~~or regional-authority~~) require registration and reporting shall register therewith and make reports containing information as may be required by such state board or (~~governing-body-or~~) board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. The state board (~~or governing-body~~) or board may require that such registration be accompanied by a fee and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration program: PROVIDED FURTHER, That any such registration made with either the (~~governing-body-or~~) board or the state board shall preclude a further registration with any other (~~governing-body-or~~) board or the state board.

Sec. 20. Section 29, chapter 238, Laws of 1967 and RCW 70.94-.152 are each amended to read as follows:

(1) The state board (~~or the governing-body~~) or board of any authority (~~or regional-authority~~) may require notice of the construction, installation or establishment of new air contaminant sources specified by class or classes in its ordinances, resolutions, rules or regulations relating to air pollution. The state board (~~or the governing-body~~) or board may require such notice to be accompanied by a fee and determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee may not exceed the cost of reviewing the plans, specifications and other information and administering such notice: PROVIDED FURTHER, That any such notice given to either the (~~governing-body-or~~) board or to the state board shall preclude a further notice to be given to any other (~~governing-body-or~~) board to the state board. Within thirty days of its receipt of such notice, the state board (~~or the governing-body~~) or board may require, as a condition precedent to the construction, installation or

establishment of the air contaminant source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary in order to determine whether the proposed construction, installation or establishment will be in accord with applicable rules and regulations in force pursuant to this chapter. If within thirty days of the receipt of plans, specifications or other information required pursuant to this section the state board (~~or the governing body~~) or board determines that the proposed construction, installation or establishment will not be in accord with this chapter or the applicable ordinances, resolutions, rules and regulations adopted pursuant thereto, it shall issue an order for the prevention of the construction, installation or establishment of the air contaminant source or sources. Failure of such order to issue within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed: PROVIDED, That it is in accordance with the plans, specifications or other information, if any, required to be submitted.

(2) For the purposes of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source.

(3) Nothing in this section shall be construed to authorize the state board (~~or the governing body~~) or board to require the use of emission control equipment or other equipment, machinery or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

(4) Any features, machines and devices constituting parts of or called for by plans, specifications or other information submitted pursuant to subsection (1) hereof shall be maintained in good working order.

(5) The absence of an ordinance, resolution, rule or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his obligation to comply with any emission

control requirements or with any other provision of law.

Sec. 21. Section 17, chapter 232, Laws of 1957 as amended by section 30, chapter 238, Laws of 1967 and RCW 70.94.170 are each amended to read as follows:

Any (~~city, town, county~~) activated authority (~~or activated regional authority~~) which has adopted an ordinance, resolution, or valid rules and regulations as provided herein for the control and prevention of air pollution shall appoint a control officer, who shall observe and enforce the provisions of this chapter and all orders, ordinances, resolutions, or rules and regulations of such (~~city, town, county~~) activated authority (~~or activated regional authority~~) pertaining to the control and prevention of air pollution.

Sec. 22. Section 31, chapter 238, Laws of 1967 and RCW 70.94-.181 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the state board where it has regulatory authority under RCW 70.94.390, 70.94.395, 70.94.410, and 70.94.420, (~~or the governing body~~) or board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the state board (~~or the governing body~~) or board may require. The state board (~~or the governing body~~) or board may grant such variance, but only after public hearing or due notice, if it finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the state board (~~or governing body~~) or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the state board (~~(ex-governing-body)~~) or board may prescribe.

(b) If the application for variance shows that there is no automobile fragmentizer ~~((in the state))~~ within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the state board (~~(ex-governing-body)~~) may impose as to climatic conditions and hours during which burning of such hulks may be carried out: PROVIDED, HOWEVER, That any variance granted hereunder shall be of no force and effect after July 1, 1970.

(c) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the state board (~~(ex-governing-body)~~) or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(d) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in item (a), (b) and (c) of this subparagraph, it shall be

for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the state board (~~(ex-governing-body)~~) or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the state board (~~(ex-governing-body)~~) or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the state board (~~(ex-governing-body)~~) or board shall give public notice of such application in accordance with rules and regulations of the state board (~~(ex-governing-body)~~) or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the state board (~~(ex-governing-body)~~) or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the state board (~~(ex-governing-body)~~) or board may obtain judicial review thereof (~~(only)~~) under the provisions of (~~(this-chapter)~~) chapter 34-.04 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.

Sec. 23. Section 33, chapter 238, Laws of 1967 and RCW 70.94-.205 are each amended to read as follows:

Whenever any records or other information furnished to or obtained by the state board (~~(7-ex-by-the-governing-body-of-any-city, town-or-county)~~) or the board of any authority (~~(or-regional-authority)~~) pursuant to any sections in chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to

affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the state board (~~(ex-the-governing-body)~~) or board. Nothing herein shall be construed to prevent the use of records or information by the state board (~~(and the-governing-body)~~) or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section.

Sec. 24. Section 34, chapter 238, Laws of 1967 and RCW 70.94-.211 are each amended to read as follows:

Whenever the (~~(governing-body-ex)~~) board or the control officer has reason to believe that any provision of this chapter or any ordinance, (~~(regulation)~~) resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such (~~(governing-body-ex)~~) board or control officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the (~~(governing-body-ex)~~) board or the control officer may require that the alleged violator or violators appear before the (~~(governing-body-ex)~~) board for a hearing (~~(at-a-time-and place-specified-in-the-notice-given-at-least-fifteen-days-prior-to such-hearing-and-answer-the-charges-complained-of)~~) pursuant to the provisions of chapter 34.04 RCW as now or hereafter amended, or in addition to or in place of an order or hearing, the (~~(governing-body-ex)~~) board or control officer may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435.

Sec. 25. Section 35, chapter 238, Laws of 1967 and RCW 70.94-.221 are each amended to read as follows:

(1) Any order issued by the ~~((governing-body-or))~~ board or by the control officer, which is not preceded by a hearing, shall become final unless, no later than ~~((fifteen))~~ twenty days after the date the notice and order are served, the person aggrieved by the order petitions for a hearing before the ~~((governing-body-or))~~ board. Upon receipt of the petition, the ~~((governing-body-or))~~ board shall hold a hearing ~~((after-no-less-than-fifteen-days-prior-notice-to-petitioning-parties))~~ pursuant to the provisions of chapter 34.04 RCW as now or hereafter amended.

(2) If, after a hearing held as a result of a petition to the ~~((governing-body-or))~~ board by a person aggrieved by an order, the ~~((governing-body-or))~~ board finds that a violation has occurred or is occurring, it shall affirm or modify the order previously issued, or if the finding made is that no violation has occurred or is occurring, the order shall be rescinded. If, after a hearing held in lieu of an order, the ~~((governing-body-or))~~ board finds that a violation has occurred or is occurring, it shall issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective actions as may be appropriate. Any order issued as part of a notice or after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the emissions.

(3) ~~((In))~~ Any hearings held under this section or under RCW 70.94.181 ((+)) shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100 as now or hereafter amended.

~~((a)--The governing-body-or-board shall admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs--They shall give effect to the rules of privilege recognized by law--They shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence--~~

~~((b)--All evidence, including but not limited to records and~~

~~documents in the possession of the governing body or board of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.~~

~~(c) Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.~~

~~(d) The governing body or board may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The governing body or board may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.)~~

Sec. 26. Section 36, chapter 238, Laws of 1967 and RCW 70.94-.222 are each amended to read as follows:

Any order issued by the ((governing body or)) board after a hearing shall become final unless no later than thirty days after the issuance of such order, a petition requesting judicial review is filed ((in the superior court of the county in which the violation is alleged to have occurred or is alleged to be likely to occur)) in accordance with the provisions of chapter 34.04 RCW as now or hereafter amended. ~~((Such order shall then be subject to appeal and to trial de novo on the record in the superior court.))~~

Sec. 27. Section 37, chapter 238, Laws of 1967 and RCW 70.94-.223 are each amended to read as follows:

Any order of the control officer ~~((or the governing body))~~ or board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after

notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

Nothing in this chapter shall prevent the control officer (~~(or governing-body)~~) or board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

Sec. 28. Section 23, chapter 232, Laws of 1957 as amended by section 38, chapter 238, Laws of 1967 and RCW 70.94.230 are each amended to read as follows:

The rules and regulations hereafter adopted by an authority (~~(or a regional-authority)~~) under the provisions of this chapter shall supersede the existing rules, regulations, resolutions and ordinances of any of the component bodies included within said authority (~~(or regional-authority)~~) in all matters relating to the control and enforcement of air pollution as contemplated by this chapter: PROVIDED, HOWEVER, That existing rules, regulations, resolutions and ordinances shall remain in effect until such rules, regulations, resolutions and ordinances are superseded as provided in this section: PROVIDED FURTHER, That nothing herein shall be construed to supersede any local county, or city ordinance or resolution, or any provision of the statutory or common law pertaining to nuisance; nor to affect any aspect of employer-employee relationship relating to conditions in a place of work, including without limitation, statutes, rules or regulations governing industrial health and safety standards or performance standards incorporated in zoning ordinances or resolutions of the component bodies where such standards relating to air pollution control or air quality containing requirements not less stringent than those of the authority (~~(or regional-authority)~~).

Sec. 29. Section 39, chapter 238, Laws of 1967 and RCW 70.94-231 are each amended to read as follows:

Upon the date that an authority (~~(or a regional-authority)~~) begins to exercise its powers and functions, all districts formed as a district under chapter 70.94 RCW prior to June 8, 1967 which previously

were wholly or partially composed of one or more cities or towns located within such activated authority (~~(or-activated-regional-authority)~~) shall be considered to be dissolved but its rules and regulations in force on such date shall remain in effect until superseded by the rules and regulations of the authority (~~(or-regional-authority)~~) as provided in RCW 70.94.230. In such event, the board of any such district shall proceed to wind up the affairs of the district in the same manner as if the district were dissolved as provided in RCW 70.94.260.

Sec. 30. Section 24, chapter 232, Laws of 1957 as amended by section 41, chapter 238, Laws of 1967 and RCW 70.94.240 are each amended to read as follows:

~~(The-governing-body-of-any-city,-town-or-county-appointing-a-control-officer,-or)~~ The board of any authority (~~(or-regional-authority)~~) shall appoint an air pollution control advisory council to advise and consult with such (~~(body-or)~~) board, and the control officer in effectuating the purposes of this chapter. The council shall consist of five appointed members who are residents of the (~~(city,-town,-county,-authority-or-regional)~~) authority and who are preferably skilled and experienced in the field of air pollution control, two of whom shall serve as representatives of industry. (~~(The-mayor-of-such-city,-or-town,-the-chairman-of-the-board-of-county-commissioners-of-any-such-county,-or)~~) The chairman of the board of any such authority (~~(or-regional-authority,-as-the-case-may-be)~~) shall serve as ex officio member of the council and be its chairman. (~~(Council-members shall-serve-without-compensation-but-may-be-allowed-actual-expenses incurred-in-the-discharge-of-their-duties-)~~) Each member of the council shall receive from the authority per diem and travel expenses in an amount not to exceed that provided for the state board in this act (but not to exceed one thousand dollars per year) for each full day spent in the performance of his duties under this chapter.

Sec. 31. Section 26, chapter 232, Laws of 1957 as amended by section 43, chapter 238, Laws of 1967 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 ((7)) or an authority ((~~ex-regional-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 ((~~ex-regional-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 of each county comprising the authority ((~~ex-regional-authority~~)). In such event, the board shall proceed to wind up the affairs of the district ((7)) or authority ((~~ex-regional-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 ((~~ex-regional-authority~~)) in proportion to their last contribution. Upon the completion of the process of closing the affairs of the district((7)) or authority ((~~ex-regional-authority~~)), the board shall by resolution entered in its minutes declare the district dissolved or the authority ((~~ex-regional-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 ((~~ex-the-regional-authority~~)) shall be deemed inactive.

Sec. 32. Section 1, chapter 188, Laws of 1961 as amended by section 44, chapter 238, Laws of 1967, and RCW 70.94.300 are each amended to read as follows:

There is established in the department of health a state air pollution control board consisting of nine members to be appointed as follows: The state director of health shall be an ex officio member with vote and shall act as chairman of the state board; one member to be appointed by the governor who shall be representative of the public; one member to be alternately appointed by the governor from the faculty of the University of Washington or Washington State University,

with the advice of the president thereof; one member to be appointed by the governor who shall be representative of labor; one member to be appointed by the governor who shall either be the mayor, a member of the governing body or other official of an incorporated city or town in this state; one member to be appointed by the governor who shall be a member of the board of county commissioners or other official of one of the counties of this state; one agricultural representative to be appointed by the governor; two members to be appointed by the governor to represent the industries in this state most concerned with the problems of air pollution, no two appointees to be from the same general industrial category. The state board shall employ an executive director who shall be (~~selected from the staff of the state department of health~~) the administrator of air quality control activities for the state board.

The term of office of each appointed member of the state board shall be at the pleasure of the governor.

Five members of the state board shall constitute a quorum and the affirmative vote of a majority of the board shall be necessary for any action taken by the board. No vacancy in the membership of the state board shall impair the right of the quorum to exercise all rights and perform all the duties of the board. If a vacancy shall occur by death, resignation or otherwise of those appointed to the state board, the governor shall fill the same.

Sec. 33. Section 3, chapter 188, Laws of 1961 and RCW 70.94-.320 are each amended to read as follows:

Members of the state board shall serve without compensation (~~other than reimbursement for their actual and necessary expenses while attending meetings of the board and for such other expenses incurred in the performance of their duties as approved by a majority of the board~~) but shall be reimbursed twenty-five dollars per diem for each day or portion thereof spent in serving as members of the board, and shall be paid their necessary traveling expenses while engaged, in business of the board as prescribed in chapter 43.03 RCW.

The director of health shall receive subsistence and travel allowances in accordance with the provisions of RCW 43.03.050 and 43.03-.060.

Sec. 34. Section 46, chapter 238, Laws of 1967 and RCW 70.94-.331 are each amended to read as follows:

(1) The state board shall have all the powers as provided in RCW 70.94.141.

(2) The state board, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapter 42.32 RCW (~~(7-may)~~) and chapter 34.04 RCW shall:

(a) Adopt ((ambient-air-quality-goals)) rules and regulations establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, but in no event may less stringent standards be enacted by an authority without the prior approval of the state board after public hearing and due notice to interested parties;

(c) Adopt by rule and regulation ((requirements)) air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter.

(3) The ((ambient)) air quality ((goals-and-requirements)) standards and emission standards ((for-the-control-or-prohibition-of-emissions)) may be for the state as a whole or may vary from area to area, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or reasonable foreseeable air pollution, topographic and

meteorologic conditions and other pertinent variables.

(4) The state board is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The state board is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

(6) The state board ((may)) shall enforce the ~~((requirements for the control or prohibitions of emissions under the conditions and in such areas as provided in RCW 70.94.390, 70.94.395, and 70.94.410))~~ air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The state board ((may)) shall encourage local units of government to handle air pollution problems within their respective jurisdictions, and, on a cooperative basis ((, and to)) provide technical and consultative assistance therefor.

(8) The state board shall have the power to require the addition to or deletion of a county from an existing authority in order to carry out the purposes of this 1969 amendatory act: PROVIDED, HOWEVER, That no such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.04 RCW.

Sec. 35. Section 49, chapter 238, Laws of 1967 and RCW 70.94-.334 are each amended to read as follows:

(1) In all instances where the state board or board of any authority is permitted or required to hold hearings under the provisions of this chapter, such hearings shall be held before the state board or board of any authority, or the state board or board of any authority may appoint a hearing officer, who shall be an attorney ad-

mitted to practice in the state.

(2) A duly appointed hearing officer shall have all the powers, rights and duties of the state board or board of any authority relating to the conduct of hearings.

(3) At the conclusion of a hearing at which he has presided, the hearing officer shall prepare written findings of fact and conclusions of law, and a recommended decision. Parties to the proceeding shall be notified of the (~~recommended~~) proposed decision (~~in person or by mail. A copy of the decision and accompanying findings and conclusions shall be delivered or mailed to each party or to his attorney of record~~) as provided in RCW 34.04.110 through 34.04.120, as now or hereafter amended.

Sec. 36. Section 50, chapter 238, Laws of 1967 and RCW 70.94-.380 are each amended to read as follows:

(1) Every (~~city, town, county~~) activated authority (~~or activated regional 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 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 following demonstration to the satisfaction of the state board 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, 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 and applicable within the jurisdiction of the local or regional air pollution control district or authority.

Sec. 37. Section 51, chapter 238, Laws of 1967 and RCW 70.94-.385 are each amended to read as follows:

(1) Any ~~((activated))~~ authority ~~((or-activated-regional-authority))~~ may apply to the state board for state financial aid ~~((in an amount not to exceed fifty percent of the locally funded portion of the annual operating cost of such authority or regional authority))~~. The state board shall by rule and regulation establish the ratio of state funds to the local funds taking into consideration available federal and state funds. Any such aid shall be expended from the general fund from such appropriations as the legislature may provide for this purpose: PROVIDED, That federal funds shall be utilized to the maximum unless otherwise approved by the state board: PROVIDED FURTHER, That the ratio of state funds to local funds of the previous year shall not be changed without a public hearing held by the state board.

(2) Before any such application is approved and financial aid is given or approved by the state board, the ~~((city, town, county))~~ authority ~~((or-regional-authority))~~ shall demonstrate to the satisfaction of the state board that it is fulfilling the requirements of RCW 70.94.380, or, if the state board has not adopted ambient air quality ~~((goals-and-requirements))~~ standards and objectives as permitted by RCW 70.94.331, the ~~((city, town, county))~~ authority ~~((or-regional-authority))~~ shall demonstrate to the satisfaction of the state board that it is acting in good faith and doing all that is possible and reasonable to control and prevent air pollution within its jurisdictional boundaries and to carry out the purposes of this chapter.

(3) The state board shall adopt rules and regulations requiring the submission of such information by each authority including the submission of its proposed budget and a description of its pro-

gram in support of the application for state financial aid as necessary to enable the state board to determine the need for state aid.

Sec. 38. Section 52, chapter 238, Laws of 1967 and RCW 70.94-.390 are each amended to read as follows:

The state board may, at any time and on its own motion, hold a hearing to determine if the activation of an authority is necessary for the prevention, abatement and control of air pollution which exists or is likely to exist in any area of the state. Notice of such hearing shall be conducted in accordance with chapter 42.32 RCW (~~and notice shall be given at least twenty days but no more than sixty days before the time set for the hearing~~) and chapter 34.04 RCW. If at such hearing the state board finds that air pollution exists or is likely to occur in a particular area, and that the purposes of this chapter and the public interest will be best served by the activation of an authority (~~or a regional authority~~) it shall designate the boundaries of such area and set forth in a report to the appropriate county or counties recommendations for the activation of an authority (~~or a regional authority~~): PROVIDED, (~~however~~) That if at such hearing the state board determines that the activation of an authority (~~or a regional authority or the enactment of ordinances or resolutions relating to air pollution by individual cities, towns, or counties~~) is not practical or feasible for the reason that a local or regional air pollution control program cannot be successfully established or operated due to unusual circumstances and conditions, but that the control and/or prevention of air pollution is necessary for the purposes of this chapter and the public interest, it may assume jurisdiction and so declare by order. Such order shall designate the geographic area in which, and the effective date upon which, the state board will exercise jurisdiction for the control and/or prevention of air pollution. The state board shall exercise its powers and duties in the same manner as if it had assumed authority under RCW 70.94.410.

All expenses incurred by the state board in the control and prevention of air pollution in any county pursuant to the provisions

of RCW 70.94.390 and 70.94.410 shall constitute a claim against such county. The state board shall certify the expenses to the auditor of the county, who promptly shall issue his warrant on the county treasurer payable out of the current expense fund of the county. In the event that the amount in the current expense fund of the county is not adequate to meet the expenses incurred by the state board, the state board shall certify to the state treasurer that they have a prior claim on any money in the "liquor excise tax fund" that is to be apportioned to that county by the state treasurer as provided in RCW 82.08.170. In the event that the amount in the "liquor excise tax fund" that is to be apportioned to that county by the state treasurer is not adequate to meet the expenses incurred by the state board, the state board shall certify to the state treasurer that they have a prior claim on any excess funds from the liquor revolving fund that are to be distributed to that county as provided in RCW 66.08.190 through 66.08.220. All moneys that are collected as provided in this section shall be placed in the general fund in the account of the state air pollution control board.

Sec. 39. Section 53, chapter 238, Laws of 1967 and RCW 70.94-.395 are each amended to read as follows:

If the state board finds, after public hearing upon due notice to all interested parties, that the ~~((control-of))~~ emissions from a particular type or class of air contaminant source ~~((is-beyond-the-reasonable-capability-of-the-local-or-regional-air-pollution-control-agencies))~~ should be regulated on a state-wide basis in the public interest and for the protection of the welfare of the citizens of the state, it may ~~((,by-order,assume-and-retain-jurisdiction-over-that-type-or-class-of-air-contaminant-source,,-and-may))~~ adopt and enforce rules and regulations to control and/or prevent the emission of air contaminants from such source: PROVIDED, That an authority may, after public hearing and a finding by the board of a need for more stringent rules and regulations than those adopted by the state board under this section, propose the adoption of such rules and regulations by the

state board for the control of emissions from the particular type or class or air contaminant source within the geographical area of the authority. The state board shall hold a public hearing and shall adopt the proposed rules and regulations within the area of the requesting authority, unless it finds that the proposed rules and regulations are inconsistent with the rules and regulations adopted by the state board under this section: PROVIDED, FURTHER, That when such standards are adopted by the state board it shall delegate to the authority all powers necessary for their enforcement at the request of the authority: PROVIDED, That the state board may delegate the responsibility for the enforcement of such rules and regulations to any authority which it deems capable of enforcing such regulations: PROVIDED FURTHER, That if after public hearing the state board finds that the regulation on a state-wide basis of a particular type of class of air contaminant source is no longer required for the public interest and the protection of the welfare of the citizens of the state, the state board may relinquish exclusive jurisdiction over such source.

Sec. 40. Section 54, chapter 238, Laws of 1967 and RCW 70.94-.400 are each amended to read as follows:

If, at the end of ninety days after the state board issues a report as provided for in RCW 70.94.390, to appropriate county or counties recommending the activation of an authority (~~(or a regional authority)~~) such county or counties have not performed those actions recommended by the state board, and the state board is still of the opinion that the activation of an authority (~~(or regional authority)~~) is necessary for the prevention, abatement and control of air pollution which exists or is likely to exist, then the state board may, at its discretion, issue an order activating an authority (~~(or a regional authority)~~). Such order, a certified copy of which shall be filed with the secretary of state, shall specify the participating county or counties and the effective date by which the authority (~~(or regional authority)~~) shall begin to function and exercise its powers.

Any authority (~~(or regional authority)~~) activated by order of the state board shall choose the members of its board as provided in RCW 70.94.100 and begin to function in the same manner as if it had been activated by resolutions of the county or counties included within its boundaries. The state board may, upon due notice to all interested parties, conduct a hearing in accordance with chapter 42.32 and chapter 34.04 RCW within six months after the order was issued to review such order and to ascertain if such order is being carried out in good faith. At such time the state board may amend any such order issued if it is determined by the state board that such order is being carried out in bad faith or the state board may take the appropriate action as is provided in RCW 70.94.410.

Sec. 41. Section 55, chapter 238, Laws of 1967 and RCW 70.94-.405 are each amended to read as follows:

~~((At any time after a city, town or county has had in effect for no less than one year an ordinance or resolution dealing with the prevention, abatement or control of air pollution, or))~~ At any time after an authority (~~(or regional authority)~~) has been activated for no less than one year, the state board may, on its own motion, conduct a hearing held in accordance with chapter 42.32 RCW ~~((upon at least thirty days but no more than sixty days notice to the public))~~ and chapter 34.04 RCW, as now or hereafter amended to determine whether or not the air pollution prevention and control program of such ~~((city, town, county))~~ authority (~~(or regional authority)~~) is being carried out in good faith and is as effective as possible under the circumstances: PROVIDED, That no such hearing shall be held within one year of June 8, 1967. If at such hearing the board finds that such ~~((city, town, county))~~ authority (~~(or regional authority)~~) is not carrying out its air pollution control or prevention program in good faith, or is not doing all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction, it shall set forth in a report to the appropriate ~~((city, town, county))~~ authority (~~(or regional authority)~~): (1) Its recom-

mendations as to how air pollution prevention and/or control might be more effectively accomplished; and (2) guidelines which will assist the ((city,-town,-county)) authority ((ex-regional-authority)) in carrying out the recommendations of the state board.

Sec. 42. Section 56, chapter 238, Laws of 1967 and RCW 70.94-.410 are each amended to read as follows:

(1) If, after thirty days from the time that the state board issues a report or order to ((a-city,-town,-county)) an authority ((ex-regional-authority)) under RCW 70.94.400 and 70.94.405, such ((city,-town,-county)) authority ((ex-regional-authority)) has not taken any action which indicates that it is attempting in good faith to implement the recommendations or actions of the state board as set forth in the report or order, the state board may, by order, declare as null and void any or all ordinances, resolutions, rules or regulations of such ((city,-town,-county)) authority ((ex-regional-authority)) relating to the control and/or prevention of air pollution, and at such time the state board shall become the sole body with authority to make and enforce rules and regulations to the control and/or prevention of air pollution within the geographical area of such ((city,-town,-county)) authority ((ex-regional-authority)). In this connection the state board may assume all those powers which are given to it by law to effectuate the purposes of this chapter. The state board may, by order, continue in effect and enforce those provisions of the ordinances, resolutions, or rules and regulations of such ((city,-town,-county)) authority ((ex-regional-authority)) which are not less stringent than those requirements which the state board may have found applicable to the area under RCW 70.94.331 until such time as the board adopts its own rules and regulations. Any rules and regulations promulgated and any enforcement action, as provided in RCW 70.94.333, taken by the state board shall be subject to the provisions of chapter 34.04 RCW as it now appears or may hereinafter be amended and subject to RCW 70.94.425 and 70.94.435 to the extent that they are not inconsistent with chapter 34.04 RCW.

(2) No provision of this chapter is intended to prohibit any ~~((city, town, county))~~ authority ~~((ex-regional-authority))~~ from re-establishing its air pollution control program which meet with the approval of the state board and which complies with the purposes of this chapter and with applicable rules and regulations and orders of the state board.

(3) Nothing in this chapter shall prevent the state board from withdrawing the exercise of its jurisdiction over ~~((a-city, town, county))~~ an authority ~~((ex-regional-authority))~~ upon its own motion: PROVIDED, That the state board has found at a hearing held in accordance with chapter 42.32 RCW and chapter 34.04 RCW as now or hereafter amended, ~~((with-at-least-thirty-days-but-no-more-than-sixty-days-notice-to-the-public))~~ that the air pollution prevention and control program of such ~~((city, town, county))~~ authority ~~((ex-regional-authority))~~ will be carried out in good faith or that such program will do all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction. Upon the withdrawal of the state board, the state board shall prescribe certain recommendations as to how air pollution prevention and/or control is to be effectively accomplished and guidelines which will assist the ~~((city, town, county))~~ authority ~~((ex-regional-authority))~~ in carrying out the recommendations of the state board.

Sec. 43. Section 57, chapter 238, Laws of 1967 and RCW 70.94-.415 are each amended to read as follows:

(1) Any other provisions of law to the contrary notwithstanding, if the director of the state department of health finds that any person is causing or contributing to air pollution in any part of the state, regardless of whether or not such action is taking place within the geographical area of any ~~((city, town, county))~~ authority ~~((ex-regional-authority))~~ which has in force an air pollution control program, and that such pollution creates an emergency which requires immediate action to protect the public health or safety, the director may issue a written order to the person or persons responsible with-

out prior notice or hearing, directing and affording the person or persons responsible the alternative of either (a) immediately discontinuing or reducing emission of air contaminants or (b) appearing before the director (or state board) at the time and place specified in said written order for the purpose of a hearing pertaining to the alleged pollution in said written order. The responsible person or persons should be afforded not less than twenty-four hours notice of such a hearing. The order issued by the director (or state board) following such hearing shall be subject to judicial review pursuant to RCW 34.04.090 through 34.04.130. In the event that the responsible person or persons do not forthwith comply with the order issued by the director (or state board) following such hearing or timely seek judicial review thereof, the attorney general, upon request of the director (or state board), shall seek and obtain an order of the superior court of the county in which the violation took place directing compliance with the order of the commission.

(2) Nothing in this section shall be construed to limit any power which the governor or any other officer may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provision, or inheres in the office.

Sec. 44. Section 58, chapter 238, Laws of 1967 and RCW 70.94-.420 are each amended to read as follows:

(1) It is (~~hereby~~) declared to be the intent of the legislature of the state of Washington that any state department or agency having jurisdiction over any building, installation, or other property shall cooperate with the state board and with air pollution control agencies in preventing and/or controlling the pollution of the air in any area insofar as the discharge of the matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area. Such state department or agency shall comply with the provisions of this chapter and with any ordinance, resolution, rule or regulation issued hereunder in the same manner as

any other person subject to such laws, rules or regulations.

(2) In addition to its other powers and duties prescribed by law, the state board may establish classes of potential pollution sources for which any state department or agency having jurisdiction over any building, installation, or other property, which is not located within the geographical boundaries of any (~~city, town, county~~) authority (~~or regional authority~~) which has an air pollution control and/or prevention program in effect, shall, before discharging any matter into the air, obtain a permit from the state board for such discharge, such permits to be issued for a specified period of time to be determined by the state board and subject to revocation if the state board finds that such discharge is endangering the health and welfare of any persons. Such permits may also be required for any such building, installation, or other property which is located within the geographical boundaries of any (~~city, town, county~~) authority (~~or regional authority~~) which has an air pollution control and prevention program in effect if the standards set by the state board for state departments and agencies are more stringent than those of the (~~local or regional air pollution control agency~~) authority. In connection with the issuance of any permits under this section, there shall be submitted to the state board such plans, specifications, and other information as it deems relevant thereto and under such other conditions as it may prescribe.

NEW SECTION. Sec. 45. There is added to chapter 238, Laws of 1967 and to chapter 70.94 RCW a new section to read as follows:

It is declared to be the policy of the state of Washington through the state air pollution control board to cooperate with the federal government in order to insure the coordination of the provisions of the federal and state clean air acts, and the state air pollution control board is authorized and directed to implement and enforce the provisions of this 1969 amendatory act in carrying out this policy as follows:

(1) To accept and administer grants from the federal govern-

ment for carrying out the provisions of this 1969 amendatory act.

(2) To take all action necessary to secure to the state the benefits of the federal clean air act.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 238, Laws of 1967, and RCW 70.94.061;

(2) Section 8, chapter 238, Laws of 1967, and RCW 70.94.062;

(3) Section 9, chapter 238, Laws of 1967, and RCW 70.94.064;

and

(4) Section 10, chapter 238, Laws of 1967, and RCW 70.94.066.

Such repeals shall not be construed as affecting any authority in existence on the effective date of this 1969 amendatory act, nor as affecting any action, activities or proceedings initiated by such authority prior hereto, nor as affecting any civil or criminal proceedings instituted by such authority, nor any rule, regulation, resolution, ordinance, or order promulgated by such authority, nor any administrative action taken by such authority, nor the term of office, or appointment or employment of any person appointed or employed by such authority.

NEW SECTION. Sec. 47. It is the purpose of sections 48, 49, 50 and 51 of this 1969 amendatory act to allow the state board to establish air quality standards and emission standards by district in order that the proper growth and development of the metropolitan regions of the state may be assured and the health, safety and welfare of the people residing therein may be secured. In addition, sections 48, 49, 50 and 51 of this 1969 amendatory act are enacted to provide district offices of the state board to assist authorities in their efforts to suppress air pollution in the state.

NEW SECTION. Sec. 48. The state is hereby divided into five districts to carry out the purposes of sections 49, 50 and 51 of this act.

(1) The counties of Whatcom, Skagit, Snohomish, King, Pierce,

Thurston, Kitsap, Mason, Jefferson, Clallam, Island, San Juan, Grays Harbor and Pacific shall constitute the Puget Sound air pollution control district. The boundaries of such district shall be co-extensive with the boundaries of the counties therein.

(2) The counties of Wahkiakum, Lewis, Cowlitz, Clark and Skamania shall constitute the Southwestern Washington air pollution control district. The boundaries of such district shall be coextensive with the boundaries of the counties therein.

(3) The counties of Okanogan, Chelan, Douglas, Kittitas, Grant, Yakima and Klickitat shall constitute the Columbia Basin air pollution control district. The boundaries of such district shall be coextensive with the boundaries of the counties therein.

(4) The counties of Ferry, Stevens, Pend Oreille, Lincoln and Spokane shall constitute the Eastern Washington air pollution control district. The boundaries of such district shall be coextensive with the boundaries of the counties therein.

(5) The counties of Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, Whitman and Adams shall constitute the Southeastern Washington air pollution control district. The boundaries of such district shall be coextensive with the boundaries of the counties therein.

PROVIDED, That the state board shall have the power to require the deletion of any county from any district set forth above and its addition to another district after a public hearing held pursuant to the provisions of chapter 34.04 RCW: PROVIDED FURTHER, That no change in the composition of a district shall result in any authority being located in more than one district.

NEW SECTION. Sec. 49. District offices of the state board established by this 1969 amendatory act shall include an administrative division, a standards division, and an enforcement division. The duties of district offices established by this 1969 amendatory act shall be to assist authorities in their efforts to suppress air pollution in the state, to assist the state board in establishing air quality stan-

dards and minimum emission standards for the district, to insure the enforcement of such standards, to review and file for reference such reports as may be required of authorities in the district by this 1969 amendatory act or by the state board, and to discharge such other duties as may be designated by the state board.

NEW SECTION. Sec. 50. (1) A first class district is one having at least one million population.

(2) A second class district is one having less than one million population.

(3) The population of a district shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey.

NEW SECTION. Sec. 51. The state board shall establish a district office in all first class districts existing on July 1, 1969, and shall establish a district office, in any district which becomes a first class district after July 1, 1969, within sixty days after a determination in accordance with the provisions of section 50(3) of this 1969 amendatory act that it has at least one million population. In addition, the state board may establish district offices in second class districts at its discretion.

NEW SECTION. Sec. 52. All authorities in the state shall submit quarterly reports to the state board 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.

NEW SECTION. Sec. 53. In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW or any of the rules and regulations of the state board or the board shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be a separate and dis-

distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each 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 same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the executive director of the state board or the control officer of the authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the state board or board. The hearing shall be conducted pursuant to the provisions of chapter 34.04 RCW. If the amount of such penalty is not paid to the state board or the board within fifteen days after receipt of notice imposing the same, and a request for a hearing has not been made, the attorney general, upon the request of the executive director or the attorney for the authority, shall bring an action to recover such penalty in the superior court of the county in which the violation occurred. All penalties recovered under this section by the state board shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds.

To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this act which shall be enforced as provided in RCW 60-.36.050.

NEW SECTION. Sec. 54. 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 immediately.

Passed the House April 16, 1969

Passed the Senate April 8, 1969

Approved by the Governor April 24, 1969

Filed in office of Secretary of State April 24, 1969

CHAPTER 169  
[House Bill No. 155]  
MOTOR VEHICLES--GROSS WEIGHT  
FEES ON FARM TRUCKS

AN ACT Relating to motor vehicles; and amending section 46.16.090, chapter 12, Laws of 1961 and RCW 46.16.090.

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

Section 1. Section 46.16.090, chapter 12, Laws of 1961 and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers (~~((ef- less- than- twenty- six- thousand pounds))~~) 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 be signed by the farmer to the ef-

fect 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 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.

Passed the House April 16, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 170  
[Engrossed House Bill No. 61]  
MOTOR VEHICLES--VEHICLE LICENSES  
AND FEES--MINORS' DRIVING RECORDS--  
CERTIFICATES OF OWNERSHIP,  
SECURITY INTERESTS

AN ACT Relating to motor vehicles; amending section 6, chapter 140, Laws of 1967 and RCW 46.12.095; amending section 8, chapter 140, Laws of 1967 and RCW 46.12.181; reenacting and amending section 46.16.040, chapter 12, Laws of 1961, as last amended by section 59, chapter 83, Laws of 1967 ex. sess. and as amended by section 16, chapter 32, Laws of 1967, and RCW 46.16.040; amending section 46.16.060, chapter 12, Laws of 1961, as last amended by section 5, chapter 99, Laws of 1969, and RCW 46.16.060; amending section 46.16.083, chapter 12, Laws of 1961 and RCW 46.16.083; amending section 46.16.100, chapter 12, Laws of 1961 and RCW 46.16.100; amending section 57, chapter 83, Laws of 1967 ex. sess. and RCW 46.16.111; amending section 46.16.135, chapter 12, Laws of 1961 and RCW 46.16.135; amending section 46.16.160, chapter 12, Laws of 1961, as amended by section 1, chapter 306, Laws of 1961, and RCW 46.16.160; amending section 46.16.220, chapter 12, Laws of 1961 and RCW 46.16.220; amending section 46.16.240, chapter 12, Laws of 1961, as amended by section 18, chapter 32, Laws of 1967, and RCW 46.16.240;

amending section 46.16.260, chapter 12, Laws of 1961, as amended by section 19, chapter 32, Laws of 1967, and RCW 46.16.260; amending section 46.20.070, chapter 12, Laws of 1961, as last amended by section 27, chapter 32, Laws of 1967, and RCW 46.20.070; amending section 18, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.205; amending section 10, chapter 167, Laws of 1967 and RCW 46.20.293; adding a new section to chapter 12, Laws of 1961 and to chapter 46.16 RCW; and repealing section 46.16.082, chapter 12, Laws of 1961 and RCW 46.16.082.

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

Section 1. Section 8, chapter 140, Laws of 1967 and RCW 46.12.181 are each amended to read as follows:

If a certificate of ownership or a certificate of license registration is lost, stolen, mutilated or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department. The duplicate certificate of ownership or license registration shall contain the legend, "This is a duplicate certificate (~~(and may be subject to the rights of a person under the original certificate)~~)."

It shall be mailed to the first priority secured party named in it or, if none, to the owner.

The department shall not issue a new certificate of ownership to a transferee upon application made for a duplicate until fifteen department business days after receipt of the application.

A person recovering an original certificate of ownership or title registration for which a duplicate has been issued shall promptly surrender the original certificate to the department.

Sec. 2. Section 46.16.040, chapter 12, Laws of 1961, as last amended by section 59, chapter 83, Laws of 1967 ex. sess. and as amended by section 16, chapter 32, Laws of 1967, and RCW 46.16.040

are each reenacted and amended to read as follows:

Application for original vehicle license shall be made on form furnished for the purpose by the director. Such application shall be made by the owner of the vehicle or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge.

The application must show:

- (1) Name and address of the owner of the vehicle;
- (2) Trade name of the vehicle, model, year, type of body, the motor number or identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The power to be used--whether electric, steam, gas or other power;
- (4) The purpose for which said vehicle is to be used and the nature of the license required;
- (5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, truck tractors, trailers and semitrailers shall be the ~~((unladen-weight-of-such-vehicle-to-which-shall-be-added-the-maximum-gross-load-to-be-carried-thereon-or-towed-thereby,-as-the-case-may-be, as-set-by-the-applicant, which maximum gross license shall in no event be less than the unladen weight thereof or more than the legal limit for such vehicle as allowed by law))~~ maximum gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;
- (6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;
- (7) Such other information as shall be required upon such application by the director.

Sec. 3. Section 46.16.060, chapter 12, Laws of 1961, as last amended by section 5, chapter 99, Laws of 1969, and RCW 46.16.060 are each amended to read as follows:

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of nine dollars and forty cents: PROVIDED, HOWEVER, That the fee for licensing each house moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW, shall be twenty-five dollars and no other fee shall be charged for the load carried thereon.

Sec. 4. Section 46.16.083, chapter 12, Laws of 1961 and RCW 46.16.083 are each amended to read as follows:

A converter gear used to convert a semitrailer into a trailer or a two-axle tractor into a three-axle tractor or used in any other manner to increase the number of axles of a vehicle may, at the option of the owner, be licensed as a separate vehicle or the converter gear and ~~((a-semitrailer-or-two-axle-tractor))~~ the vehicle with which it is used may be licensed as a combination, in which event the combination of the two will be considered as a single vehicle for the purposes of this chapter.

Where converter gears are licensed separately the maximum gross weight including load must be included in the licensed gross weight of the power unit or in the licensed gross weight of the trailer where the converter gear is used to increase the number of axles of a trailer or semitrailer for which gross weight fees have been separately paid under the provisions of section 16 of this 1969 amendatory act.

Sec. 5. Section 46.16.100, chapter 12, Laws of 1961 and RCW 46.16.100 are each amended to read as follows:

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application

presented to him in such form as shall be approved by the director and upon payment therefor of a fee of ~~((five))~~ ten dollars. Such permit shall be ~~((for the transit of the vehicle only, and the vehicle shall not at the time of such transit be used for the transportation of any persons or property whatsoever for compensation or otherwise, and shall be))~~ for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That ~~((1) when such vehicle is to be moved from one point in this state to another and when the owner of such vehicle desires to carry a load of passengers or commodities, or both, he may obtain a one transit permit upon the payment to the director of a fee of ten dollars, and (2))~~ for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: PROVIDED FURTHER, That no special permit or one-transit permit shall be issued for movement of a house trailer as defined in chapter 82.50 RCW unless the applicant therefor has a stamp issued thereunder.

Sec. 6. Section 57, chapter 83, Laws of 1967 ex. sess. and RCW 46.16.111 are each amended to read as follows:

Unless the owner thereof elects to pay tonnage fees separately on his trailer or semitrailer pursuant to section 16 of this 1969 amendatory act the maximum gross weight in the case of any motor truck or truck tractor shall be the scale weight of the motor truck or truck tractor, plus the scale weight of any trailer, semitrailer or pole trailer to be towed thereby, to which shall be added the maximum load to be carried thereon or towed thereby as set by the licensee in his application or otherwise: PROVIDED, That if the sum of the scale weight and maximum load of such trailer is not greater than four thousand pounds, such sum shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: PROVIDED, FURTHER, That where the trailer is a travel trailer, horse trailer, or boat

trailer for the personal use of the owner of the truck or truck tractor and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the maximum gross weight of any motor truck or truck tractor.

The maximum gross weight in the case of any auto stage and for hire vehicle, except taxicabs, with seating capacity over six, shall be the scale weight of each auto stage and for hire vehicle plus an average load factor of fifty percent of the seating capacity computed at one hundred and fifty pounds per seat.

Sec. 7. Section 46.16.135, chapter 12, Laws of 1961 and RCW 46.16.135 are each amended to read as follows:

~~((When the gross weight license fee applied for on any vehicle exceeds twenty thousand pounds, licenses for))~~ Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers ~~((may be purchased for a three-month period for one-fourth the regular fee at the beginning of any calendar month, -- For each fee so paid other than at the time of payment of the basic license fee,))~~ having a declared gross weight in excess of twenty thousand pounds may be purchased for quarterly periods ending on March 31st, June 30th, September 30th, and December 31st at one-fourth of the usual annual tonnage fee: PROVIDED, That the fee for the quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full calendar month of the quarter that shall have elapsed at the time the vehicle is licensed. An additional fee of one dollar 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 ~~((-- which shall state the months by name for which the vehicle is licensed))~~.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator ~~((thereof))~~ renews the quarterly tonnage within ten days after the expiration of ~~((any such three-month period apply for, and pay the required fee for, a license for an additional three-month period, or~~

~~for-the-remainder-of-the-year~~) the existing tonnage. Any person who operates any such vehicle upon the public highways after the expiration of said ten days, shall be guilty of a misdemeanor, and in addition shall be required to purchase ((~~a-gross-weight license~~)) tonnage for the vehicle involved at the fee covering an entire year's ((~~license-fee~~)) operation thereof, less the fees for any ((~~period or periods~~)) quarter or quarters of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 8. Section 46.16.160, chapter 12, Laws of 1961, as amended by section 1, chapter 306, Laws of 1961, and RCW 46.16.160 are each amended to read as follows:

Any commercial vehicle bearing valid license plates and registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours: PROVIDED, HOWEVER, That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less

than two hundred forty consecutive hours: PROVIDED, Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: PROVIDED, FURTHER, That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of (~~two-dollars-and-fifty-cents~~) five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross loads of:

0 .....	9,999 lbs. ....	\$0.50
10,000 .....	19,999 lbs. ....	\$1.00
20,000 .....	29,999 lbs. ....	\$1.50
(( <del>30,000-----36,000-lbs-----2.00</del> ))		
<u>30,000 .....</u>	<u>35,999 lbs. ....</u>	<u>\$2.00</u>
<u>36,000 .....</u>	<u>45,999 lbs. ....</u>	<u>\$2.50</u>
<u>46,000 .....</u>	<u>59,999 lbs. ....</u>	<u>\$3.00</u>
<u>60,000 .....</u>	<u>72,000 lbs. ....</u>	<u>\$4.00</u>

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit

of the motor vehicle fund.

Sec. 9. Section 46.16.220, chapter 12, Laws of 1961 and RCW 46.16.220 are each amended to read as follows:

Vehicle licenses and vehicle license number plates may be issued for the current registration licensing period on and after the first day thereof and must be used and displayed from the date of issue or from the (~~thirtieth~~) thirty-fifth day after the expiration of the preceding licensing period whichever date is later.

Sec. 10. Section 46.16.240, chapter 12, Laws of 1961, as amended by section 18, chapter 32, Laws of 1967, and RCW 46.16.240 are each amended to read as follows:

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state commission on equipment. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed (~~upon such vehicle~~) thereon valid vehicle license number plates attached as herein provided.

Sec. 11. Section 46.16.260, chapter 12, Laws of 1961, as amended by section 19, chapter 32, Laws of 1967, 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 ~~((enclosed-in-a-suitable-container-and attached-to))~~ carried in the vehicle for which it is issued, at all times in the manner prescribed by the director. ~~((When-the-nature-of the-vehicle-will-not-permit-display-in-the-place-prescribed-by-the director,--then-such-container-with-certificate-therein-shall-be-securely-affixed-at-some-conspicuous-position-upon-the-vehicle-where-it can-be-easily-found,--read,--and-inspected-at-all-times-by-a-person-on the-outside-of-the-vehicle,--The-container-shall-have-a-cover-of transparent-material-through-which-the-certificate-may-be-inspected as-to-the-information-shown-thereon,--including-the-signature-of-the registered-owner,--and))~~ 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.

Sec. 12. Section 46.20.070, chapter 12, Laws of 1961, as last amended by section 27, chapter 32, Laws of 1967, and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director for permission for a person under the age of ~~((sixteen))~~ eighteen years to operate a motor vehicle under twenty thousand pounds gross weight over and upon the public highways of this state in connection with farm work, the director is hereby authorized to issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit shall authorize the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of (~~sixteen~~) eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the driver education account in the general fund.

The director shall have authority to transfer this permit from one farming locality to another but this does not constitute a renewal of the permit.

The director shall have authority to deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated.

Sec. 13. Section 18, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.205 are each amended to read as follows:

Whenever any person after applying for or receiving a driver's license shall (~~remove~~) move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Sec. 14. Section 10, chapter 167, Laws of 1967 and RCW 46.20-.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52-.100 and 13.04.120, against any juvenile upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any minor under twenty-one years of age who is not emancipated, the department records of traffic charges compiled against said minor and shall collect for said copy a fee of one dollar and fifty cents to be deposited in the highway safety fund.

NEW SECTION. Sec. 15. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

The owner thereof may elect to pay tonnage fees separately on a trailer or semitrailer: PROVIDED, HOWEVER, In order to exercise this option the owner must pay for the maximum permissible gross weight for the vehicle under RCW 46.44.040 and 46.44.042.

The gross weight fee for such trailers and semitrailers shall be as follows:

<u>Gross Weight of</u>	<u>Fee</u>
Up to 12,000 pounds .....	As specified in column A of RCW 46.16.070
More than 12,000 pounds but not more than 18,000 pounds .....	\$178.00
More than 18,000 pounds but not more than 32,000 pounds .....	\$371.00
More than 32,000 pounds but not more than 36,000 pounds .....	\$470.00

When vehicles licensed under this section are used with a truck tractor or motor truck the licensed gross weight of the combination shall be the sum of the licensed gross weights of the vehicles forming the combination.

Sec. 16. Section 6, chapter 140, Laws of 1967 and RCW 46.12-.095 are each amended to read as follows:

A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required is perfected only by compliance with the requirements of this section:

(1) A security interest is perfected only by the department's receipt of: (a) The existing certificate, if any, and (b) an application for a certificate of ownership containing the name and address of the secured party (~~(and the date of his security agreement,)~~) and (c) tender of the required fee.

(2) It is perfected as of the time of its creation: (a) if the papers and fee referred to in the preceding subsection are received by this department within eight department business days exclusive of the day on which the security agreement was created; or (b) if the secured party's name and address appear on the outstanding certificate of ownership; otherwise, as of the date on which the department has received the papers and fee required in subsection (1).

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by

the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, the following rules apply:

(b) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state. The name of the secured party shall be shown on the certificate of ownership issued for the vehicle by this state. The security interest continues perfected in this state upon the issuance of such ownership certificate.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state.

NEW SECTION. Sec. 17. Section 46.16.082, chapter 12, Laws of 1961 and RCW 46.16.082 are each hereby repealed.

Passed the House April 16, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 171  
[Substitute House Bill No. 363]  
HIGHWAYS--URBAN ARTERIAL BOARD

AN ACT Relating to highways; amending section 18, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.120; amending section 19, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.130; amending section 20, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.140; amending section 25, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.190; amending section 34, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.280; adding two new sections to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW; repealing section 31, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.250; and declaring an emergency.

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

Section 1. Section 18, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.120 are each amended to read as follows:

(1) There is hereby created an urban arterial board of thirteen members, six of whom shall be county members, six of whom shall be city members. The chairman shall be the assistant director of highways for state aid.

(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be an engineer occupying the position of county road administration engineer, created by RCW 36.78.060; one member shall be the chairman of the county road administration board created by RCW 36.78.030; one member shall be a county commissioner from a county of the first class or larger; one member shall be a county commissioner from a county of the second class or smaller. All county members of the board, except the county road administration engineer and the chairman of the county road administration board, shall be appointed. Not more than one county member of the board shall be from one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers of cities over twenty thousand population; one shall be a chief city engineer of a city of less than twenty thousand population; two shall be mayors of cities of more than twenty thousand population; and one shall be a mayor of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from one city. For the purposes of this subsection the term chief city engineer shall mean the director of public works in any city in which such a position exists.

(4) Prior to July 1, 1967, the state highway commission shall appoint the first appointive county members of the board: Two members to serve two years and two members to serve four years from July 1,

1967.

(5) Prior to July 1, 1967, the state highway commission shall appoint the first city members of the board: Three members to serve two years and three members to serve four years from July 1, 1967.

(6) Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for four year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes his term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(7) Before appointing any member to the urban arterial board, the state highway commission shall request from the executive committee of the Washington state association of county commissioners, in the case of a county member appointment, and from the executive committee of the association of Washington cities, in the case of a city member appointment, recommendations of at least two eligible persons for each appointment to be made. The commission shall give due consideration to the recommendations submitted to it.

(8) Any member of the board, including the chairman, may designate an official representative to serve on the board in his place with the same authority as the member, subject to the conditions and under the circumstances set forth in rules adopted by the board.

Sec. 2. Section 19, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.130 are each amended to read as follows:

Members of the urban arterial board shall receive no compensation for their services on the board, but shall be reimbursed for travel and other expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board to the extent of ~~((twenty))~~ twenty-five dollars per day plus ten cents per mile or actual necessary transportation expenses.

Sec. 3. Section 20, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.140 are each amended to read as follows:

The assistant director of highways for state aid shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 4. Section 25, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.190 are each amended to read as follows:

~~((On-or-before-April-1st-of-each-year))~~ Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales and interfund loans, which are available for the construction and improvement of urban arterials among the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 relating to the apportionment of state urban funds.

Sec. 5. Section 34, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.280 are each amended to read as follows:

Notwithstanding any other provisions in this chapter, for the period beginning July 1, 1967 and ending ~~((December-31,-1969))~~ July 1, 1969, the urban arterial board shall once quarterly apportion the funds ~~((then-credited-to))~~ from the urban arterial account among the five regions of the state defined in RCW 47.26.050 in the manner provided in ~~((RCW-47-26-060-for-apportioning-state-urban-funds))~~ RCW 47.26.190. Commencing on October 1, 1967, the board at the time of making each quarterly apportionment shall allocate ~~((the-funds-appor-tioned-to))~~ urban arterial trust funds for each region to specific counties and cities within the region for the construction of specif-

ic urban arterial projects. The board shall allocate such funds to the counties and cities based upon the priority rating of construction projects for which urban arterial trust account moneys are requested by the counties and cities. The board shall determine the priority of specific improvement projects based upon the rating of each urban arterial section proposed to be improved in relation to all other urban arterial sections proposed to be improved taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

Urban arterial trust account moneys allocated during such period shall be matched in the case of cities from local funds by an amount not less than ten percent of the total cost of the construction project. The matching fund requirements prescribed in RCW 82.36.020 may be considered in meeting the matching requirements of this section. Counties shall match such funds on the ratio of forty percent locally collected road funds to sixty percent urban arterial trust account moneys.

Urban arterial trust account funds allocated to a specific improvement project as provided in this section shall be paid to the county or city constructing the improvement on vouchers duly approved by the chairman of the urban arterial board or his agent in the manner provided in RCW 47.26.260.

The urban arterial board shall adopt regulations subject to the approval of the state highway commission providing for the implementation of this section.

NEW SECTION. Sec. 6. There is added to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW a new section to read as follows:

At the time the urban arterial board reviews the six year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible finally approve in whole or in part the construction program for each county and city for the expenditure of funds from the urban arterial trust account during the ensuing biennium. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of construction projects to be commenced in the ensuing biennium.

The urban arterial board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220.

NEW SECTION. Sec. 7. There is added to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW a new section to read as follows:

Whenever the board approves an urban arterial project it shall determine the amount of urban arterial trust account funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county or city seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable regulations pursuant to which urban arterial trust account funds allocated to a project may be increased upon a subsequent application of the county or city constructing the project. The regulations adopted by

the board shall take into account, but shall not be limited to, the following factors: (1) The financial effect of increasing the original allocation for the project upon other urban arterial projects either approved or requested; (2) whether the project for which an additional allocation is requested can be reduced in scope while retaining a useable segment; (3) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and (4) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

NEW SECTION. Sec. 8. The rule of strict construction shall have no application to this 1969 act or to the provisions of chapter 47.26 RCW, and they shall be liberally construed in order to carry out an effective, efficient and equitable program of financial assistance to urban area cities and counties for arterial roads and streets.

NEW SECTION. Sec. 9. Section 31, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.250 are each repealed.

NEW SECTION. Sec. 10. 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 immediately.

Passed the House April 16, 1969  
 Passed the Senate April 10, 1969  
 Approved by the Governor April 24, 1969  
 Filed in office of Secretary of State April 24, 1969

CHAPTER 172  
 [House Bill No. 376]  
 PUBLIC ASSISTANCE--FAIR HEARINGS--  
 CHILD WELFARE AND DAY CARE ADVISORY  
 COMMITTEE--FOOD STAMP PROGRAM--  
 PERSONAL AND SPECIAL CARE

AN ACT Relating to public assistance; amending section 74.08.070, chapter 26, Laws of 1959 and RCW 74.08.070; amending section 74.08.080, chapter 26, Laws of 1959 and RCW 74.08.080; amending section 18, chapter 172, Laws of 1967 and RCW 74.32.051; adding new sections to chapter 26, Laws of 1959 and to chapter 74.04 RCW; and adding new sections to chapter 26, Laws of 1959 and to

chapter 74.08 RCW.

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

Section 1. Section 74.08.070, chapter 26, Laws of 1959 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 of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by the director for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript 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 shall be given the appellant if request for same is made in writing by the appellant or his attorney of record.

Any appellant who desires a fair hearing shall within ~~((sixty))~~ thirty days after receiving notice of the decision of the department or an authorized agency of the department, file with the director a notice of appeal from the decision. ~~((It shall be the duty of the department upon receipt of such notice to set a date for the fair hearing, such date to be not more than thirty days after receipt of notice.))~~ The department shall notify the appellant of the time and place of said hearing at least ~~((five))~~ 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, any appellant or attorney for appellant with written authorization or next of kin shall have the right to access to, and can examine any files and records of the department in the case of appeal.

It shall be the duty of the department within ~~((thirty))~~ sixty days after ~~((the date of hearing))~~ receipt of the notice of appeal to notify the appellant of the decision of the director ~~((and the failure to so notify the appellant shall constitute an affirmation of the de-~~

decision-of-the-department)).

If the decision of the director 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.

Sec. 2. Section 74.08.080, chapter 26, Laws of 1959 and RCW 74.08.080 are each amended to read as follows:

In the event an appellant feels himself aggrieved by the decision rendered in the hearing provided for in RCW 74.08.070, he shall have the right to ~~((appeal to))~~ petition the superior court ~~((of the county of his legal residence, which appeal shall be taken by a notice filed with the clerk of the court and served upon the director either by registered mail or by personal service within sixty days after the decision of the department has been affirmed or modified as provided in RCW 74.08.070, -- Upon receipt of the notice of appeal, the clerk of the superior court shall immediately docket the case for trial and no filing fee shall be collected of the appellant,~~

~~Within ten days after being served with a notice of appeal, the director shall give the appellant a copy of the transcript of testimony adduced at the fair hearing and shall file with the clerk of the court the record of the case on appeal, and no further pleadings shall be necessary to bring the appeal to issue,~~

~~The court shall decide the case on the record.~~

~~The findings of the director as to the facts shall be conclusive unless the court determines that the evidence in the record preponderates against such findings,~~

~~The court may affirm the decision of the director or modify or reverse any decision of the director where it finds the director has acted arbitrarily, capriciously, or contrary to law and remand the cause to the director for further proceedings in conformity with the decision of the court))~~ for judicial review in accordance with the provisions of chapter 34.04 RCW, as now or hereafter amended. Either

party may appeal from the decision of the superior court to the supreme court of the state (~~(y-which-appeal-shall-be-taken-and-conducted-in-the-manner-provided-by-law-or-by-the-rules-of-court-applicable-to-civil-appeals)~~): PROVIDED, That no filing fee shall be collected of the appellant and no bond shall be required on any appeal under this chapter. In the event that either the superior court or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision (~~(of-the-director-or)~~) of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application (~~(y)~~) 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 (~~(from-which-he-has-appealed)~~).

Sec. 3. Section 18, chapter 172, Laws of 1967 and RCW 74.32-.051 are each amended to read as follows:

The child welfare and day care advisory committee shall consist of fifteen members. The director shall designate a chairman. The committee shall hold original terms of office under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031 as follows:

Five members shall serve for one year; five members shall serve two years; and five members shall serve three years. Upon expiration of the original terms, subsequent appointments shall be for three years except that in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

There shall be included among the members of the committee one representative from each of the following state agencies:

- (1) The state department of health;
- (2) The department of public instruction;
- (3) The department of institutions; and
- (4) The office of the state fire marshal.

These members shall be the respective directors or the state

fire marshal, or the directors' or the state fire marshal's designee, as the case may be.

Five members shall be appointed by the director from representatives of agencies subject to licensing under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031, the members to represent a variety of types of agencies including sectarian and nonsectarian agencies and from different geographical areas of the state.

The remaining members shall be appointed by the director on the basis of their interest in and concern for the welfare of children and selected insofar as possible to represent all geographical areas of the state (~~(and-to-represent-a-wide-variety-of-groups-interested-in-the-welfare-of-children)~~).

The committee shall become informed about child welfare service needs of the children of this state and the extent to which resources are available to meet those needs.

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

The department of public assistance is authorized to establish a food stamp program under the federal Food Stamp Act of 1964.

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

Eligibility for the food stamp program shall be determined on a household basis. A "household" means all related or nonrelated persons living together as one economic unit to share common household facilities and customarily purchase and prepare food in common. It shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption. Persons in nursing homes, infirmaries, hospitals, boarding homes or eating in restaurants and those without cooking facilities are excluded from this program.

NEW SECTION. Sec. 6. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The department shall promulgate rules and regulations conform-

ing to federal laws, rules and regulations required to be observed in maintaining the eligibility of the state to receive from the federal government and to issue or distribute to recipients, food stamps or coupons under a food stamp plan. Such rules and regulations shall relate to and include, but shall not be limited to: (1) The classifications of and requirements of eligibility of households to receive food stamps or coupons. (2) The periods during which households shall be certified or recertified to be eligible to receive food stamps or coupons under this plan. (3) The establishment of a purchase payment schedule for coupons graduated on the basis of the incomes and the number of persons in an eligible household.

NEW SECTION. Sec. 7. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

In determining eligibility for purchase of food stamps, there shall be no discrimination against any household by reason of race, color, or national origin.

NEW SECTION. Sec. 8. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The provisions of RCW 74.04.060 relating to disclosure of information regarding public assistance recipients shall apply to recipients of food stamps.

NEW SECTION. Sec. 9. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

A person's need or eligibility for public assistance or care shall not be affected by his receipt of food stamps.

NEW SECTION. Sec. 10. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

In determining the living requirements of otherwise eligible applicants and recipients of old age assistance, aid to the blind, disability assistance and general assistance, the department is authorized to consider the need for personal and special care and supervision due to physical and mental conditions.

NEW SECTION. Sec. 11. There is added to chapter 26, Laws of

1959 and to chapter 74.08 RCW a new section to read as follows:

The department is authorized to promulgate rules and regulations establishing eligibility for alternate living arrangements, including minimum standards of care, based upon need for personal care and supervision beyond the level of board and room only, but less than the level of care required in a hospital or a skilled nursing home as defined in the federal Social Security Act.

NEW SECTION. Sec. 12. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

The department may purchase such personal and special care at reasonable rates established by the department from substitute homes and intermediate care facilities providing this service is in compliance with standards of care established by the regulations of the department.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 173  
[Substitute House Bill No. 377]  
PUBLIC ASSISTANCE--ADMINISTRATION--  
ELIGIBILITY--MEDICAL CARE--  
DEPENDENT CHILDREN

AN ACT Relating to public assistance; amending section 74.04.055, chapter 26, Laws of 1959 as last amended by section 1, chapter 2, Laws of 1965 ex. sess. and RCW 74.04.005; amending section 74.04.290, chapter 26, Laws of 1959 and RCW 74.04.290; adding a new section to chapter 26, Laws of 1959 and to chapter 74.04 RCW; amending section 74.04.011, chapter 26, Laws of 1959 and RCW 74.04.011; amending section 74.08.090, chapter 26, Laws of 1959 and RCW 74.08.090; amending section 74.08.060, chapter 26, Laws of 1959 and RCW 74.08.060; amending section 17, chapter 228, Laws of 1963 and RCW 74.08.390; amending section 74.09.180, chapter 26, Laws of 1959 and RCW 74.09.180; amending section 5, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.520;

adding new sections to chapter 26, Laws of 1959 and to chapter 74.09 RCW; amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 37, Laws of 1965 ex. sess. and RCW 74.12.010; amending section 6, chapter 206, Laws of 1963 and RCW 74.20.210; amending section 7, chapter 206, Laws of 1963 and RCW 74.20.220; adding new sections to chapter 26, Laws of 1959 and to chapter 74.20 RCW; amending section 74.04-.300, chapter 26, Laws of 1959 and RCW 74.04.300; repealing section 11, chapter 322, Laws of 1959 as amended by section 4, chapter 206, Laws of 1963 and RCW 74.20.100; and repealing section 14, chapter 206, Laws of 1963 and RCW 74.20.290.

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

Section 1. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 2, Laws of 1965 ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"--The department of public assistance.

(3) "County office"--The administrative office for one or more counties.

(4) "Director"--The director of the state department of public assistance.

(5) "Federal-aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, medical assistance (~~for the aged~~), aid to

families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, (~~medical care-services~~) and any other programs of public assistance for which provision for federal funds or aid may from time to time be made.

(6) "General assistance"--Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Medical indigents"--Are persons without income or resources sufficient to secure necessary medical services.

~~((8)--"Community-work-and-training"--A-plan--jointly-entered-into-between-the-state-department-of-public-assistance-and-an-agency, department, board-or-commission-of-the-state-or-federal-government, county, city-or-municipal-corporation-which-is-subject-to-approval-of-the-state-department-of-public-assistance-under-which-the-state-or-federal-government, county, city-or-municipal-corporation-undertakes-to-provide-work-in-and-about-public-works-or-improvements, utilizing-labor-and-services-required-to-be-performed-by-applicants-or-recipients-of-public-assistance,~~

~~(9))~~ (8) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

~~((10))~~ (9) "Recipient"--Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

~~((11))~~ (10) "Requirement"--Items of goods and services in-

cluded in the state department of public assistance standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

~~((12))~~ (11) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons, shall raise a presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal clothing used and useful to the person.

(c) ~~((A))~~ Automobile(s) used and useful ~~((to the person))~~.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit of two, or marketable securities of such value. This maximum shall be increased by twenty-five dollars for each additional member of the family unit.

(e) Life insurance having a cash surrender value, ~~((net-in-ex-~~

~~cess of five hundred dollars for a single person or one thousand dollars for a family unit; PROVIDED, That (1) The applicant enters into a written agreement with the state department of public assistance that, unless he obtains the consent of the department, he will not (a) Surrender the insurance contract for its cash value; (b) Assign the insurance contract or its proceeds; (c) Change the beneficiary under the insurance contract; and (2) The beneficiary under the insurance contract enters into a written agreement with the state department of public assistance that he will pay all costs necessary to provide a decent burial for the applicant unless his designation as beneficiary under the insurance contract is changed with the consent of the department; PROVIDED FURTHER, That if by the terms of the policy or operation of law the applicant is unable to change the beneficiary designated in the policy, and the beneficiary refuses or is unable to agree to provide a burial for the applicant, the policy shall be considered an exempt resource, but the department by rule and regulation shall decrease the maximum cash surrender value allowed by the amount of cash held by the person or the family under (d) above.)~~

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient.

Whenever such person ceases to make use of any of the property specified in items (b), (c) and (f) of this section, the same shall be considered as income available to meet need: PROVIDED, That the department may by rule and regulation exempt such personal property and belongings which can be used by the applicant or recipient to decrease his need for public assistance or aid in rehabilitating him or his dependents.

(g) The department shall by rule and regulation fix the ceiling value for the individual or family unit for all property and belongings as defined in items (c), (d) and (e) of this section. In establishing such ceiling, the department shall establish a sliding scale

based upon the family size. If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient: PROVIDED, That in the determination of need of applicants for or recipients of general assistance no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence.

~~((413))~~ (12) "Income"--All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: PROVIDED, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income (~~(--The-department-may-also-allow-the-setting-aside-of-funds-derived-from-earnings-of-a-child-to-cover-the-cost-of-special-future-identifiable-needs-of-the-child)~~): PROVIDED FURTHER, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a

period of not in excess of thirty-six months such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income (a) with respect to a child who is not a full time employee and who is a full time or part time student attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment, all of the earned income of such child; and (b) with respect to any other dependent child, adult, or other person in the home whose needs are taken into account in making such determination, the first thirty dollars of the total of their earned income for such month and one-third of the remainder: PROVIDED FURTHER. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants of public assistance, but consistent with federal requirements: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first ~~((ten))~~ twenty dollars per month of any earned income plus one-half of additional earnings up to ~~((fifty))~~ eighty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income if accumulated shall not, when added to the amount of cash or marketable securities exempted under (d) of subsection ~~((12))~~ (11) of this section, exceed ~~((two-hundred-dollars-for-a-single-person-or-four-hundred-dollars))~~ the total amounts exempted under that subsection for a family unit: PROVIDED FURTHER, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to

exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the department of health, education and welfare (~~(--PROVIDED--FURTHER, That the director may by rule exempt as a resource or income the first eighty-five dollars and one half of any excess of eighty-five dollars of any payment made to or on behalf of any applicant or recipient with respect to any month under Title I or II of the Economic Opportunity Act (public law 88-452), and may exempt any income or other economic benefit derived from the use of, or appreciation in value of, said exempted payment;)~~); and PROVIDED FURTHER, That all resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

~~((14))~~ (13) "Need"--The difference between the applicant's or recipient's cost of requirements for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

~~((15))~~ (14) In the construction of words and phrases 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 74.04.290, chapter 26, Laws of 1959 and RCW 74.04.290 are each amended to read as follows:

In carrying out any of the provisions of this title, ~~((the committee,))~~ the director, ~~((the board of county commissioners and the~~

~~administrators~~) 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.

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

The department is authorized to promulgate such rules and regulations as are necessary to qualify for any federal funds available under Title XVI of the federal Social Security Act, and any other combination of existing programs of assistance consistent with federal law and regulations.

Sec. 4. Section 74.04.011, chapter 26, Laws of 1959 and RCW 74.04.011 are each amended to read as follows:

The director of public assistance shall be the administrative head and appointing authority of the department of public assistance and he shall have the power to and shall employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That such employment is in accordance with the rules and regulations of the state merit system. The director shall through and by means of his assistants and personnel exercise such powers and perform such duties as may be prescribed by the public assistance laws of this state (~~(unless otherwise directed by the state public assistance committee, which shall not be contrary to the laws of this state)~~).

The authority vested in the director as appointing authority may be delegated by the director or his designee to any suitable employee of the department.

Sec. 5. Section 74.08.090, chapter 26, Laws of 1959 and RCW 74.08.090 are each amended to read as follows:

The department is hereby authorized to make rules and regulations not inconsistent with the provisions of this title to the end that this title shall be administered uniformly throughout the state, and that the spirit and purpose of this title may be complied with. The department shall have the power to compel compliance with the rules and regulations established by it. Such rules and regulations shall be filed (~~(with the secretary of state thirty days before their effective date)~~) in accordance with the Administrative Procedure Act,

as it is now or hereafter amended, and copies shall be available for public inspection in the office of the department and in each county office.

Sec. 6. Section 74.08.060, chapter 26, Laws of 1959 and RCW 74.08.060 are each amended to read as follows:

~~((Whenever the department or an authorized agency thereof receives an application for a grant an investigation and record shall be promptly made of the facts supporting the application.))~~ The department shall be required to approve or deny the application within forty-five days after the filing thereof and shall immediately notify the applicant in writing of its decision: PROVIDED, That if the department is not able within forty-five days, despite due diligence, to secure all information necessary to establish his eligibility, the department is charged to continue to secure such information and if such information, when established, makes applicant eligible, the department shall pay his grant from date of authorization, or forty-five days after date of application whichever is sooner.

Any person entitled to relief but under temporary disability from making application, or any person about to become sixty-five years of age or the parent of an unborn child who upon birth will become a dependent child may at any time after forty-five days prior to the occurrence of any of said events make application as herein provided.

Sec. 7. Section 17, chapter 228, Laws of 1963 and RCW 74.08-.390 are each amended to read as follows:

The department of public assistance may conduct research studies, pilot projects, demonstration projects, surveys and investigations for the purpose of determining methods to achieve savings in public assistance programs by means of restoring individuals to maximum self-support and personal independence and preventing social and physical disablement, and for the accomplishment of any of such purposes may employ consultants or enter into contracts with any

agency of the federal, state or local governments, nonprofit corporations, universities or foundations.

Pursuant to this authority the department may waive the enforcement of specific statutory requirements, regulations, and standards in one or more counties or on a state-wide basis by formal order of the director. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, shall not be general in scope but shall apply only for the duration of such a project and shall not take effect unless the secretary of health, education and welfare of the United States has agreed, for the same project, to waive the public assistance plan requirements relative to state-wide uniformity.

Sec. 8. Section 74.09.180, chapter 26, Laws of 1959 and RCW 74.09.180 are each amended to read as follows:

The provisions of this chapter shall not apply to recipients whose personal injuries are occasioned by negligence or wrong of another: PROVIDED, HOWEVER, That the director of the department of public assistance may, in his discretion, furnish assistance, under the provisions of this chapter, for the results of injuries to a recipient, and the department of public assistance (~~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 public assistance~~) may assert a lien upon any claim, right of action and/or money to which such recipient is entitled (a) against any tort-feasor and/or insurer of such tort-feasor, or (b) any contract of insurance providing coverage to such recipient for said injuries, to the extent of the assistance furnished by said department to the recipient.

**NEW SECTION.** Sec. 9 . There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

The form of the lien in section 8 of this act shall be substantially as follows:

STATEMENT OF LIEN

Notice is hereby given that the State of Washington, Department of Public Assistance, has rendered assistance to ..... a person who was injured on or about the ... day of ..... in the county of ..... state of ....., and the said department hereby asserts a lien, to the extent provided in RCW 74.09.180, for the amount of such assistance, upon any sum due and owing ..... (name of injured person) from ....., alleged to have caused the injury, and/or his insurer and from any other person or insurer liable for the injury or obligated to compensate the injured person on account of such injuries by contract or otherwise.

STATE OF WASHINGTON, DEPARTMENT OF PUBLIC ASSISTANCE

By: .....(Title)

STATE OF WASHINGTON) )ss. COUNTY OF )

I,....., being first duly sworn, on oath state: That I am ..... (title); that I have read the foregoing Statement of Lien, know the contents thereof, and believe the same to be true.

..... Subscribed and sworn to before me this .... day of ....., 19.....

..... Notary Public in and for the State of Washington, residing at .....

NEW SECTION. Sec. 10. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

The lien created in section 8 of this 1969 amendatory act shall become effective upon being filed with the county auditor of the county in which the assistance was authorized by the department.

Sec. 11. Section 5, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.520 are each amended to read as follows:

The term "medical assistance" may include the following care and services: (1) Inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5) physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the director; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services.

NEW SECTION. Sec. 12. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

No settlement made by and between the recipient and tort-feasor and/or insurer shall discharge the lien created in section 9 of this 1969 amendatory act, against any money due or owing by such tort-feasor or insurer to the recipient or relieve the tort-feasor and/or insurer from liability by reason of such lien unless such settlement also provides for the payment and discharge of such lien or unless a written release or waiver of such claim or lien, signed by the department, be filed in the court where any action has been commenced on such claim, or in case no action has been commenced against the tort-feasor and/or insurer, then such written release or waiver shall be delivered to the tort-feasor or insurer.

Sec. 13. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 37, Laws of 1965 ex. sess. and RCW 74-12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years, or any child between eighteen and twenty-one years of age regularly attending high school in pursuance of a course of study leading to a high school diploma or its equivalent or a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal after April 30, 1961, from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of public assistance or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a rela-

tive and application had been made therefor, as authorized by the social security act: PROVIDED, That the director shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government.

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

Sec. 14. Section 6, chapter 206, Laws of 1963 and RCW 74.20-.210 are each amended to read as follows:

The prosecuting attorney of any county except class AA (~~and class-A~~) counties may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Any such agreement may also provide that the attorney general has the duty to represent the petitioner in inter-county proceedings within the state initiated by the attorney general which involve a petition received from another county. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

Sec. 15. Section 7, chapter 206, Laws of 1963 and RCW 74.20-.220 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter, the state department of public assistance, through the attorney general, is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered (~~(-in-these-instances-where-one parent-is-deceased,-absent-or-unable-for-any-reason-to-institute-legal proceedings-to-obtain-the-necessary-support-from-the-other-parent)~~).

(2) Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.

(3) Appear on behalf of the mother of a dependent child or children on whose behalf public assistance is being provided, when so requested by her, for the purpose of assisting her in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the mother is without funds to employ private counsel. If the mother does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general may apply to the superior court in such action

for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered (~~(702)~~).

((4)) (5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

NEW SECTION. Sec. 16. There is added to chapter 26, Laws of 1959 and to chapter 74.20 RCW a new section 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 public assistance upon written notice by the department to the responsible person or to the clerk of the court, if appropriate, that the children for whom said support order was issued are receiving public assistance.

NEW SECTION. Sec. 17. There is added to chapter 26, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

By accepting public assistance on behalf of a child or children, the recipient thereof shall be deemed to consent to the recovery by the department of an amount equal to the amount required to be paid under any order or final decree of divorce, if any, or the amount of public assistance paid as a result of the nonpayment of support, whichever is the lesser. The department shall be subrogated to the right of said child or children or person having the care, custody, and control of such child or children to prosecute any support action existing under the laws of the state of Washington.

Sec. 18. Section 74.04.300, chapter 26, Laws of 1959 and RCW 74.04.300 are each amended to read as follows:

If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled, shall be a debt due the state: PROVIDED, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, ~~((the-total-assistance-payment-so-obtained))~~ one hundred twenty-five percent of the amount of assistance to which he was not entitled shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the ~~((county-clerk-and))~~ county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within thirty days of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud: PROVIDED FURTHER, That there shall be no liability placed upon recipients for receipt of overpayments of public assistance which result from error on the part of the department and no fault on the part of the recipient in obtaining or retaining the assistance if the recovery thereof would be inequitable as determined by the director or his designee.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general ~~((+--PROVIDED,--That-if-the-portion-of-any-public-assistance-payment-to-which-the-recipient-is-not-entitled-is-less-than-ten-dollars-and-is-erroneously-paid-to-the~~

~~recipient-as-a-result-of-departmental-error-or-oversight,-such-amount shall-not-be-recovered-by-the-state-by-deduction-from-subsequent-assistance-payments-to-such-persons)).~~

NEW SECTION. Sec. 19. Section 11, chapter 322, Laws of 1959 as amended by section 4, chapter 206, Laws of 1963 and RCW 74.20.100; and section 14, chapter 206, Laws of 1963 and RCW 74.20.290 are each repealed: PROVIDED, That such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed; nor any rule, regulation or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

Passed the House April 16, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 174  
[Engrossed Senate Bill No. 128]  
PUBLIC EMPLOYEES' COLLECTIVE  
BARGAINING--LEAVE OF ABSENCE

AN ACT Relating to labor relations; and adding a new section to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW.

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

NEW SECTION. Section 1. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

Any public employee who represents fifty percent or more of a bargaining unit or who represents on a statewide basis a group of five or more bargaining units shall have the right to absent himself from his employment without pay and without suffering any discrimination in his future employment and without losing benefits incident to his employment while representing his bargaining unit at the legislature of the state of Washington during any regular or extraordinary session thereof: PROVIDED, That such employee is replaced by his bargaining unit with an employee who shall be paid by the employer and who shall be qualified to perform the duties and obligations of the absent member in accordance with the rules of the civil service or

other standards established by his employer for such absent employee.

Passed the Senate April 17, 1969

Passed the House April 11, 1969

Approved by the Governor April 24, 1969

Filed in office of Secretary of State April 24, 1969

CHAPTER 175

[Engrossed Senate Bill No. 132]

ATTEMPTING OR COMMITTING CRIME

WHILE ARMED--FIRING UPON LAW

ENFORCEMENT OFFICER--PENALTIES

AN ACT Relating to crimes and punishment; defining crimes; repealing section 2, chapter 172, Laws of 1935, as amended by section 2, chapter 124, Laws of 1961 and RCW 9.41.020; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9.41 RCW a new section to read as follows:

Any person who shall commit or attempt to commit any felony, or any misdemeanor or gross misdemeanor categorized herein as inherently dangerous, while armed with, or in the possession of any firearm, shall upon conviction, in addition to the penalty provided by statute for the crime committed without use or possession of a firearm, be imprisoned as herein provided:

(1) For the first offense the offender shall be guilty of a felony and the court shall impose a sentence of not less than five years, which sentence shall not be suspended or deferred;

(2) For a second offense, or if, in the case of a first conviction of violation of any provision of this section, the offender shall previously have been convicted of violation of the laws of the United States or of any other state, territory or district relating to the use or possession of a firearm while committing or attempting to commit a crime, the offender shall be guilty of a felony and shall

be imprisoned for not less than seven and one-half years, which sentence shall not be suspended or deferred;

(3) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to the use or possession of a firearm while committing or attempting to commit a crime, the offender shall be guilty of a felony and shall be imprisoned for not less than fifteen years, which sentence shall not be suspended or deferred;

(4) Misdemeanors or gross misdemeanors categorized as "Inherently Dangerous" as the term is used in this statute means any of the following crimes or an attempt to commit any of the same: Assault in the third degree, provoking an assault, interfering with a public officer, disturbing a meeting, riot, remaining after warning, obstructing firemen, petit larceny, injury to property, intimidating a public officer, shoplifting, indecent liberties, and soliciting a minor for immoral purposes.

(5) If any person shall resist apprehension or arrest by firing upon a law enforcement officer, such person shall in addition to the penalty provided by statute for resisting arrest, be guilty of a felony and punished by imprisonment for not less than ten years, which sentence shall not be suspended or deferred.

NEW SECTION. Sec. 2. Section 2, chapter 172, Laws of 1935, as amended by section 2, chapter 124, Laws of 1961 and RCW 9.41.020 are each hereby repealed.

Passed the Senate April 16, 1969  
Passed the House April 9, 1969  
Approved by the Governor April 24, 1969  
Filed in office of Secretary of State April 24, 1969

CHAPTER 176  
[Engrossed House Bill No. 419]  
INTERMEDIATE SCHOOL DISTRICTS  
AND SUPERINTENDENTS

AN ACT Relating to education; creating intermediate school districts to assist in administering the education program of the state; providing for the election of intermediate school district boards of education, the appointment of intermediate school district superintendents, and prescribing their respective duties; amending section 27, chapter 104, Laws of 1903, as last amended by section 1, chapter 163, Laws of 1955, and RCW 27.16.010; amending section 28, chapter 104, Laws of 1903, as last amended by section 2, chapter 163, Laws of 1955, and RCW 27.16.020; amending section 3, page 320, chapter 97, Laws of 1909 and RCW 27.16.030; amending section 4, page 320, chapter 97, Laws of 1909, as amended by section 3, chapter 163, Laws of 1955, and RCW 27.16.040; amending section 5, page 320, chapter 97, Laws of 1909, as amended by section 4, chapter 163, Laws of 1955, and RCW 27.16.050; amending section 6, page 320, chapter 97, Laws of 1909, as amended by section 5, chapter 163, Laws of 1955, and RCW 27.16.060; amending section 2, page 230, chapter 97, Laws of 1909 and RCW 28.02.020; amending section 3, chapter 20, Laws of 1955 and RCW 28.02.070; amending section 3, page 231, chapter 97, Laws of 1909, as amended by section 4, chapter 158, Laws of 1967, and RCW 28.03.030; amending section 2, chapter 49, Laws of 1965 ex.sess., as amended by section 2, chapter 12, Laws of 1967, and RCW 28.03.050; amending section 7, chapter 154, Laws of 1965 ex.sess., and RCW 28.24.080; amending section 10, chapter 154, Laws of 1965 ex.sess., and RCW 28.24.110; amending section 4, page 365, chapter 97, Laws of 1909 and RCW 28.27.040; amending section 9, page 367, chapter 97, Laws of 1909 and RCW 28.27.080; amending section 10, page 368, chapter 97, Laws of 1909, and RCW 28.27.102; amending section 3, chapter 276, Laws of 1959, as amended by section 1, chapter 162, Laws of 1965 ex.sess., and RCW 28.48-

.010; amending section 9, chapter 141, Laws of 1945 as amended by section 2, chapter 162, Laws of 1965 ex.sess., and RCW 28.48.030; amending section 5, page 312, chapter 97, Laws of 1909 and RCW 28.48.050; amending section 6, page 313, chapter 97, Laws of 1909, as last amended by section 14, chapter 28, Laws of 1933, and RCW 28.48.055; amending section 1, chapter 139, Laws of 1925 ex.sess., and RCW 28.48.060; amending section 13, page 314, chapter 97, Laws of 1909, and RCW 28.48.090; amending section 1, page 309, chapter 97, Laws of 1909, as amended by section 1, chapter 85, Laws of 1911, and RCW 28.48.100; amending section 11, chapter 266, Laws of 1947 and RCW 28.57.030; amending section 12, chapter 266, Laws of 1947 and RCW 28.57.040; amending section 13, chapter 266, Laws of 1947, as last amended by section 2, chapter 268, Laws of 1959, and RCW 28.57.050; amending section 19, chapter 266, Laws of 1947, as last amended by section 1, chapter 129, Laws of 1957, and RCW 28.57.070; amending section 21, chapter 266, Laws of 1947, as last amended by section 1, chapter 296, Laws of 1957, and RCW 28.57.090; amending section 3, chapter 266, Laws of 1947 and RCW 28.57.130; amending section 9, chapter 266, Laws of 1947 and RCW 28.57.140; amending section 5, chapter 266, Laws of 1947, as last amended by section 1, chapter 108, Laws of 1965 ex.sess., and RCW 28.57.150; amending section 15, chapter 266, Laws of 1947 and RCW 28.57.170; amending section 16, chapter 266, Laws of 1947, as amended by section 14, chapter 268, Laws of 1959, and RCW 28.57.180; amending section 17, chapter 266, Laws of 1947 and RCW 28.57.190; amending section 18, chapter 266, Laws of 1947 and RCW 28.57.200; amending section 26, chapter 266, Laws of 1947 and RCW 28.57.240; amending section 5, chapter 268, Laws of 1959 and RCW 28.57.245; amending section 23, chapter 130, Laws of 1961 and RCW 28.57.255; amending section 28, chapter 266, Laws of 1947 and RCW 28.57.260; amending section 31, chapter 266, Laws of 1947 and RCW

28.57.290; amending section 32, chapter 266, Laws of 1947 and RCW 28.57.300; amending section 24, chapter 266, Laws of 1947, as amended by section 7, chapter 268, Laws of 1959 and RCW 28.57.350; amending section 34, chapter 266, Laws of 1947, as amended by section 9, chapter 268, Laws of 1959, and RCW 28.57.370; amending section 38, chapter 266, Laws of 1947 and RCW 28.57.390; amending section 1, chapter 30, Laws of 1963 and RCW 28.58.530; amending section 3, chapter 68, Laws of 1955, as amended by section 1, chapter 241, Laws of 1961, and RCW 28.67.070; amending section 143, chapter 118, Laws of 1897, as last amended by section 3, chapter 47, Laws of 1961, and RCW 28.70.040; amending section 2, page 338, chapter 97, Laws of 1909, as amended by section 2, chapter 162, Laws of 1915, and RCW 28.70.060; amending section 3, page 336, chapter 97, Laws of 1909, as amended by section 20, chapter 139, Laws of 1965, and RCW 28.70.110; amending section 5, page 337, chapter 97, Laws of 1909, as amended by section 1, chapter 16, Laws of 1911, and RCW 28.70.140; amending section 21, chapter 139, Laws of 1965, and RCW 28.71.100; amending section 5, chapter 128, Laws of 1917, as amended by section 23, chapter 139, Laws of 1965, and RCW 28.81.100; amending section 6, page 359, chapter 97, Laws of 1909 and RCW 28.87.030; amending section 2, page 357, chapter 97, Laws of 1909, and RCW 28.87.050; amending section 1, page 357, chapter 97, Laws of 1909 and RCW 28.87.070; amending section 3, page 357, chapter 97, Laws of 1909 and RCW 28.87.080; amending section 1, chapter 126, Laws of 1917 and RCW 28.87.090; amending section 4, page 358, chapter 97, Laws of 1909 and RCW 28.87.100; amending section 5, page 358, chapter 97, Laws of 1909 and RCW 28.87.110; amending section 15, page 361, chapter 97, Laws of 1909 and RCW 28.87-.170; amending section 2, page 363, chapter 97, Laws of 1909, as amended by section 23, chapter 90, Laws of 1919, and RCW 28.88.020; amending section 29.21.080, chapter 9, Laws of

1965, and RCW 29.21.080; amending section 29.21.085, chapter 9, Laws of 1965 and RCW 29.21.085; amending section 29.21.150, chapter 9, Laws of 1965 and RCW 29.21.150; amending section 29.21.180, chapter 9, Laws of 1965 and RCW 29.21.180; amending section 36.16.050, chapter 4, Laws of 1963 and RCW 36.16.050; amending section 36.16.070, chapter 4, Laws of 1963 and RCW 36.16.070; amending section 36.68.030, chapter 4, Laws of 1963 and RCW 36.68.030; amending section 36.68.040, chapter 4, Laws of 1963 and RCW 36.68.040; amending section 1, chapter 80, Laws of 1947, as last amended by section 11, chapter 50, Laws of 1967 and RCW 41.32.010; amending section 42, chapter 80, Laws of 1947 as last amended by section 4, chapter 50, Laws of 1967 and RCW 41.32.420; amending section 72.40.060, chapter 28, Laws of 1959 and RCW 72.40.060; amending section 72.40-.070, chapter 28, Laws of 1959 and RCW 72.40.070; amending section 72.40.080, chapter 28, Laws of 1959 and RCW 72.40.080; amending section 72.40.100, chapter 28, Laws of 1959 and RCW 72.40.100; amending section 28A.02.070, 28A.03.030, 28A.03-.050, 28A.24.080, 28A.27.040, 28A.27.080, 28A.27.102, 28A.48-.010, 28A.48.030, 28A.48.050, 28A.48.055, 28A.48.060, 28A.48-.090, 28A.48.100, 28A.57.031, 28A.57.032, 28A.57.033, 28A.57-.035, 28A.57.040, 28A.57.050, 28A.57.070, 28A.57.075, 28A.57-.090, 28A.57.130, 28A.57.140, 28A.57.150, 28A.57.170, 28A.57-.180, 28A.57.190, 28A.57.200, 28A.57.240, 28A.57.245, 28A.57-.255, 28A.57.260, 28A.57.290, 28A.57.300, 28A.57.328, 28A.57-.350, 28A.57.370, 28A.57.390, 28A.58.225, 28A.58.530, 28A.67-.070, 28A.70.110, 28A.70.140, 28A.71.100, 28A.87.030, 28A.87-.050, 28A.87.080, 28A.87.090, 28A.87.100, 28A.87.110, 28A.87-.170, 28A.88.020 and 28B.40.380, chapter ..., Laws of 1969 (HB 58) and RCW 28A.02.070, 28A.03.030, 28A.03.050, 28A.24-.080, 28A.27.040, 28A.27.080, 28A.27.102, 28A.48.010, 28A.48-.030, 28A.48.050, 28A.48.055, 28A.48.060, 28A.48.090, 28A.48-.100, 28A.57.031, 28A.57.032, 28A.57.033, 28A.57.035, 28A.57-

.040, 28A.57.050, 28A.57.070, 28A.57.075, 28A.57.090, 28A.57-.130, 28A.57.140, 28A.57.150, 28A.57.170, 28A.57.180, 28A.57-.190, 28A.57.200, 28A.57.240, 28A.57.245, 28A.57.255, 28A.57-.260, 28A.57.290, 28A.57.300, 28A.57.328, 28A.57.350, 28A.57-.370, 28A.57.390, 28A.58.225, 28A.58.530, 28A.67.070, 28A.70-.110, 28A.70.140, 28A.71.100, 28A.87.030, 28A.87.050, 28A.87-.090, 28A.87.100, 28A.87.110, 28A.87.170, 28A.88.020 and 28B-.40.380; repealing section 1, page 264, chapter 97, Laws of 1909 and RCW 28.01.030; repealing section 22, chapter 139, Laws of 1965, and RCW 28.01.035; repealing section 2, chapter 157, Laws of 1955 as amended by section 1; chapter 216, Laws of 1959, and RCW 28.19.010; repealing section 3, chapter 157, Laws of 1955 and RCW 28.19.020; repealing section 4, chapter 157, Laws of 1955, as amended by section 4, chapter 216, Laws of 1959, and RCW 28.19.030; repealing section 31, chapter 118, Laws of 1897, as last amended by section 5, chapter 216, Laws of 1959, and RCW 28.19.040; repealing section 32, chapter 118, Laws of 1897, as last amended by section 6, chapter 216, Laws of 1959, and RCW 28.19.050; repealing section 14, chapter 157, Laws of 1955, as amended by section 7, chapter 216, Laws of 1959, and RCW 28.19.060; repealing section 6, page 284, chapter 97, Laws of 1909 and RCW 28.19.070; repealing section 7, page 284, chapter 97, Laws of 1909, as amended by section 15, chapter 157, Laws of 1955, and RCW 28.19.080; repealing section 8, page 285, chapter 97, Laws of 1909, as amended by section 16, chapter 157, Laws of 1955, and RCW 28.19.090; repealing section 29, chapter 157, Laws of 1955, as amended by section 25, chapter 216, Laws of 1959, and RCW 28.19.110; repealing section 31, chapter 157, Laws of 1955, as last amended by section 18, chapter 139, Laws of 1965, and RCW 28.19.120; repealing section 32, chapter 157, Laws of 1955, as amended by section 8, chapter 216, Laws of 1959, and RCW 28.19.190; repealing section 1, chapter 139, Laws of 1965 and RCW 28.19-

.300; repealing section 2, chapter 139, Laws of 1965 and RCW 29.19.310; repealing section 3, chapter 139, Laws of 1965 as amended by section 1, chapter 67, Laws of 1967 ex.sess., and RCW 28.19.320; repealing section 4, chapter 139, Laws of 1965 and RCW 28.19.330; repealing section 5, chapter 139, Laws of 1965, and RCW 28.19.340; repealing section 6, chapter 139, Laws of 1965, and RCW 28.19.350; repealing section 7, chapter 139, Laws of 1965 and RCW 28.19.360; repealing section 8, chapter 139, Laws of 1965 and RCW 28.19.370; repealing section 9, chapter 139, Laws of 1965 and RCW 28.19.380; repealing section 12, chapter 139, Laws of 1965 and RCW 28.19.390; repealing section 13, chapter 139, Laws of 1965, and RCW 28.19.400; repealing section 14, chapter 139, Laws of 1965 and RCW 28.19-410; repealing section 15, chapter 139, Laws of 1965 and RCW 28.19.420; repealing section 30, chapter 157, Laws of 1955 as last amended by section 17, chapter 139, Laws of 1965 and RCW 28.19.430; repealing section 2, chapter 67, Laws of 1967 ex.sess., and RCW 28.19.440; repealing section 30, chapter 216, Laws of 1959 and RCW 28.19.900; repealing section 1, page 311, chapter 97, Laws of 1909, as last amended by section 5, chapter 67, Laws of 1967 ex.sess., and RCW 28.20.010; repealing section 24, chapter 157, Laws of 1955, as last amended by section 3, chapter 67, Laws of 1967 ex.sess., and RCW 28.20.013; repealing section 25, chapter 157, Laws of 1955, as amended by section 11, chapter 139, Laws of 1965, and RCW 28.20.015; repealing section 19, chapter 157, Laws of 1955 and RCW 28.20-.020; repealing section 20, chapter 157, Laws of 1955, and RCW 28.20.030; repealing section 25, page 11, Laws of 1886 as last amended by section 10, chapter 216, Laws of 1959, and RCW 28.20.040; repealing section 28, chapter 216, Laws of 1959, as amended by section 19, chapter 139, Laws of 1965, and RCW 28.20.045; repealing section 1, page 315, chapter 97, Laws of 1909, as amended by section 10, chapter 90, Laws

of 1919 and RCW 28.71.010; repealing section 2, page 315, chapter 97, Laws of 1909 and RCW 28.71.020; repealing section 4, page 315, chapter 97, Laws of 1909 and RCW 28.71.030; repealing section 8, page 316, chapter 97, Laws of 1909 and RCW 28.71.065; repealing section 9, page 316, chapter 97, Laws of 1909 and RCW 28.71.070; amending section 3, page 298, chapter 97, Laws of 1909 and RCW 28.63.020; amending section 3, page 301, chapter 97, Laws of 1909 and RCW 28.63.022; amending section 28A.57.326, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.326; repealing sections 28A.01.030, 28A.01.035, 28A.19.010, 28A.19.020, 28A.19.030, 28A.19.040, 28A.19.050, 28A.19.060, 28A.19.070, 28A.19.080, 28A.19.090, 28A.19.110, 28A.19.120, 28A.19.190, 28A.19.300, 28A.19.310, 28A.19.320, 28A.19.330, 28A.19.340, 28A.19.350, 28A.19.360, 28A.19.370, 28A.19.380, 28A.19.390, 28A.19.400, 28A.19.410, 28A.19.420, 28A.19.430, 28A.19.440, 28A.20.010, 28A.20.053, 28A.20.055, 28A.20.020, 28A.20.030, 28A.20.040 and 28A.20.095, chapter ..., Laws of 1969 (HB 58), and RCW 28A.01.030, 28A.01.035, 28A.19.010, 28A.19.020, 28A.19.030, 28A.19.040, 28A.19.050, 28A.19.060, 28A.19.070, 28A.19.080, 28A.19.090, 28A.19.110, 28A.19.120, 28A.19.190, 28A.19.300, 28A.19.310, 28A.19.320, 28A.19.330, 28A.19.340, 28A.19.350, 28A.19.360, 28A.19.360, 28A.19.370, 28A.19.380, 28A.19.400, 28A.19.410, 28A.19.420, 28A.19.430, 28A.19.440, 28A.20.010, 28A.20.053, 28A.20.055, 28A.20.020, 28A.20.030, 28A.20.040 and 28A.20.095; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

NEW SECTION. Section 1. It shall be the intent and purpose of this 1969 amendatory act to reorganize existing offices of county superintendent of schools and county boards of education into inter-

mediate school district offices in order that the territorial organization of the intermediate school districts may be more readily and efficiently adapted to the changing economic pattern and educational program in the state, so that the children in the state will be provided with equal educational opportunities.

NEW SECTION. Sec. 2. (1) On or before July 1, 1969, the state board of education shall create a system of intermediate school districts, the boundaries of each of which shall be compatible with the state-wide plan of potential intermediate districts heretofore adopted by the state board of education pursuant to section 3, chapter 139, Laws of 1965 and RCW 28.19.320. Prior to the creation of such system and the boundaries of the individual intermediate school districts, the state board may make such changes in that state-wide plan and those boundaries as it deems consistent with the purposes stated in section 1 of this 1969 amendatory act. Prior to the creation of such system and districts the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

(2) The state board of education may at any time it deems advisable, or upon petition of any intermediate school district board of education, make such changes in the boundaries of the intermediate school districts consistent with the purposes of section 1 of this 1969 amendatory act as now enacted or hereafter amended. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in the formation of or making any change in boundaries as provided in subsections (1) and (2) above, shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

(3) The state superintendent of public instruction shall furnish personnel, material, supplies and information necessary to enable county or intermediate school boards and superintendents to

consider the initial proposed plan as provided in subsection (1) above, its districts and changes thereto. Such personnel, material, supplies and information shall thereafter be furnished to intermediate school district boards of education and superintendents when proposed changes are in question.

Intermediate districts created pursuant to chapter 139, Laws of 1965 as amended shall be called intermediate school districts and shall be subject to all of the provisions of this 1969 amendatory act.

NEW SECTION. Sec. 3. Except as otherwise provided in this section in each intermediate school district there shall be an intermediate school district board of education, which shall consist of seven members elected by the voters of the intermediate school district, one from each of seven intermediate school district board-member districts, such board-member districts to be determined by the state board of education on or before July 1, 1969. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing intermediate district boards. Each intermediate school district board member shall be elected by the qualified voters in his board-member district only. At least every four years, intermediate school district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes. Such district board may refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, may decide such questions.

Election of board members shall be held at the time of the general school election commencing with the general school election of 1969. Such election shall be called and notice thereof given by the county auditor of each county in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted by the official who conducts the general

school election for first class school districts.

Filing for candidacy for the intermediate school district board shall be with the county auditor of the headquarters county of the intermediate school district not more than sixty days nor less than forty-six days prior to the general school election, and the auditor shall certify the names of candidates to the officials conducting the elections in the board-member districts, except that for the elections to be conducted in November, 1969, the filings shall be with the county auditor of the most populous county in the intermediate school district who shall make such certifications.

The term of office for each board member shall be four years and until his successor is duly elected and qualified. For the first election, board-member district positions numbered one, three, five and seven in each intermediate school district shall be for a term of four years and positions numbered two, four and six shall be for a term of two years.

The term of every intermediate school district board member shall begin after the election returns have been certified, a certificate of election issued, and the oath of office taken, at which time the term of all existing county or intermediate district board members shall terminate and all duties of county board members affecting the county office shall be assumed by the new intermediate school district board serving those counties. Each intermediate school district board shall be organized at the first meeting of the board after the beginning of such term. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the intermediate school district board of education. In the event that there are more than three vacancies in a board, the state board of education shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until the next general school election, at which time there shall be elected a member to fill the unexpired term.

After July 1, 1969, the then incumbent county and intermediate district board members who reside in the newly created intermediate school districts shall meet at the call of the then incumbent intermediate district superintendent or county superintendent of the most populous county in the newly created district, and elect from among their number board members for the new district, one from each board-member district, to serve until the new intermediate school district board assumes office.

No person shall serve as a member of a board of directors of a common school district and as a member of an intermediate school district board at the same time.

NEW SECTION. Sec. 4. Every school district must be included entirely within a single intermediate school district and within a single board-member district thereof. If the boundaries of any school district within an intermediate school district are changed in any manner so as to extend the school district beyond the boundaries of that intermediate school district, the state board shall change the boundaries of the intermediate school district so affected so that all of the school district as constituted by such change of boundaries shall be included within one intermediate school district.

NEW SECTION. Sec. 5. Every member of the intermediate school district board of education shall be a qualified voter and a resident of the board-member district for which he files, and shall not be an employee of any school district. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington, and to faithfully discharge the duties of his office according to the best of his ability. The members of the board shall not be required to give bond. At the first meeting after each general school election and after the qualification for office of the newly elected members, each intermediate school district board shall reorganize by electing a chairman and vice chairman. A majority of all of the members of the board shall constitute a quorum.

NEW SECTION. Sec. 6. All members of the intermediate school district board of education shall be reimbursed for their travel expenses and subsistence while engaged in the performance of their duties under this 1969 amendatory act in accordance with expenses allowable under RCW 43.03.050 and 43.03.060, as now or hereafter amended. All such claims shall be approved by the intermediate school district board of education and paid from the budget of the intermediate school district.

NEW SECTION. Sec. 7. Every intermediate school district board of education shall appoint and set the salary of an intermediate school district superintendent who shall be employed by a written contract for a term to be fixed by the board but not to exceed four years, and who may be discharged for sufficient cause. The appointment of the first superintendent under this section shall take effect at the end of the terms of all existing county and intermediate district superintendents in each intermediate school district. All existing county and intermediate district superintendents shall continue in office until the end of their respective terms of office. While holding such positions the existing superintendents shall continue to receive the salary of that office paid by the boards of county commissioners as prescribed by law existing immediately prior to the effective date of this 1969 amendatory act. Unless all positions of county and intermediate school district superintendents within an intermediate school district shall become vacant before the expiration of the existing terms of office, no vacancies shall be filled, but the intermediate school district board shall designate another such superintendent within the district to serve in that vacant position for the duration of that term of office. Prior to the assumption of office by the appointive superintendent, if there shall be more than one elected superintendent in office within a district, the intermediate school district board shall designate one of the superintendents to be chairman of the county and intermediate district superintendents within the district and, thereafter, such chairman shall represent

such superintendents in matters of concern to the intermediate school district.

NEW SECTION. Sec. 8. To be eligible for appointment to the office of intermediate school district superintendent, in addition to other provisions of the law, a candidate must have completed five years of regular, accredited work in one or more recognized institutions of higher learning; have a valid principal's or superintendent's credential of the state of Washington, and have three or more years' experience in educational administration in the common schools or in the office of a county or intermediate district superintendent or office of an intermediate school district superintendent; but anyone serving as a legally qualified county or intermediate district superintendent or deputy county or intermediate district superintendent in the state of Washington on the effective date of this 1969 amendatory act may be deemed qualified to hold the office of intermediate school district superintendent.

NEW SECTION. Sec. 9. Every intermediate school district board of education shall have the following additional powers and duties:

(1) Advise with and pass upon the recommendations of the intermediate school district superintendent in the preparation of manuals, courses of study, and rules and regulations for the circulating libraries.

(2) Adopt rules and regulations as it shall deem necessary for the schools of the intermediate school district, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction.

(3) Approve the budgets of the intermediate school district, and certify to the board or boards of county commissioners the amount needed from county funds and to the state board of education the estimates of special service funds needed.

(4) Meet regularly according to the schedule adopted at the

organization meeting and in special session upon the call of the chairman, or a majority of the board, or the intermediate school district superintendent.

(5) Assist the intermediate school district superintendent in the selection of personnel and clerical staff as provided in section 10 of this 1969 amendatory act.

(6) Fix the amount of and approve the intermediate school district superintendent's bond.

(7) Exercise careful supervision over the common schools of the district and see that all provisions of the common school laws are observed and followed by teachers, supervisors, superintendents and school officers.

(8) Hear and decide all disputes concerning conflicting or incorrectly described school district boundaries.

(9) Appoint school district directors in school districts of the second and third classes to fill vacancies and appoint school directors for any new school districts. When any new school district is organized, such of the school directors of the old school district as reside within the limits of the new one shall be such directors of the new one, and the vacancies of the old one shall be filled by appointment.

(10) Hear and act upon appeals as provided in RCW 28.88.020.

(11) Acquire by purchase, lease or otherwise, property necessary for the operation of the intermediate school district and to the execution of the duties of the board and superintendent thereof, and to sell, lease or otherwise dispose of that property not so necessary.

(12) Adopt such bylaws, rules and regulations for its own government as it deems necessary or appropriate.

(13) Enter into contracts and employ consultants and legal counsel relating to any of the duties, functions and powers of the intermediate school districts.

NEW SECTION. Sec. 10. The intermediate school district

superintendent may appoint with the consent of the intermediate school district board of education assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of his office at such salaries as may be determined by the intermediate school district board of education, and shall pay such salaries out of the budget of the district. All assistant intermediate school district superintendents shall qualify in the same manner as the intermediate school district superintendent; and in the absence of the intermediate school district superintendent shall perform the duties of the office. The intermediate school district superintendent shall have the authority to appoint a qualified deputy to perform any of the duties of the office.

NEW SECTION. Sec. 11. Each intermediate school district superintendent shall:

(1) Serve as chief executive officer of the intermediate school district and secretary of the intermediate school district board.

(2) Visit the schools in his intermediate school district, counsel with directors and teachers, and assist in every possible way to advance the educational interest in his intermediate school district.

(3) Distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions, rules and regulations, and decisions of the superintendent of public instruction, as provided by law; enforce any outline course of study adopted by the state board of education or course of study adopted by any other lawful authority, and enforce any rules and regulations promulgated therefor.

(4) Keep on file and preserve in his office the biennial reports of the superintendent of public instruction and such other reports pertinent to the operation of his intermediate district.

(5) Keep records of his official acts and those of the intermediate school district board.

(6) Preserve carefully all reports of school officers and teachers and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office, either personally, or through his personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where his office is located.

(7) Administer oaths and affirmations to school directors, teachers, and other persons on all official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

(8) Suspend any teacher who may be teaching in his district, against whom he files charges; in case of any such suspension he shall immediately notify the superintendent of public instruction of his action and shall clearly and fully state his reasons for his action.

(9) Keep an official record of all persons under contract to teach in the schools of his intermediate school district, showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the kind thereof, the salary paid, and the date of commencing school with the length of term in days.

(10) Make an annual report to the superintendent of public instruction on the first day of August of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks and such other matters as the superintendent of public instruction shall direct.

(11) Keep in his office a full and correct transcript of the boundaries of each school district in the intermediate school district, including joint districts. In case the boundaries of the districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of the county in which the affected districts are located, and shall file with them a

complete transcript of the boundaries of all school districts therein affected by his action, which shall be entered upon the journal of that board and become a part of its records. In the event of a dispute over such boundaries, the intermediate school district board shall hear and decide the matter. The intermediate school district superintendent shall, on request, furnish school district clerks with descriptions of the boundaries of their respective districts.

(12) Apportion school funds in the manner not in conflict with state law or the rules or regulations relating to distribution and apportionment of school funds.

(13) Conduct such examination of teachers and make such records thereof as may be prescribed by law. He shall give ten days' notice of each examination by publication in some newspaper of general circulation published in each county in his district, or if there be no newspaper, then by posting up handbills, or otherwise.

(14) Hold teachers' institutes according to law, and conduct such other meetings of the teachers of his intermediate school district as may be for the best interests of the schools, and attend other meetings and conferences which may be of benefit to the schools of his intermediate school district.

(15) Hold at his option each year, one or more school directors' meetings.

(16) Furnish free of charge teachers' registers, clerks' record books, and other materials received free of charge from the superintendent of public instruction to all districts of his intermediate school district.

(17) Counsel with school boards on selection of school sites and whenever any board of directors of a school district of the third class shall be authorized, by the electors of that district, to erect a school building. It shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the intermediate school district superintendent, of the plans and specifications for the building to be erected, and the

superintendent shall give special attention to the provisions made therein for heating, lighting and ventilation.

(18) Require all reports of school district officers, teachers and others to be made promptly as required by law.

(19) Require the oath of office of all school district officers be filed in his office, and shall furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located, upon blanks furnished by the superintendent of public instruction, as soon as the election or appointment of such officers is determined and their oaths placed on file.

(20) Prepare an annual budget for the district for approval by the intermediate school district board of education.

(21) Serve as a member of the transportation commission as provided by RCW 28.24.080.

(22) Assist the school districts in preparation of their budgets as provided in chapter 28.63 RCW.

(23) Cooperate with the state supervisor of special aid for handicapped children and with school districts in administering the educational program for handicapped children as provided in RCW 28.13.020.

(24) Cooperate with the state supervisor of recreation and with school districts in administering the recreation program as provided in RCW 28.14.020.

(25) Enforce the provisions of the compulsory attendance law as provided in chapter 28.27 and chapter 28.28 RCW.

(26) Certify certain statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28.44 RCW.

(27) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28.56 RCW.

(28) Carry out the duties and issue orders creating new

school districts and transfers of territory as provided in chapter 28.57 RCW.

(29) Perform all other duties prescribed by law or the intermediate school district board.

NEW SECTION. Sec. 12. The intermediate school district board of education shall designate the headquarters office of the intermediate school district. The board of county commissioners in each county shall provide the intermediate school district superintendent with suitable quarters and office. Official records of the intermediate district board and superintendent, and of each of the county superintendents of counties within the intermediate school district, shall prior to January 1, 1971, be transferred to and thereafter be kept by the intermediate school district superintendent. Where a county is divided into two or more intermediate school districts, the state board of education shall supervise the transferral of such records so that each intermediate school district superintendent shall receive those records relating to school districts within his intermediate school district.

NEW SECTION. Sec. 13. For all actual and necessary travel in the performance of his official duties and while in attendance upon meetings and conferences, each intermediate school district superintendent and his necessary assistants shall be allowed their actual traveling expenses and subsistence in accordance with RCW 43.03-.050 and 43.03.060. All claims shall be approved by the intermediate school district board of education and paid from the funds budgeted by the district.

NEW SECTION. Sec. 14. The state board of education shall examine the budget of each intermediate school district and fix the amount to be allocated thereto from state funds and certify to the state superintendent of public instruction the amount of state funds needed for the intermediate school district budgets as approved by the state board of education, and shall require the state superintendent of public instruction to allocate this amount from the cur-

rent state school fund or from funds otherwise appropriated for that purpose to the county treasurer of the headquarters county of the intermediate school district for deposit to the credit of the intermediate school district special service fund. In each intermediate school district, there is hereby created an intermediate school district special service fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this 1969 amendatory act, and such moneys as are not specifically allocated from the county current expense funds and other funds of the intermediate school district, and such moneys shall be expended by warrants drawn by the county auditor of the headquarters county of the intermediate school district upon vouchers approved by the intermediate school district board, except as otherwise provided in this 1969 amendatory act. No vouchers for warrants other than moneys being distributed to the school districts, shall be approved for expenditures not budgeted by the intermediate school district board.

NEW SECTION. Sec. 15. The minimum salary of the intermediate school district superintendents shall be based on the number of children attending public schools in grades kindergarten through twelve of the intermediate school district, as determined October 1st of the previous year, and shall be as follows:

School Enrollment	Salary
Less than 15,000 .....	\$10,000.00
15,000 to 19,999, inclusive.....	11,000.00
20,000 to 24,999, inclusive.....	12,000.00
25,000 to 29,999, inclusive.....	13,000.00
30,000 to 34,999, inclusive.....	14,000.00
35,000 to 99,999, inclusive.....	15,000.00
100,000 or more.....	20,000.00

: PROVIDED, That the intermediate school district board may change such salary of the superintendent when it is deemed by the board to be in the best interest of the intermediate school district

to do so.

NEW SECTION. Sec. 16. By January 11, 1971, all funds under the control of the office of each county superintendent or county board of education of each county combined into an intermediate school district shall be combined into intermediate school district funds and deposited in the office of the county treasurer of the county in which the intermediate school district headquarters office is located, except that where a county becomes a part of two or more intermediate school districts, then only a portion of the funds of the office of county superintendent and county board of education shall be combined into the funds of each intermediate school district. The portion of such funds to be combined shall be determined as follows:

(1) Of the current expense fund of the county superintendent, that amount representing the same proportion as the assessed valuation of the property for tax purposes of the portion of the county being combined into the intermediate school district is to the assessed valuation of all county property.

(2) Of the county superintendent's special service fund, an amount determined by the state board of education.

(3) Of the county institute fund, the amount representing the same proportion as the number of teachers employed by school districts in the portion of the county being combined into the intermediate district is to the number of teachers employed by all school districts in the entire county not maintaining a separate institute fund.

NEW SECTION. Sec. 17. The budget of the intermediate school district shall be approved by the intermediate school district board of education. The budget shall then be forwarded to the state board of education for its approval. Moneys received from the state superintendent of public instruction shall be paid to the county treasurer in the county wherein the intermediate school district headquarters office is located to be credited to intermediate school district spe-

cial service fund, and the county treasurer of that county shall be the custodian of the fund, and the auditor of that county shall keep a record of receipts and disbursements, and shall draw and the county treasurer shall honor and pay the warrants.

NEW SECTION. Sec. 18. The county commissioners of each county shall pay each year from their county current expense fund to the intermediate school district current expense fund of the intermediate school district in which the county is located not less than the amount which the county appropriated to the budget of any county and/or intermediate district superintendent for the year 1969. Where only a portion of a county is a part of an intermediate school district, the amount to be paid by the county commissioners to the intermediate school district shall be based on an amount not less than that appropriated to the budget of the county or intermediate district superintendent for the year 1969 and determined by a ratio as described in section 16(1) of this 1969 amendatory act.

NEW SECTION. Sec. 19. The 1969-71 interim committee on education shall conduct a study relative to the financial support of intermediate school districts and ways of enabling intermediate school districts to serve more effectively as regional education centers serving both local school districts and the office of the superintendent of public instruction, and make its recommendations to the forty-second regular session of the legislature.

NEW SECTION. Sec. 20. The prosecuting attorney for the county in which the headquarters office of the intermediate school district office is located shall, if required by law to devote full time to the duties of his office, as a part of his duties, serve as legal advisor to the intermediate school district board and superintendent in all matters relating to their official business. When requested by such board or superintendent, he shall draw all instruments, give legal advice, and represent such board or superintendent with respect to all such matters and business. The prosecuting attorneys of other counties within an intermediate school district, if required by law to de-

vote their full time to the duties of their office, shall be available to assist the headquarters county prosecuting attorney with respect to such matters and business.

NEW SECTION. Sec. 21. The county treasurer of the county in which the headquarters office of the intermediate school district is located shall serve as the ex officio treasurer of the district. He shall keep all funds and moneys of the district separate and apart from all other funds and moneys in his custody and shall disburse such moneys only upon proper order of the intermediate school district board or superintendent.

NEW SECTION. Sec. 22. As of July 1, 1969, employees of the various offices of county or intermediate district superintendent and county or intermediate district board shall terminate their employment therein, or such employees, at their election, may transfer their employment to the new intermediate school district in which their respective county is located. If such employment is so transferred, each employee shall retain the same leave benefits and other benefits that he had in his previous position. If the intermediate school district has a different system of computing leave benefits and other benefits, then the employee shall be granted the same leave and other benefits as a person will receive who would have had similar occupational status and total years of service with the new intermediate school district.

NEW SECTION. Sec. 23. The superintendents of all local school districts within an intermediate school district shall serve in an advisory capacity to the intermediate school district board and superintendent in matters pertaining to programs, policy and staff.

NEW SECTION. Sec. 24. After they assume their duties, and except as otherwise provided in section 9 and section 11 of this 1969 amendatory act, intermediate school district boards of education shall perform all duties now required by law to be performed by the respective county boards of education, and the intermediate school district superintendents shall perform all duties now required to be

performed by the respective county superintendents. The intermediate school district board of education may provide other cooperative educational services as are required by the local school districts within the intermediate districts, being responsive to local district needs.

Sec. 25. Section 27, chapter 104, Laws of 1903, as last amended by section 1, chapter 163, Laws of 1955, and RCW 27.16.010 are each amended to read as follows:

The ~~((county-superintendent))~~ intermediate school district board of education of each ~~((county))~~ intermediate school district may establish a circulating library and depository of instructional materials for the use and benefit of the pupils of the common schools of such ~~((county))~~ intermediate school district.

Sec. 26. Section 28, chapter 104, Laws of 1903, as last amended by section 2, chapter 163, Laws of 1955, and RCW 27.16.020 are each amended to read as follows:

~~((The))~~ Each board of county commissioners may levy a tax not exceeding one-tenth of a mill for the support of the circulating library in its intermediate school district. The proceeds of the tax collected shall constitute the circulating school library fund for the payment of all bills created by the ~~((county-superintendent))~~ intermediate school district for the purchase of books and instructional materials and fixtures. The fund shall be deposited in the office of the county treasurer in which other intermediate school district funds are deposited, and shall be payable on order of the intermediate school district board of education.

Sec. 27. Section 3, page 320, chapter 97, Laws of 1909 and RCW 27.16.030 are each amended to read as follows:

The ~~((county-commissioners))~~ intermediate school district board of education shall allow no bill or bills against said fund until it shall have been certified to be correct by the ~~((county))~~ intermediate school district superintendent.

Sec. 28. Section 4, page 320, chapter 97, Laws of 1909, as amended by section 3, chapter 163, Laws of 1955, and RCW 27.16.040

are each amended to read as follows:

The ((~~county-superintendent~~)) intermediate school district shall purchase no books or instructional materials, or fixtures for the circulating library until there shall be to the credit of the circulating school library fund sufficient money to pay the purchase price thereof.

Sec. 29. Section 5, page 320, chapter 97, Laws of 1909, as amended by section 4, chapter 163, Laws of 1955, and RCW 27.16.050 are each amended to read as follows:

No book or instructional material shall be placed in ((a county)) an intermediate school district circulating library that has been disapproved by the state board of education or the superintendent of public instruction.

Sec. 30. Section 6, page 320, chapter 97, Laws of 1909, as amended by section 5, chapter 163, Laws of 1955, and RCW 27.16.060 are each amended to read as follows:

The ((~~county~~)) intermediate school district superintendent shall purchase the books and instructional materials and enforce such rules and regulations for their distribution, use, care, and preservation as he deems necessary.

Part I. Sections affecting current education law.

Sec. 31. Section 2, page 230, chapter 97, Laws of 1909 and RCW 28.02.020 are each amended to read as follows:

The administration of the public school system shall be entrusted to a superintendent of public instruction, a state board of education, to regents or trustees for educational institutions, to ((~~county~~)) intermediate school district superintendents ((~~of common schools~~)), to boards of directors and district clerks.

Sec. 32. Section 3, chapter 20, Laws of 1955 and RCW 28.02-.070 are each amended to read as follows:

On the Friday preceding November 11th when November 11th falls on a nonschool day, each teacher, or the principal in charge of the school building, in all elementary and high schools of the state

shall prepare and present a program suitable to observance of Veterans' and Admission Day.

The program (~~(must-be-at-least-sixty-minutes-in-length,)~~) should include such matters as setting forth the part taken by the United States and the state of Washington in the world war for the years nineteen hundred seventeen and nineteen hundred and eighteen, the principles for which the allied nations fought, and the heroic deeds of American soldiers and sailors, the leading events in the history of our state and of Washington Territory, the character and struggles of the pioneer settlers and other topics tending to instill a loyalty and devotion to the institutions and laws of our state.

It shall be the duty of the superintendent of public instruction and of each (~~(county)~~) intermediate school district superintendent (~~(of-schools)~~), by advice and suggestion, to aid in the suitable observance of Veterans' and Admission Day.

Sec. 33. Section 3, page 231, chapter 97, Laws of 1909, as amended by section 4, chapter 158, Laws of 1967, and RCW 28.03.030 are each amended to read as follows:

The powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report five thousand copies shall be printed and delivered to the superintendent of public instruction, who shall furnish one copy to be deposited in the state library, one copy to each (~~(county)~~) intermediate school district superintendent (~~(of-schools)~~) and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and (~~(county)~~) intermediate school district funds apportioned, amount received from special tax

and from other sources, amount expended for salaries of teachers, the salaries paid (~~by the several counties~~) to the (~~county~~) intermediate school district superintendent (~~of schools~~) and the amount paid for incidentals and expenses; the amount paid for building and providing schoolhouses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, the reports of all state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools.

(3) To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools, and to distribute the same to the (~~county~~) intermediate school district superintendents.

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting (~~county~~) intermediate school district superintendents or other school officers.

(5) To submit to the state auditor a monthly statement of his expenditures for traveling expenses.

(6) To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each (~~county~~) intermediate school district superintendent a sufficient number of copies to supply each district officer, and to cause the same to be printed and distributed as often as any change in the laws shall make it of sufficient importance, in his opinion, to justify the same.

(7) To act as ex officio president and the chief executive officer of the state board of education.

(8) To hold, annually, a convention of the ((county)) intermediate school district superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interest of the common schools as may be brought before it. Said convention shall continue in session not less than two days nor more than three days at the option of the superintendent of public instruction. It shall be the duty of every ((county)) intermediate school district superintendent in this state to attend said convention during its entire session, and any ((county)) intermediate school district superintendent who attends the convention shall receive actual traveling expenses in attending said convention.

(9) He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state, each year separately. Copies of all papers filed in his office, and his official acts, may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

(10) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports; and it is hereby made the duty of every president, manager or principal, to fill up and return such blanks within such time as the superintendent of public instruction shall direct.

(11) To keep in his office a directory of all boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

(12) To issue certificates as provided by law.

(13) To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, and all matters pertaining to the educational interests of the state, as well as a record of the meetings of the state board of education.

(14) To decide all points of law which may be submitted to him in writing by any ((county)) intermediate school district superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any ((county)) intermediate school district superintendent; and he shall publish his rulings and decisions from time to time for the information of school officers and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(15) To administer oaths and affirmations in the discharge of his official duties.

(16) To deliver over to his successor, at the expiration of his term of office, all records, books, maps, documents, and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(17) To prepare and from time to time to revise a state manual of Washington, which shall be sold at actual cost of publication and distribution, said manual to contain a sketch of the history of the state, an outline of the Constitution of the state, excerpts from the school code, the courses of study and rules for the general government of the common schools, a map of the state, and a map of the topography of the state, and such other matter as the state superintendent or the state board of education from time to time shall determine.

(18) To make certified copies of papers filed in his office attested by his official seal.

(19) To perform such other duties as may be required by law.

Sec. 34. Section 2, chapter 49, Laws of 1965 ex.sess., as amended by section 2, chapter 12, Laws of 1967, and RCW 28.03.050 are

each amended to read as follows:

There shall be established in the office of the superintendent of public instruction an accumulated sick leave fund. Each school district, each office of ((county-and)) intermediate school district superintendent and board of education, and the office of superintendent of public instruction shall contribute to the fund according to a plan established by the superintendent of public instruction based upon the sick leave experience of the previous school year. All school districts shall be reimbursed from this fund for payments made for sick leave.

Sec. 35. Section 7, chapter 154, Laws of 1965 ex.sess., and RCW 28.24.080 are each amended to read as follows:

School district transportation routes, for purposes of state reimbursement of transportation costs, shall be recommended by the ((county)) intermediate school district transportation commission and approved by the state superintendent pursuant to rules and regulations established for that purpose. The commission shall consist of (1) a representative of the local board of directors, (2) a representative of the state superintendent of public instruction, and (3) the ((county)) intermediate school district superintendent ((of schools)).

Sec. 36. Section 10, chapter 154, Laws of 1965 ex.sess., and RCW 28.24.110 are each amended to read as follows:

A local district may be authorized by the ((county)) intermediate school district superintendent to transport and educate its pupils in another district 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. Such authorization may be extended for an additional year at the discretion of the ((county)) intermediate school district superintendent.

Sec. 37. Section 4, page 365, chapter 97, Laws of 1909 and  
[1300]

RCW 28.27.040 are each amended to read as follows:

To aid in the enforcement of RCW 28.27.010 through 28.27.130, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. Any attendance officer may be a sheriff, constable, a city marshal, or a regularly appointed policeman. In all other districts the ((county)) intermediate school district superintendent shall act as attendance officer, and he shall also have authority to appoint one or more assistant attendance officers to aid him in the performance of his duties as attendance officer. The compensation of attendance officer in such city districts shall be fixed and paid by the board appointing him. The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW 28.27.010 through 28.27.130, and shall have authority to enter all stores, mills, shops, or other places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW 28.27.010 through 28.27.130. The attendance officer is authorized to take into custody the person of any child between eight and fifteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW 28.27.010 through 28.27.130, and shall otherwise discharge the duties prescribed in RCW 28.27.010 through 28.27.130, and shall perform such other services as the superintendent of schools or the board of directors may deem necessary. The attendance officer shall keep a record of his transactions, for the inspection and information of the board of directors and the city and ((county)) intermediate school district superintendent, and shall make a detailed report to the superintendent of the city or of the ((county)) intermediate school district, as often as the same may be required.

Sec. 38. Section 9, page 367, chapter 97, Laws of 1909 and RCW 28.27.080 are each amended to read as follows:

The ((county)) intermediate school district superintendent shall on or before the fifteenth day of August of each year, by printed circular or otherwise, call the attention of all school district officers to the provisions of RCW 28.27.010 through 28.27-.130, and to the penalties prescribed for the violation of its provisions, and he or she shall require the clerk of every school district to make a report annually hereafter, to him or her, verified by affidavit, stating whether or not the provisions of RCW 28.27.010 through 28.27.130 have been faithfully complied with in his district. Such reports shall be made upon blanks to be furnished by the superintendent of public instruction and shall be transmitted to the ((county)) intermediate school district superintendent at the time the district clerk is required to make his annual report to the ((county)) intermediate school district superintendent. Any district clerk who shall knowingly or wilfully make a false report relating to the enforcement of the provisions of RCW 28.27.010 through 28.27-.130 or fail to report as herein provided shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any district clerk who shall refuse or neglect to make the report required in this section, shall be personally liable to his district for any loss which it may sustain because of such neglect or refusal to report.

Sec. 39. Section 10, page 368, chapter 97, Laws of 1909, and RCW 28.27.102 are each amended to read as follows:

Any superintendent, teacher or attendance officer, who shall fail or refuse to perform the duties prescribed by RCW 28.27.010 through 28.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a district officer, such fine shall be paid to the county treasurer and by him placed to the

credit of the school district in which said officer resides, and in case of other officers such fine shall be paid to the county treasurer of the county in which the intermediate school district headquarters office is located and by him placed to the credit of the general school fund of the ((county)) intermediate school district.

Sec. 40. Section 3, chapter 276, Laws of 1959, as amended by section 1, chapter 162, Laws of 1965 ex.sess., and RCW 28.48.010 are each amended to read as follows:

On or before the last business day of September, 1965 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 ((counties)) intermediate school districts of the state the proportional share of the total annual amount due and apportionable to such ((counties)) intermediate school districts for the school districts thereof as follows: In January, ten percent, in February, ten percent, in June, three and one-half percent and in each of the other months respectively eight and one-half percent. The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the biennium beginning July 1, 1965, and ending June 30, 1967, shall be apportioned to cover the two school years beginning September 1, 1965, and ending August 31, 1967. 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 ((counties)) intermediate school districts during such month: PROVIDED, That any school district may, through its ((county)) intermediate school district superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed five percent of the total amount to become due and apportionable during the school district's fiscal year. The superintendent

of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and 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 ((county)) intermediate school district in which the district is located.

Sec. 41. Section 9, chapter 141, Laws of 1945, as amended by section 2, chapter 162, Laws of 1965 ex.sess., and RCW 28.48.030 are each amended to read as follows:

Upon receiving the certificate of apportionment from the superintendent of public instruction the ((county)) intermediate school district superintendent ((ef-seheels)) shall promptly apportion to the school districts of his ((county)) intermediate school district the amounts then due and apportionable to such districts as certified by the superintendent of public instruction. The ((county)) intermediate school district superintendent ((ef-seheels)) shall apportion to the school districts of his ((county)) intermediate school district during each of the twelve months of the year the amount then available for apportionment to such districts from the ((county)) intermediate school district current school fund.

Sec. 42. Section 5, page 312, chapter 97, Laws of 1909 and RCW 28.48.050 are each amended to read as follows:

The clerk of any district whose resident pupils are attending school in another district may notify the clerk of the district where such pupils attend, when the school of said pupils' resident district will be in session, and of the grades that will be maintained, and he must file a duplicate copy of said notice with the ((county)) intermediate school district superintendent. He must name the pupils in his notice, and it shall be the duty of the district clerk so notified, on or before the thirtieth day of June, to certify to the clerk of the resident district the actual number of days' attendance at school of such pupils during the time that a school of the grade to which the pupil or pupils properly belong was in session in their resident district. And in case said clerk shall

fail or refuse to furnish such information to the clerk of the resident district, then it shall be the duty of the ((county)) intermediate school district superintendent to grant to the district to which the attendance belongs the maximum number of days claimed by the clerk of the said district. Without the notice herein required by the clerk of the resident district, all claims to attendance will be forfeited.

Sec. 43. Section 6, page 313, chapter 97, Laws of 1909, as last amended by section 14, chapter 28, Laws of 1933, and RCW 28.48-.055 are each amended to read as follows:

It shall be the duty of the administrative or executive authority of every private school in this state to report to the ((county)) intermediate school district superintendent ((of schools)) on or before the thirtieth day of June in each year, on a blank to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state.

Sec. 44. Section 1, chapter 139, Laws of 1925 ex. sess., and RCW 28.48.060 are each amended to read as follows:

Whenever any pupil attends a public school of the state of Washington and such pupil resides in any home or institution devoted exclusively to providing a home for orphan children which is exempt from taxation under the laws of the state of Washington, and is located in the same school district as the school such pupil attends, the attendance of such pupil in such school shall entitle the district to receive from the state's current school fund and the proceeds of the county school levy, in the proportion of two-thirds and one-third, respectively, in addition to the amounts received for attendance of such pupil, an amount up to but not to exceed the average cost per day per pupil of educating pupils for the school year throughout the state in grade schools or high schools, as the case may be. The clerk of any such school district entitled to receive additional funds as hereinabove provided shall certify, under oath,

as a part of his annual report to the ((county)) intermediate school district superintendent ((ef-seheels)), to be made on or before the fifteenth day of July, as required by law, the following facts as nearly as the same can be ascertained, which data shall in turn be included in the report of the ((county-seheel)) intermediate school district superintendent to the state superintendent of public instruction: The name and age of each pupil residing in any such home or institution, with the number of days' attendance of each such pupil, and whether such pupil was enrolled in a grade school or a high school. For the purposes of ascertaining the average cost of educating pupils in the high schools and grade schools, respectively, throughout the state, the following items of school expenditure shall be used: Salaries of teachers, supervisors, principals, special instructors, superintendents and assistants, janitors, clerks and secretaries, stenographers and all other employees, fuel, light, water, power, telephones, text books, office expenses, janitors' supplies, freight, express, drayage, rents for school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health and such other current expenditures as may be necessary to the efficient operation of the high schools or grade schools, respectively. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating school expenditures for the purposes of this section.

Sec. 45. Section 13, page 314, chapter 97, Laws of 1909 and RCW 28.48.090 are each amended to read as follows:

Whenever any school board shall neglect or refuse to comply with the provision of RCW 28.58.301, it shall be the duty of the ((county)) intermediate school district superintendent to withhold the entire apportionment accruing to said district until such time as full compliance with requirements thereof has been made.

Sec. 46. Section 1, page 309, chapter 97, Laws of 1909, as

amended by section 1, chapter 85, Laws of 1911, and RCW 28.48.100 are each amended to read as follows:

The county treasurer of each county of this state shall be ex officio treasurer of the several school districts of their respective counties, and it shall be the duty of each county treasurer:

(1) To receive and hold all moneys belonging to such school districts, and to pay them out only on warrants legally issued.

(2) To certify to the ((county)) intermediate school district superintendent ((ef-common-schools)) and the auditor of his county, quarterly of each year at the time of the state apportionment, the amount of all school funds in his possession subject to apportionment on the last day of the preceding month, which certificate shall specify the source or sources from which said moneys were derived.

(3) To make annually, or or before the fifteenth day of July, a report to the ((county)) intermediate school district superintendent and auditor of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30th, last past, and the sources from which said funds were derived; the amount of warrants registered during the year, the amount of funds disbursed upon warrants of each school district during the year; the amount of funds remaining in his possession at the close of the school year subject to be paid out upon warrants, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his register at the close of the school year.

(4) He shall register all school warrants presented to him by the county auditor in a book to be known as the "Treasurer's School District Warrant Register," which register shall show the date issued, number of warrant, to whom issued, amount and purpose, date registered, date advertised, interest if any accruing on said warrant, total as redeemed, date redeemed, and to whom paid. If the district has money in the fund on which the warrant is drawn no endorsement on the war-

rant is necessary, but if there be no money to the credit of the fund on which the warrant is registered he shall endorse on said warrant the following: "This warrant bears interest at ..... percent per annum from ..... until called for payment. .... County Treasurer, By ..... Deputy." All warrants shall be paid in the order of their presentation to the county treasurer; and it is hereby made the duty of the county treasurer to advertise, at least quarterly, all warrants which he is prepared to pay, in the same manner in which he is required to advertise county warrants, and after the date fixed in said notice, warrants shall cease to draw interest.

(5) He shall prepare and submit to the secretary of each district of the first class, and to the clerk of each district of the second and third class in his county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh day of said month, certified to by the county auditor, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon; if any, the number of warrants issued and not paid, and the balance on hand.

(6) After each monthly settlement with the county commissioners the treasurer of each county shall submit a statement of all canceled warrants of districts of the first or second class to the secretary or clerk of such district, which statement shall be verified to the county auditor. The canceled warrants of each district shall be preserved separately and shall at all times be open to inspection by the secretary or clerk or by any authorized accountant of such district.

~~((7) He shall remit all moneys derived from the sale of school registers, and school clerks' record books to the state treasurer, as other moneys are required to be remitted, and the state treasurer shall place such moneys to the credit of the general fund of the state.))~~

Sec. 47. Section 11, chapter 266, Laws of 1947 and RCW 28.57-.030 are each amended to read as follows:

There is hereby created in each county a committee which shall be known as the county committee on school district organization, which committee shall be composed of not less than five nor more than nine representative citizens of the county, the number in each county to be determined by the persons hereinafter charged with the duty of electing the members of the committee. Neither the ((~~county~~)) intermediate school district superintendent nor any employee of a school district shall be a member of the county committee. The members of the county committee shall be elected by the ((~~county~~)) intermediate school district superintendent and the members of the board of directors of the school districts of the county at a meeting which the ((~~county~~)) superintendent shall call for the purpose. At least one member of the county committee shall be elected from among the residents of each county commissioner's district in the county; and, as nearly as possible, an equal number of members shall be elected from among the residents of each class of school district (first, second, or third class) in the county. No member of a county committee shall continue to serve thereon if he ceases to be a resident of the county or if he is absent from three consecutive meetings of the committee without an excuse acceptable to the committee. Vacancies in the membership of the county committee shall be filled by the persons charged with the duty of electing the members of the committee: PROVIDED, That the committee may fill vacancies in its membership pending the calling of a meeting of said persons for this purpose by the ((~~county~~)) intermediate school district superintendent. The terms of members of the county committee shall be for five years and until their successors are elected: PROVIDED, That the terms of the members first elected shall be determined by lot to the end that as nearly as possible thereafter one-fifth of the members shall be elected annually. Members of the county committee shall serve without compensation but shall be reimbursed for expenses necessarily

incurred in the performance of their duties. If more than one intermediate school district superintendent has jurisdiction within a county all such superintendents shall participate in electing the committee, and the intermediate school district superintendent having jurisdiction over the most populous part of the county shall serve as secretary of the committee and call meetings where so provided.

Sec. 48. Section 12, chapter 266, Laws of 1947 and RCW 28-.57.040 are each amended to read as follows:

The county committee shall organize by electing from its membership a chairman and a vice chairman. The ((county)) intermediate school district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

Sec. 49. Section 13, chapter 266, Laws of 1947, as last amended by section 2, chapter 268, Laws of 1959, and RCW 28.57.050 are each amended to read as follows:

The powers and duties of the county committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals for changes in the organization and extent of school districts in the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by ((the-county)) any interested intermediate school district superintendent as provided for in this chapter; and to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state: PROVIDED, That the committee shall prepare and submit to the state board within one and one-half years after April 1, 1955 a comprehensive plan for changes in the organization and extent of the school districts of the county, which plan may be submitted as a single unit or as separate units submitted from time to time and involving one or more school districts: PRO-

VIDED FURTHER, That if the county committee finds, after considering the factors listed in subsection (4) of this section, that no changes in the school district organization of the county are needed a report to this effect shall be submitted to the state board.

(2) (a) To make among the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of school districts an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, of all districts involved or affected; and (b) to make among all of the school districts involved in or affected by any change heretofore or hereafter effected, an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the ((eounty)) intermediate school district superintendent may be

designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof (a) in at least three of the most public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on the schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing.

(4) To give due consideration in the preparation of plans and terms of adjustment as aforesaid (a) to equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; (b) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; (c) to geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; (d) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; (e) to improvement of the educational opportunities of pupils through improvement and extension of school programs and through better instruction, facilities, equipment, materials, libraries, and health and other services; (f) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: PROVIDED, That a nonhigh school district may be excluded from a plan if such district is found by

the county committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; (g) to the future effective utilization of existing satisfactory school buildings, sites, and playfields; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and (h) to any other matters which in the judgment of the committee are related to or may operate to further equalization and improvement of school facilities and services, economies in operating and capital fund expenditures; and equalization among school districts of tax rates for school purposes.

(5) To prepare and submit, along with the submission of the proposals designated in subsection (1) of this section, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both; a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request.

(6) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the state census board shall be divided into directors' districts unless a majority of the voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts. The bound-

aries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(7) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided except a district of the third class: PROVIDED, That a petition therefor, shall be required for a rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least five heads of families residing in the aforesaid school district, and shall be presented to the ((county)) intermediate school district superintendent. A public hearing thereon shall be held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section, except that notice thereof shall be posted in some public place in each directors' district of the school district and on the schoolhouse door of the district and at the place of holding the hearing.

(8) To prepare and submit to the superintendent of public instruction, upon his request, a report and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 50. Section 19, chapter 266, Laws of 1947, as last amended by section 1, chapter 129, Laws of 1957, and RCW 28.57.070 are each amended to read as follows:

Upon receipt by the county committee of such notice from the state board as is required in RCW 28.57.060(2), the ((county)) intermediate school district superintendent shall make an order establishing all approved changes involving the alteration of the bound-

aries of an established school district or districts and all approved terms of adjustment of assets and liabilities involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his action to the county auditor for the board of county commissioners, and to the county treasurer, the county assessor and the clerks of all school districts affected by such action. Upon receipt of such certification the clerk of each school district which is annexed to another district by the action shall deliver to the proper school district officer of the district all books, papers, documents, records, and other materials pertaining to his office.

Whenever adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries thereof, pursuant to the provisions of this chapter, the order of the ((county)) intermediate school district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district (a) that such bonded indebtedness is assumed by the school district to which it is transferred; (b) that thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred; (c) that, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and (d) that taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, said taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred as aforesaid, as the same become due and payable.

In computing the debt limitation of any school district from

which or to which bonded indebtedness has been transferred as aforesaid, the amount of such transferred bonded indebtedness at any time outstanding (a) shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which such bonded indebtedness was transferred and (b) shall be deemed to be bonded indebtedness solely of the transferee school district that assumed such indebtedness.

(2) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district (a) that the existing bonded indebtedness of each school district the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of the school district in its reduced or enlarged form, as the case may be; and (b) that taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and the interest on such bonded indebtedness as the same become due and payable.

In case the aforesaid approval by the state board concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be shall be held for the purpose of affording said voters an opportunity to approve or reject such proposals as concern or affect them.

In a case involving both the question of the formation of a new district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a

single proposition or as separate propositions, whichever to the ((county)) intermediate school district superintendent seems expedient. The ((county)) intermediate school district superintendent shall perform in connection with the calling and conducting of the special elections provided for in this chapter all duties that are required by law to be performed by a board of directors and the clerk or secretary of a school district in connection with the calling and conducting of school district elections.

Sec. 51. Section 21, chapter 266, Laws of 1947, as last amended by section 1, chapter 296, Laws of 1957 and RCW 28.57.090 are each amended to read as follows:

Whenever a special election is held to vote on a proposal to form a new school district, the votes cast by the electors in each component district shall be tabulated separately and the proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon. Whenever a special election is held to vote on a proposal for adjustment of bonded indebtedness the entire vote cast by the electors of the proposed new district or of the established district as the case may be shall be tabulated and any such proposition shall be considered approved if a majority of sixty percent of all votes cast thereon is in the affirmative.

In the event of approval of a proposition or propositions voted on at a special election, the ((county)) intermediate school district superintendent shall: (1) Make an order establishing such new district or such terms of adjustment of bonded indebtedness or both, as were approved by the voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; (2) certify his action to the county and school district officers specified in RCW 28.57.070; and (3) designate the new district by name and by a number different from that of any component thereof or of any other district in exist-

ence in the county.

The ((county)) intermediate school district superintendent may, if he deems such action advisable, fix, as the effective date of any order or orders he is required by this chapter to make, the first day of July next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts.

Upon receipt of the aforesaid certification, the clerk of each school district which is included in the new district shall deliver to the proper school district officer of the new district all books, papers, documents, records and other materials pertaining to his office.

Sec. 52. Section 3, chapter 266, Laws of 1947 and RCW 28.57-.130 are each amended to read as follows:

A school district shall be organized in form and manner as hereinafter provided, and shall be known as ..... (insert here the name of the district) School District No. ...., ..... county, state of Washington: PROVIDED, That all school districts now existing as shown by the records of the ((county)) intermediate school district superintendent are hereby recognized as legally organized districts: PROVIDED, FURTHER, That all school districts existing on the effective date of this 1969 amendatory act as shown by the records of the county or intermediate district superintendents are hereby recognized as legally organized districts.

Sec. 53. Section 9, chapter 266, Laws of 1947 and RCW 28.57-.140 are each amended to read as follows:

Any school district in the state having a population in excess of ten thousand, as shown by any regular or special census or by any other evidence acceptable to the ((county)) intermediate school district superintendent, shall be a school district of the first class. Any other school district maintaining a fully accredited high school or containing a city of the third class or of the fourth class or an

area of one square mile having a population of at least three hundred shall be a school district of the second class. All other school districts shall be school districts of the third class. Whenever the ((county)) intermediate school district superintendent finds that the classification of a school district should be changed, he shall make an order in conformity with his findings and alter the records of his office accordingly. Thereafter the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which said district then belongs.

Sec. 54. Section 5, chapter 266, Laws of 1947, as last amended by section 1, chapter 108, Laws of 1965 ex.sess., and RCW 28.57.150 are each amended to read as follows:

Except as otherwise provided for herein, each incorporated city or town in the state shall be comprised in one school district: PROVIDED, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except as hereafter provided.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites and is not a component district within a union high school district, is included in an incorporated city or town through the extension of the limits of such city or town in the manner provided by law, the ((county)) intermediate school district superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town, and (2) whenever a part of a district so included contains a school building of the district, present to the county committee a proposal for the disposition of any part or all of the remaining territory of the

district.

In case of the extension of the limits of a city or town other than a city of the first, second or third class to include (1) territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, or (2) territory lying in a nonhigh school district that is a component district within a union high school district and operates two or more elementary schools on separate sites, the county committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the city or town is located any part or all of the territory aforesaid which has been included in the city or town and for annexation to the school district in which the city or town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the limits of the city or town: PROVIDED, That where no school or school site is located within the territory annexed to the city or town and not less than seventy-five percent of the heads of families residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the city or town is located, the ((county)) intermediate school district superintendent shall declare the territory so included to be a part of the school district containing said city or town: PROVIDED FURTHER, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: PROVIDED FURTHER, That the provisions and procedural requirements of chapter 28.57 as now or hereafter amended not in conflict with or inconsistent with the provisions hereinabove stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school

districts involved or affected thereby.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the ((county)) intermediate school district superintendent shall, except where the incorporation or consolidation would affect a district or districts of the first class: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any component thereof or of any other district in existence in the county.

The ((county)) intermediate school district superintendent may, if he deems such action advisable, fix as the effective date of any declaration or order required under this section the first day of July next succeeding the date of the issuance of such declaration or order.

Sec. 55. Section 15, chapter 266, Laws of 1947 and RCW 28-.57.170 are each amended to read as follows:

For the purpose of forming a new school district, a petition in writing may be presented to the ((county)) intermediate school district superintendent, in his capacity as secretary of the county committee, signed either by five heads of families or by a majority of the heads of families residing (1) in each whole district and in each part of a district proposed to be included in any single new district, or (2) in the territory of a proposed new district which comprises a part only of one or more districts. The aforesaid petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district.

Sec. 56. Section 16, chapter 266, Laws of 1947, as amended by section 14, chapter 268, Laws of 1959, and RCW 28.57.180 are each amended to read as follows:

For the purpose of transferring territory from one school

district to another district, a petition in writing may be presented to the ((county)) intermediate school district superintendent, in his capacity as secretary of the county committee, signed by a majority of the heads of families residing in the territory proposed to be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no family resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: PROVIDED, That the ((county)) intermediate school district superintendent may, without being petitioned to do so, present to the county committee a proposal for the transfer from one school district to another of any territory in which no children of school age reside: PROVIDED FURTHER, That the ((county)) intermediate school district superintendent shall not complete any transfer of territory pursuant to the provisions of this section which involves ten percent or more of the student population of the entire district from which such transfer is proposed, unless he has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those voting in said election; and if such proposed transfer is disapproved by a majority vote of the voters of the entire district voting in an election called for that purpose, the state board of education shall review such case and determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the board decided in the negative, it may thereupon withhold from such district, in whole or in part, state contributed funds.

Sec. 57. Section 17, chapter 266, Laws of 1947 and RCW 28.57-.190 are each amended to read as follows:

Whenever all or any part of a school district in which no accredited high school is maintained is bounded on three or more sides by a school district in which an accredited high school is situated and maintained, the ((county)) intermediate school district superintendent shall report said fact to the county committee, which committee shall consider the question of the annexation to the aforesaid high school district of the territory so bounded.

Sec. 58. Section 18, chapter 266, Laws of 1947 and RCW 28.57-.200 are each amended to read as follows:

In case any school district shall have an average daily attendance of fewer than five pupils or shall not have maintained, during the last preceding school year at least the minimum terms of school required by law, the ((county)) intermediate school district superintendent shall report said fact to the county committee, which committee shall give consideration to the question of the dissolution of the school district and the annexation of the territory thereof to some other district or districts. In case any territory is not a part of any school district, the ((county)) intermediate school district superintendent shall present to the county committee a proposal for the annexation of said territory to some contiguous district or districts.

Sec. 59. Section 26, chapter 266, Laws of 1947 and RCW 28-.57.240 are each amended to read as follows:

The duties herein imposed upon and required to be performed by a county committee or by ((a-county)) an intermediate school district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single county is involved shall be performed jointly by the county committees or by the ((county)) intermediate school district superintendents of the several counties whenever territory lying in more than one county or intermediate school district is involved: PROVIDED, That a county

committee may designate three of its members, or two of its members and the ((county)) intermediate school district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by the whole committee of the county. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the state board (1) by the county committee of the county in which is situated the high school of the proposed new district or of the established district proposed to be enlarged, or (2) in case no high school district is involved in the proposed change, by the county committee of the county in which the schoolhouse of the district is situated, or (3) if there be no schoolhouse in the district or more than one schoolhouse, by the county committee of the county in which is located the part of the district having the largest number of children of school age residing therein.

Sec. 60. Section 5, chapter 268, Laws of 1959 and RCW 28.57-.245 are each amended to read as follows:

Whenever a change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve a joint district, and a majority of the county committee of either county approve a proposal but the proposal is not approved by the other county committee or said committee fails or refuses to act upon the proposal within sixty days of its receipt, the county committee approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee on joint school district organization composed of five persons. The members of the committee shall be selected from the membership of any county committee in this state except that no member shall be appointed from any county in which part of the joint district is

situated. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, the temporary committee on joint school district organization shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a county committee under the provisions of chapter 28.57 and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the ((county)) intermediate school district superintendent ((of schools)) under the provisions of chapter 28.57. It shall be the duty of the ((county)) intermediate school district superintendents of the ((counties)) intermediate school districts in which the joint school district is situated to assist the temporary committee on joint school district organization by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

Sec. 61. Section 23, chapter 130, Laws of 1961 and RCW 28.57-.255 are each amended to read as follows:

The qualified electors residing within a joint school district shall vote on the office of school director of their district and on the office of ((county)) intermediate school district board of education of the ((county)) intermediate school district to which the joint school district belongs, even though they reside outside ((that)) the county, or intermediate school district.

Whenever a joint school district lies partially within either a class AA or class A county and a county of lower class and the jurisdiction of the election rests with the clerk of such district, the elections, (whether general or special), shall be handled in the following manner:

- (1) There shall be at least one polling place in each county.
- (2) At least twenty days prior to the elections concerned, the county auditor of such class AA or class A county shall certify

in writing to the clerk of the school district the number and location of the polling places established by him for such regular or special elections together with the number of ballots needed for such polling places. Upon receipt of such certification, the clerk of the school district shall furnish the required number of ballots no later than the fifth day prior to said elections.

It is the intention of this section that the qualified electors of a joint school district shall vote for school directors of their district and members of the ((county)) intermediate school district board of education concerned with their school district and shall not be forced to go to different polling places on the same day when other elections are being held.

Sec. 62. Section 28, chapter 266, Laws of 1947 and RCW 28.57-.260 are each amended to read as follows:

Every director or clerk of a joint school district shall, on assuming the duties of his office, file his certificate of election or appointment, his oath of office or certified copies thereof, and his signature with the ((county)) intermediate school district superintendent of the ((county)) intermediate school district to which said district belongs, which signature shall be placed on file with the county auditor of ((said)) the county to which the joint school district belongs by the ((county)) intermediate school district superintendent. A vacancy in the office of director of a joint district of the second or third class shall be filled by ((joint)) action of the ((county)) intermediate school district superintendent((s)) of the ((counties)) intermediate school district in which the territory of said joint district lies. In a joint district of the first class, such vacancy shall be filled in the manner provided by law for filling vacancies in districts of the first class.

Sec. 63. Section 31, chapter 266, Laws of 1947 and RCW 28.57-.290 are each amended to read as follows:

The amount of tax to be levied upon the taxable property of that part of a joint school district lying in one county shall be in

such ratio to the whole amount levied upon the property in the entire joint district as the assessed valuation of the property lying in such county bears to the assessed valuation of the property in the entire joint district. After the budget of a joint school district has been prepared in the manner provided by law, the ((county)) intermediate school district superintendent of the ((county)) intermediate school district to which the joint district belongs shall, after deducting estimated receipts from sources other than district taxation, apportion to each county in which the territory of the joint district lies its proportionate share of the estimated expenditures of such joint district, which apportionment shall be made upon the same basis as is herein provided for the apportionment of tax levies. He shall then forward to the county auditor of ((his)) the county to which the joint school district belongs and to the ((~~county-superintendent-and~~ the)) county auditor of each other county, for the board of county commissioners thereof, a certificate setting forth the sum apportioned to that county, together with copies of the certificates forwarded by him to the aforesaid officers of other counties.

Sec. 64. Section 32, chapter 266, Laws of 1947 and RCW 28.57-.300 are each amended to read as follows:

Upon receipt of the aforesaid certificate, it shall be the duty of the board of county commissioners of each county to levy on all taxable property of that part of the joint school district which lies within a county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the aforesaid certificate of the ((county)) intermediate school district superintendent. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded quarterly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school dis-

trict belongs is hereby declared to be the treasurer of such district.

Sec. 65. Section 24, chapter 266, Laws of 1947, as amended by section 7, chapter 268, Laws of 1959 and RCW 28.57.350 are each amended to read as follows:

The directors of old school districts who reside within the limits of a new school district that is divided into directors' districts in conformity with the provisions of this chapter shall meet at the call of the ((county)) intermediate school district superintendent and elect from among their number five directors for the new district, no two of whom shall be residents of the same school directors' district: PROVIDED, That if one or more of the directors' districts of the new school district has no such director residing therein, the ((county)) intermediate school district superintendent shall appoint the number of additional directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same school directors' district.

Upon the establishment of a new school district of the third class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the ((county)) intermediate school district superintendent and elect from among their number three directors for said new district: PROVIDED, That if fewer than three such directors reside in such new school district, they shall become directors of said district, and the ((county)) intermediate school district superintendent shall appoint the number of additional directors required to constitute a board of three directors for the district.

Each board of directors constituted as provided for in this section 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 directors of other districts of the same class until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected the number of directors (either five di-

rectors or three directors) heretofore in this section required to constitute the board of the district. When five directors constitute the board, one shall be elected from among the residents of each of the five directors' districts of the school district by the electors of the entire school district, two such directors for a term of two years and three for a term of four years; when three directors constitute the board, they shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years.

Sec. 66. Section 34, chapter 266, Laws of 1947, as amended by section 9, chapter 268, Laws of 1959, and RCW 28.57.370 are each amended to read as follows:

Whenever any school district other than a newly established school district is divided into directors' districts by the county committee in the discharge of its duties hereunder, the directors thereof shall continue to serve for the terms for which they were elected, unless two or more such directors reside in the same directors' district, in which event the director who shall continue to serve shall be determined by lot. The ((county)) intermediate school district superintendent shall then appoint the number of additional directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same directors' district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected for the unexpired terms of those who were removed from office by virtue of this section or for four year terms in case no unexpired terms exist.

Sec. 67. Section 38, chapter 266, Laws of 1947 and RCW 28.57-.390 are each amended to read as follows:

The ((county)) intermediate school district superintendent shall prepare and keep in his office (1) a map showing the boundaries of the directors' districts of all school districts in or belonging

to his ((county)) intermediate school district that are so divided, and (2) a record of the action taken by the county committees in establishing such boundaries.

Sec. 68. Section 1, chapter 30, Laws of 1963 and RCW 28.58-.530 are each amended to read as follows:

For the purpose of obtaining information on school organization, administration, operation and instruction, school districts and ((county)) intermediate school district superintendents may contract for or purchase information and research services from public universities, colleges and other public bodies. For the same purpose, school districts and ((county)) intermediate school district superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations.

Sec. 69. Section 3, chapter 68, Laws of 1955, as amended by section 1, chapter 241, Laws of 1961, and RCW 28.67.070 are each amended to read as follows:

No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk or secretary, and the other shall be delivered to the teacher, after having been approved and registered by the ((county)) intermediate school district superintendent.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for non-renewal of contract. Such notice shall be served upon the employee by certified or registered mail, or to the teacher personally, or by leaving a copy of the notice at the house of his usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify the employee in writing of the date, time and place of hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall, within five days following the conclusion of such hearing, notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing. If such notification and opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually

been renewed by the board of directors for such ensuing term: PROVIDED, That in union high school districts the written notification and opportunity for hearing shall be given on or before April 30th preceding the commencement of the next ensuing term.

Sec. 70. Section 143, chapter 118, Laws of 1897, as last amended by section 3, chapter 47, Laws of 1961, and RCW 28.70.040 are each amended to read as follows:

An examination for the certification of teachers shall be held at the ~~((county-seat))~~ headquarters of each ~~((county))~~ intermediate school district by the intermediate school district superintendent ~~((of-schools))~~ on the first Saturday of March in each year.

Sec. 71. Section 2, page 338, chapter 97, Laws of 1909, as amended by section 2, chapter 162, Laws of 1915, and RCW 28.70.060 are each amended to read as follows:

The ~~((county))~~ intermediate school district superintendent shall within three days following the close of the examinations provided for in RCW 28.70.040, transmit to the state superintendent of public instruction all papers written at such examination, together with such other reports as shall by him be required. The superintendent of public instruction shall keep all manuscripts on file for a period of at least sixty days from the date of the examinations.

Sec. 72. Section 3, page 336, chapter 97, Laws of 1909, as amended by section 20, chapter 139, Laws of 1965, and RCW 28.70.110 are each amended to read as follows:

The fee for any regular teaching certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach in the public schools of the state shall be one dollar. The fee for any emergency, substitute, temporary or provisional teaching certificate shall be one dollar. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The ~~((county-superintendent,))~~ intermediate school district superintendent ~~((,))~~ or other officer authorized to receive such fee, shall

within thirty days transmit the same to the treasurer of the county (~~(wherein such applicant is to teach or resides, or to the treasurer of the county)~~) in which the office of the intermediate school district (~~(superintendent)~~) is located, to be by him placed to the credit of the institute fund of said city or (~~(county, or in the case of an intermediate district, to be placed in the)~~) intermediate school district institute fund which shall be created by the intermediate school district board: PROVIDED, That if any city collecting fees for the certification of teachers does not hold an institute separate from the (~~(county)~~) intermediate school district, then all such moneys shall be placed to the credit of the (~~(county institute fund or)~~) intermediate school district institute fund (~~(, as the case may be)~~).

Sec. 73. Section 5, page 337, chapter 97, Laws of 1909, as amended by section 1, chapter 16, Laws of 1911, and RCW 28.70.140 are each amended to read as follows:

Before registering any certificate, the (~~(county)~~) intermediate school district superintendent of the (~~(county)~~) intermediate school district in which application was made for certificate shall satisfy himself that the applicant is a person of good moral character and personal fitness. In the event of a refusal to register a certificate, the (~~(county)~~) intermediate school district superintendent shall immediately notify the superintendent of public instruction of his action and shall fully and clearly state his reason therefor, and the person aggrieved shall have the right of appeal to the superintendent of public instruction, and shall have the further right of appeal to the state board of education.

Sec. 74. Section 21, chapter 139, Laws of 1965 and RCW 28.71-.100 are each amended to read as follows:

The (~~(county superintendent or)~~) intermediate school district superintendent must arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training, in such manner and at such time as he believes will be of benefit to

the teachers of the ~~((county-or-the))~~ intermediate school district. He may provide such additional means of teacher in-service training as he may deem necessary or appropriate and there shall be a proper charge against the ~~((county-or))~~ intermediate school district institute fund when approved by the ~~((county-or))~~ intermediate school district board.

~~((County))~~ Intermediate school district superintendents of contiguous ~~((counties-and/or))~~ intermediate school districts may by mutual arrangements hold joint institutes and/or workshops, the expenses to be shared in proportion to the number of certificated personnel as shown by the last annual reports of the ~~((county-superintendents-and/or))~~ intermediate school district superintendents holding such joint institutes or workshops.

In districts employing more than one hundred teachers, the city superintendent may, in his discretion, hold a teachers' institute of two, three, four or five days in such district, said institute when so held by the city superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by ~~((county))~~ intermediate school district superintendents.

~~((Each-county-or-intermediate-district-superintendent-or-city-superintendent-shall,-prior-to-the-holding-of-the-annual-teachers'-institute,-make-an-estimate-of-the-necessary-expenses-thereof,-and-the-county-commissioners-must,-thereupon,-and-prior-to-the-date-of-holding-said-institute,-place-at-the-disposal-of-the-proper-superintendent-out-of-the-county-current-expense-fund-such-an-amount,-not-to-exceed-two-hundred-dollars,-as-in-addition-to-the-amount-then-in-the-hands-of-the-county-treasurer-in-the-institute-fund,-will-meet-the-superintendent's-estimate,-~~

~~The-county,-intermediate-or-city-district-superintendent-must-keep-an-accurate-account-of-the-actual-expenses-of-institutes-and/or-workshops-with-vouchers-for-the-same-and-make-a-complete-report-to-the-county-auditor,-which-shall-be-placed-on-file-in-his-office-as-a-part-of-the-regular-files,-))~~

Sec. 75. Section 5, chapter 128, Laws of 1917, as amended by section 23, chapter 139, Laws of 1965, and RCW 28.81.100 are each amended to read as follows:

In order to assist teachers who are now in the service and candidates for certificates to meet the new requirements in education without undue hardship, each state college shall establish and maintain an extension department. The work of the department shall be planned in a manner to supplement the previous training of teachers in service in the state, and the subject matter studied shall comprise the usual subjects included in the state college curriculum.

In order to prevent overlapping of territory in connection with this extension work, the state board of education shall district the state making a definite assignment of territory to each institution. The head of the extension department of each state college after being assigned specific territory shall cooperate with the several ((county)) intermediate school district superintendents or educational executive officers of the several ((counties)) intermediate school districts in planning the work for each year which shall be set forth in writing, a copy to be retained by each and a copy forwarded to the state superintendent of public instruction.

At the close of the year, a report of the work shall be made jointly by the extension department and the ((county)) intermediate school district superintendent. A copy of the same is to be filed with the state college having charge of the work and a copy to the state superintendent of public instruction.

Sec. 76. Section 6, page 359, chapter 97, Laws of 1909 and RCW 28.87.030 are each amended to read as follows:

In case the district clerk fails to make the reports as by law provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said

forfeitures shall be recovered in a suit brought by the ((county)) intermediate school district superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs.

Sec. 77. Section 2, page 357, chapter 97, Laws of 1909 and RCW 28.87.050 are each amended to read as follows:

If any ((county)) intermediate school district superintendent fails to make a full and correct report to the superintendent of public instruction of all statements required by him or if he shall fail to file with the superintendent of public instruction a full and correct annual report within ten days after the time prescribed by law for filing said report, he shall forfeit the sum of fifty dollars from his salary, and the board of county commissioners are hereby authorized and required to deduct therefrom the sum aforesaid upon information from the superintendent of public instruction that such reports have not been made.

Sec. 78. Section 1, page 357, chapter 97, Laws of 1909 and RCW 28.87.070 are each amended to read as follows:

Any member of the state board of education, any employee of the state of Washington, any ((county)) intermediate school district superintendent or any employee of his office, who shall directly or indirectly disclose any question or questions prepared for the examination of teachers or of eighth grade pupils, or any teacher or other person connected with the instruction of or the examination of eighth grade pupils, who shall, before the time appointed for the use of the questions in the examination of such pupils, disclose the questions, or make known their character, or who shall directly or indirectly assist any such eighth grade pupil to answer any question submitted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars. Said fine shall be turned over to

the county treasurer of the county in which it is collected, and shall be by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state.

Sec. 79. Section 3, page 357, chapter 97, Laws of 1909 and RCW 28.87.080 are each amended to read as follows:

Any officer or person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county, intermediate school district or school district in this state, and refusing or failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the ((county)) intermediate school district superintendent ((of schools)) to supervise and see that the provisions of this section are fully complied with, and report thereon to the county commissioners semiannually or oftener. Such fines and penalties, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state.

Sec. 80. Section 1, chapter 126, Laws of 1917 and RCW 28.87-.090 are each amended to read as follows:

It shall be unlawful for any ((county)) intermediate school district superintendent of schools, superintendent or principal of public schools, directors of any school district, or other public school officer in the state of Washington, to accept, demand, or receive, either directly or indirectly, any commission, remuneration, or thing of value from any teacher's agency, employment bureau, teacher or other employee of any school under his or her jurisdiction or charge, as compensation for or on account of the appointment or recommendation of any teacher or other employee to any position in such school, or for furnishing information of a vacancy existing or to exist in any such position, or to accept, demand or receive, either directly or indirectly, any commission, remuneration or thing

of value from any publisher, manufacturer, salesman, agent, or any other person, as compensation for or on account of the recommendation of any books, maps, school furniture or school supplies for use in such school, or for any services rendered in inducing the directors of any such school district to adopt, purchase, install or use the same in any such school.

Any wilful violation of the provisions of this section shall be deemed a misdemeanor and punished as such.

Sec. 81. Section 4, page 358, chapter 97, Laws of 1909 and RCW 28.87.100 are each amended to read as follows:

Upon complaint in writing being made to any ((county)) intermediate school district superintendent by any district clerk, or by any head of a family, that the board of directors of the district of which said clerk shall hold his office, or said head of family shall reside, have failed to make provisions for the teaching of hygiene or have failed to require it to be taught, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, as provided by law, in the common schools of such district, it shall be the duty of such ((county)) intermediate school district superintendent to investigate at once the matter of such complaints, and if found to be true, he shall immediately notify the county treasurer of the county in which such school district is located, and after the receipt of such notice, it shall be the duty of such county treasurer to refuse to pay any warrants drawn upon him by the board of directors of such district subsequent to the date of such notice and until he shall be notified to do so by such ((county)) intermediate school district superintendent. Whenever it shall be made to appear to the ((said-county)) intermediate school district superintendent, and he shall be satisfied that the board of directors of such district are complying with the provisions of law in this matter, and are causing physiology and hygiene to be taught in the public schools of such district as hereinbefore provided, he shall notify said county treasurer, and said treasurer

shall thereupon honor the warrants of said board of directors.

Sec. 82. Section 5, page 358, chapter 97, Laws of 1909 and RCW 28.87.110 are each amended to read as follows:

Any ((~~county~~)) intermediate school district superintendent ((~~of common schools~~)) who shall fail or refuse to comply with the provisions of RCW 28.87.100 shall be liable to a penalty of one hundred dollars, to be recovered in civil action in the name of the state in any court of competent jurisdiction, and the sum recovered shall go into the state current school fund; and it shall be the duty of the prosecuting attorneys of the several counties of the state to see that the provisions of this section are enforced.

Sec. 83. Section 15, page 361, chapter 97, Laws of 1909 and RCW 28.87.170 are each amended to read as follows:

Any district using textbooks other than those prescribed by lawful authority, or any district failing to comply with the course of study prescribed by the state board of education or by other lawful authority, or any district in which warrants are issued to a teacher not legally qualified to teach in the common school of the said district, shall forfeit twenty-five percent of their school fund for that or the subsequent year, and it is hereby made the duty of the ((~~county~~)) intermediate school district superintendent to deduct said amount from the apportionment to be made to any district failing in either or all of the above requirements, and the amounts thus deducted shall revert to the general school funds of the state, and the county treasurer shall return the same to the state treasurer for reapportionment.

Sec. 84. Section 2, page 363, chapter 97, Laws of 1909, as amended by section 23, chapter 90, Laws of 1919, and RCW 28.88.020 are each amended to read as follows:

Appeals from the decision or order, or from the failure to decide or order, by a board of school directors shall be taken to the ((~~county superintendent of schools in and for the county~~)) intermediate school district board. Appeals from the decision or order,

or the failure to decide or order, of (~~(a-county-superintendent-of schools)~~) an intermediate school district board shall, when relating to the operation or management of schools or to the relation with teachers, be taken to the superintendent of public instruction. In all other cases appeal shall be taken to the superior court of the county in which the school district is situated.

Sec. 85. Section 3, page 298, chapter 97, Laws of 1909 and RCW 28.63.020 are each amended to read as follows:

In case the electors of any district of the second class shall neglect or fail to elect directors as hereinbefore provided, the (~~county~~) intermediate school district superintendent may declare vacant the office of any director at the expiration of his term; and in case of a vacancy in the board of directors from any cause, the (~~county~~) intermediate school district superintendent, in conjunction with the other directors if there be two, shall fill such vacancy by appointment until the fourth Monday following the next annual election.

Sec. 86. Section 3, page 301, chapter 97, Laws of 1909 and RCW 28.63.022 are each amended to read as follows:

In case the electors of any district of the third class shall neglect or fail to elect directors as hereinbefore provided, the (~~county~~) intermediate school district superintendent may declare vacant the office of any director at the expiration of his term; and in case of a vacancy in the board of directors from any cause, the (~~county~~) intermediate school district superintendent shall fill such vacancy by appointment until the fourth Monday following the next annual election.

Part II. Continuation of amendments to

RCW sections outside Title 28

Sec. 87. Section 29.21.080, chapter 9, Laws of 1965 and RCW 29.21.080 are each amended to read as follows:

The office(~~e~~) of superintendent of public instruction (~~and of-county-superintendent-of-schools~~) shall be nonpartisan and the

candidates therefor shall be nominated and elected as such.

Offices relative to the administration of the public schools, including the office of school director, shall be nonpartisan.

Sec. 88. Section 29.21.085, chapter 9, Laws of 1965 and RCW 29.21.085 are each amended to read as follows:

Where voting machines are legally used in any election for superintendent of public instruction (~~(ex-county-superintendent-of schools)~~), the ballot arrangement for the aforesaid office(~~(s)~~) shall be substantially in the form as set out in RCW 29.21.090, 29.21.100 and 29.21.150, but may be so varied as to carry out the purposes required by the use of voting machines.

Sec. 89. Section 29.21.150, chapter 9, Laws of 1965 and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for judges of the supreme court and judges of the superior court, for justices of the peace, and for state superintendent of public instruction, (~~(and-for county-superintendent-of-schools,)~~) if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.

Sec. 90. Section 29.21.180, chapter 9, Laws of 1965 and RCW 29.21.180 are each amended to read as follows:

No primary shall be held relating to the offices of state superintendent of public instruction (~~(county-superintendent-of schools,)~~) or officers of school districts embracing a city of over one hundred thousand population 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. 91. Section 36.16.050, chapter 4, Laws of 1963 and RCW 36.16.050 are each amended to read as follows:

Every county (~~auditor~~) official before he enters upon the duties of his office shall furnish a bond conditioned that he will faithfully perform the duties of his office and account for and pay over all money which may come into his hands by virtue of his office, and that he, or his executors or administrators, will deliver to his successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his office. Bonds of elective county officers shall be as follows:

Assessor: Amount to be fixed and sureties to be approved by the board of county commissioners;

Auditor: Amount to be fixed at not less than three thousand dollars and sureties to be approved by the board of county commissioners;

Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he is clerk;

Coroner: In the amount of one thousand dollars with sureties to be approved by the board of county commissioners;

County commissioners: Sureties to be approved by the county clerk and the amounts to be:

(1) In class A counties and first class counties twenty-five thousand dollars;

(2) In second class counties, twenty-two thousand five hundred dollars;

(3) In third class counties, twenty thousand dollars;

(4) In fourth class counties, fifteen thousand dollars;

(5) In fifth class counties, ten thousand dollars;

(6) In sixth class counties, seven thousand five hundred dollars;

(7) In seventh and eighth class counties, five thousand dollars;

(8) In ninth class counties, two thousand dollars;

Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the board of county commissioners;

Sheriff: Amount to be fixed and bond approved by the board of county commissioners at not less than two thousand nor more than twenty-five thousand dollars; surety to be a surety company authorized to do business in this state;

~~((Superintendent-of-schools--Amount-to-be-fixed-and-sureties-to-be-approved-by-the-county-board-of-education;))~~

Treasurer: Sureties to be approved by the board of county commissioners and the amounts to be fixed by the board of county commissioners at double the amount liable to come into the treasurer's hands during his term, the maximum amount of the bond, however, not to exceed:

(1) In class A counties, two hundred fifty thousand dollars;

(2) In first class counties, two hundred thousand dollars;

(3) In second, third and fourth class counties, one hundred fifty thousand dollars;

(4) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him for the use of the county shall be paid as the commissioners shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his duties.

In the approval of official bonds, the chairman may act for the board of county commissioners if it is not in session.

Sec. 92. Section 36.16.070, chapter 4, Laws of 1963 and RCW 36.16.070 are each amended to read as follows:

In all cases where the duties of any county office are greater than can be performed by the person elected to fill it, the officer may employ deputies and other necessary employees with the consent of the board of county commissioners. The board shall fix their compensation and shall require what deputies shall give bond and the amount of bond required from each. The sureties on deputies' bonds must be approved by the board and the premium therefor is a county expense (~~(--PROVIDED, That this paragraph shall not apply to these employees of the county superintendents holding a certificate from the state board of education or state board of vocational education)~~).

A deputy may perform any act which his principal is authorized to perform. The officer appointing a deputy or other employee shall be responsible for the acts of his appointees upon his official bond and may revoke each appointment at pleasure.

Sec. 93. Section 36.68.030, chapter 4, Laws of 1963 and RCW 36.68.030 are each amended to read as follows:

Each county may form a county park and recreation board composed of seven members, (~~(of whom one shall be the county superintendent of schools and the remainder)~~) who shall be appointed by the board of county commissioners to serve without compensation.

Sec. 94. Section 36.68.040, chapter 4, Laws of 1963 and RCW 36.68.040 are each amended to read as follows:

For the appointive positions on the county park and recreation board the initial terms shall be two years for two positions, four years for two positions, and six years for the remaining (~~(two)~~) positions plus the period in each instance to the next following June 30th; thereafter the term for each appointive position shall be six years and shall end on June 30th.

Sec. 95. Section 1, chapter 80, Laws of 1947, as last amended by section 11, chapter 50, Laws of 1967 and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the

retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, ((county)) intermediate school district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

Sec. 96 . Section 42, chapter 80, Laws of 1947, as last amended by section 4, chapter 50, Laws of 1967, and RCW 41.32.420 are each amended to read as follows:

On or before a date specified by the board of trustees in each month every employer shall file a report with the board of trustees of the retirement system on a form provided, stating the name of the employer and with respect to each employee who is a member or who is required to become a member of the retirement system: (1) The full name, (2) the earnable compensation paid, (3) the employee's contribution to the retirement system, and (4) such other information as the board shall require, and at the same time notify each new employee in writing with reference to the Washington state teachers' retirement system and that an application for prior service credit may be filed with the board of trustees thereof on a form furnished by the board. The ((county)) intermediate school district superin-

tendent shall perform the duties imposed by this section for the employers in second and third class school districts and the city superintendents for the employers in first class school districts. The chief executive officers of other institutions shall perform such duties.

Sec. 97. Section 72.40.060, chapter 28, Laws of 1959 and RCW 72.40.060 are each amended to read as follows:

It shall be the duty of the clerks of all school districts in the state, at the time for making the annual reports, to report to the superintendent (~~(of schools)~~) of their respective (~~(counties)~~) intermediate school districts the names of all deaf, mute, or blind youth residing within their respective school districts who are between the ages of six and twenty-one years.

Sec. 98. Section 72.40.070, chapter 28, Laws of 1959 and RCW 72.40.070 are each amended to read as follows:

It shall be the duty of each (~~(county school)~~) intermediate school district superintendent to make a full and specific report of such deaf, mute, or blind youth to the board of county commissioners of (~~(his)~~) the county in which the youth resides at its regular meeting in July of each year. He shall also, at the same time, transmit a duplicate copy of such report to the director and the superintendent of the school for the blind or the school for the deaf, as the case may be.

Sec. 99. Section 72.40.080, chapter 28, Laws of 1959 and RCW 72.40.080 are each amended to read as follows:

It shall be the duty of the parents or the guardians of all such blind or deaf youth to send them each year to the proper institution. The (~~(county)~~) intermediate school district superintendent shall take all action necessary to enforce this section. If satisfactory evidence is laid before the (~~(county)~~) intermediate school district superintendent that any blind or deaf youth is being properly educated at home or in some suitable institution other than the state schools, he shall take no action in such case other than to

make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth will continue to receive a proper education.

Sec. 100. Section 72.40.100, chapter 28, Laws of 1959 and RCW 72.40.100 are each amended to read as follows:

Any parent, guardian, ~~((county))~~ intermediate school district superintendent or county commissioner who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars..

Part III. Sections affecting proposed 1969 education code.

Sec. 101. Section 28A.02.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.02.070 are each amended to read as follows:

On the Friday preceding November 11th of each year or the preceding Friday when November 11th falls on a Friday, there shall be presented in each common school as defined in RCW 28A.01.060 a program suitable to the observance of Veterans' and Admission Day.

The responsibility for the preparation and presentation of such program ~~((approximating-sixty-minutes-in-length))~~ shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and ~~((county-and))~~ intermediate school district ~~((officials))~~ superintendent shall by advice and suggestion aid in the preparation of such programs if such aid be solicited.

Sec. 102. Section 28A.03.030, chapter ..., Laws of 1969 (HB 58) and RCW 28A.03.030 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report a sufficient number of copies as the superintendent shall deem necessary shall be printed and delivered to the superintendent of public instruction, who shall furnish copies to be deposited with the state library, to each ~~((county-er))~~ intermediate school district superintendent ~~((ef-seheels))~~ and to each school district library in such amount as he shall deem sufficient therefor. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and ~~((county))~~ intermediate school district funds apportioned, amounts received from special taxes and from other sources, amounts expended for salaries of teachers, the salaries paid ~~((by-the-several-counties))~~ to the ~~((county-er))~~ intermediate school district superintendent ~~((ef seheels))~~ and the amount paid for incidentals and expenses; the amount paid for building and providing schoolhouses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, such reports of state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. The superintendent may include as a part of such report any information or estimates obtained for the purposes of RCW 43.88.090. He shall also include in his report a statement of plans for the management and improvement of the schools.

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.04.120(7), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to

the common schools, and to distribute the same to ((the-county-er)) intermediate school district superintendents.

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting ((county-er)) intermediate school district superintendents or other school officials.

(5) To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each ((county-er)) intermediate school district superintendent a sufficient number of copies to supply each school district official, and to cause the same to be printed and distributed as often as any change in the laws shall make it of sufficient importance, in his opinion, to justify the same.

(6) To act as ex officio president and the chief executive officer of the state board of education.

(7) To hold, annually, a convention of the ((county-and)) intermediate school district superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session not less than two days nor more than three days, at the option of the superintendent of public instruction. It shall be the duty of every ((county-er)) intermediate school district superintendent in this state to attend said convention during its entire session, and any ((county-er)) intermediate school district superintendent who attends the convention shall be reimbursed for traveling and subsistence expenses as provided in RCW 28A.19.090 in attending said convention.

(8) To file all papers, reports and public documents transmitted to him by the school officials of the several counties or districts of the state, each year separately. Copies of all papers

filed in his office, and his official acts, may, or upon request, shall be certified by him and attested by his official seal, and when so certified shall be evidence of the papers or acts so certified to.

(9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such manner as he may prescribe, and he shall furnish forms for such reports; and it is hereby made the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(10) To keep in his office a record of all teachers receiving certificates to teach in the common schools of this state.

(11) To issue certificates as provided by law.

(12) To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, as well as a record of the meetings of the state board of education.

(13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to him in writing by any ((~~county-er~~)) intermediate school district superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any ((~~county-er~~))intermediate school district superintendent; and he shall publish his rulings and decisions from time to time for the information of school officials and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(14) To administer oaths and affirmations in the discharge of his official duties.

(15) To deliver to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(16) To perform such other duties as may be required by law.

Sec. 103. Section 28A.03.050, chapter ..., Laws of 1969 (HB 58) and RCW 28A.03.050 are each amended to read as follows:

There shall be established in the office of the superintendent of public instruction an accumulated sick leave fund. Each school district, each office of (~~county and~~) intermediate school district superintendent and board of education, and the office of superintendent of public instruction shall contribute to the fund according to a plan established by the superintendent of public instruction based upon the sick leave experience of the previous school year. All school districts shall be reimbursed from this fund for payments made for sick leave in accordance with RCW 28A.58.100.

Sec. 104. Section 28A.24.080, chapter ..., Laws of 1969 (HB 58) and RCW 28A.24.080 are each amended to read as follows:

School district transportation routes, for purposes of state reimbursement of transportation costs, shall be recommended by the (~~county~~) intermediate school district transportation commission and approved by the state superintendent pursuant to rules and regulations promulgated by the superintendent for that purpose. The commission shall consist of (1) a representative of the local board of directors, (2) a representative of the state superintendent of public instruction, and (3) the (~~county or~~) intermediate school district superintendent (~~of schools~~).

Sec. 105. Section 28A.27.040, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.040 are each amended to read as follows:

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

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him. The compensation of

attendance officers when appointed by the ((county-or)) intermediate school district superintendents shall be paid ((pre-rata-according-to-the-number-of-students-in-each-school-district-served)) by the respective districts. A ((county-or)) intermediate school district superintendent shall receive no extra compensation if acting as attendance officer.

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

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

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

Sec. 106. Section 28A.27.080, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.080 are each amended to read as follows:

The ~~((county-or))~~ intermediate school district superintendent, on or before the fifteenth day of August of each year, by printed circular or otherwise, shall call the attention of all school district officials to the provisions of RCW 28A.27.010 through 28A.27.130, and to the penalties prescribed for the violation of its provisions, and he shall require ~~((the-superintendent-of-every))~~ those officials of the school district which he shall designate to make a report annually hereafter, verified by affidavit, stating whether or not the provisions of RCW 28A.27.010 through 28A.27.130 have been faithfully complied with in his district. Such reports shall be made upon forms to be furnished by the superintendent of public instruction and shall be transmitted to the ~~((county-or))~~ intermediate school district superintendent ~~((prior-to-the-time-the-school-district-superintendent-is-required-to-make-his-annual-report-to-the-county-or-intermediate-district-superintendent-or))~~ at such ~~((either))~~ time as the ~~((county or))~~ intermediate school district superintendent shall determine, after notice thereof. Any school district ~~((superintendent))~~ official who shall knowingly or wilfully make a false report relating to the enforcement of the provisions of RCW 28A.27.010 through 28A.27.130 or fail to report as herein provided shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any school district ~~((superintendent))~~ official who shall refuse or neglect to make the report required in this section, shall be personally liable to his district for any loss which it may sustain because of such neglect or refusal to report.

Sec. 107. Section 28A.27.102, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.102 are each amended to read as follows:

Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed by RCW 28A.27.010 through 28 A.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a school

district employee, such fine shall be paid to the appropriate county treasurer and by him placed to the credit of the school district in which said employee is employed, and in case of all other officers such fine shall be paid to the ~~((appropriate))~~ county treasurer of the county in which the intermediate school district headquarters is located and by him placed to the credit of the general school fund of the ~~((county-er))~~ intermediate school district ~~((r-as-the-case-may be))~~.

Sec. 108. Section 28A.48.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.010 are each amended to read as follows:

On or before the last business day of each month, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several ~~((counties))~~ intermediate school districts of the state the proportional share of the total annual amount due and apportionable to such ~~((counties))~~ intermediate school districts for the school districts thereof as follows: In January, ten percent, in February, ten percent, in June, three and one-half percent and in each of the other months respectively eight and one-half percent. The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. 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 ~~((counties))~~ intermediate school districts during such month: PROVIDED, That any school district may, through its ~~((county-er))~~ intermediate school district superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed five percent of the total amount to become due and apportionable during the school district's fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and 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 ((county)) intermediate school district in which the district is located.

Sec. 109. Section 28A.48.030, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.030 are each amended to read as follows:

Upon receiving the certificate of apportionment from the superintendent of public instruction the ((county-er)) intermediate school district superintendent shall promptly apportion to the school districts of his ((county-er)) intermediate school district the amounts then due and apportionable to such districts as certified by the superintendent of public instruction. The ((county-er)) intermediate school district superintendent shall apportion to the school districts of his ((county-er)) intermediate school district during each of the twelve months of the year the amount then available for apportionment to such districts from the ((appropriate-county)) intermediate school district current school fund.

Sec. 110. Section 28A.48.050, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.050 are each amended to read as follows:

The superintendent of any school district whose resident pupils are attending school in another district may notify the superintendent of the district where such pupils attend, when the school of said pupils' resident district will be in session, and of the grades that will be maintained, and he must file a duplicate copy of said notice with the ((county-er)) intermediate school district superintendent. He must name the pupils in his notice, and it shall be the duty of the superintendent of the district so notified, on such dates as the ((county-er)) intermediate school district superintendent shall determine, to certify to the superintendent of the resident district the actual number of days' attendance at school of such pupils during the time that a school of the grade to which the pupil or pupils properly belong was in session in their resident district. And in case said superintendent shall fail or refuse to furnish such information to the superintendent of the resident district, then it shall be the

duty of the ((county-er)) intermediate school district superintendent to grant to the resident district for apportionment purposes attendance credit for the actual number of days' attendance of those resident pupils attending school in such other district. Without the notice herein required by the superintendent of the resident district, all claims to attendance will be forfeited.

Sec. 111. Section 28A.48.055, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.055 are each amended to read as follows:

It shall be the duty of the administrative or executive authority of every private school in this state to report to the ((county er)) intermediate school district superintendent ((ef-seheels)) on or before the thirtieth day of June in each year, on a form to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state.

Sec. 112. Section 28A.48.060, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.060 are each amended to read as follows:

Whenever any pupil attends a common school of the state of Washington and such pupil resides in any home or institution devoted exclusively to providing a home for orphan children which is exempt from taxation under the laws of the state of Washington, and is located in the same school district as the school such pupil attends, the attendance of such pupil in such school shall entitle the district to receive from the state's current school fund an amount up to but not to exceed the average cost per day per pupil of educating pupils for the school year throughout the district in grade schools or high schools, as the case may be. The superintendent of such school district entitled to receive additional funds as hereinabove provided shall certify, under oath, whether as a part of his annual report to the ((county-er)) intermediate school district superintendent ((ef seheels)), or otherwise, as the ((county-er)) intermediate school district superintendent shall determine, the following facts as nearly as the same can be ascertained, which data shall in turn be included

in a report of the ((county-er)) intermediate school district ((school)) superintendent to the state superintendent of public instruction: The name and age of each pupil residing in any such home or institution, with the number of days' attendance of each such pupil, and whether such pupil was enrolled in a grade school or a high school. For the purpose of ascertaining the average cost of educating pupils in the high schools and grade schools, respectively, throughout the district, the following items of school expenditure shall be used: Salaries of teachers, supervisors, principals, special instructors, superintendents and assistants, janitors, clerks and secretaries, stenographers and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health and such other current expenditures as may be necessary to the efficient operation of the high schools or grade schools, respectively. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating school expenditures for the purposes of this section.

Sec. 113 . Section 28A.48.090, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.090 are each amended to read as follows:

Whenever any school board of any third class district shall neglect or refuse to comply with the provisions of RCW 28A.60.186, it shall be the duty of the ((county-er)) intermediate school district superintendent to withhold the entire apportionment accruing to said district until such time as full compliance with requirements thereof has been made.

Sec. 114 . Section 28A.48.100, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.100 are each amended to read as follows:

The county treasurer of each county of this state shall be ex officio treasurer of the several school districts of their respective counties, and, except as otherwise provided by law, it shall be the

duty of each county treasurer:

(1) To receive and hold all moneys belonging to such school districts, and to pay them out only on warrants legally issued.

(2) To certify to the ((~~county~~)) intermediate school district superintendent and the auditor of his county, at least quarterly each year, the amount of all school funds in his possession subject to apportionment on the last day of the preceding month, which certificate shall specify the source or sources from which said moneys were derived.

(3) To make annually, on or before the twenty-fifth day of July, a report to the ((~~county~~)) intermediate school district superintendent and auditor of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30th, last past, and the sources from which said funds were derived; the amount of warrants registered during the year, the amount of funds disbursed upon warrants of each school district during the year; the amount of funds remaining in his possession at the close of the school year subject to be paid out upon warrants, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his register at the close of the school year.

(4) He shall register all school warrants presented to him by the county auditor in a book to be known as the "Treasurer's School District Warrant Register," which register shall show the date issued, number of warrant, to whom issued, amount and purpose, date registered, date advertised, interest if any accruing on said warrant, total as redeemed, date redeemed and to whom paid. If the district has money in the fund on which the warrant is drawn no endorsement on the warrant is necessary, but if there be no money to the credit of the fund on which the warrant is registered he shall endorse on said warrant the following: "This warrant bears interest at ..... percent per annum from ..... until called for pay-

ment. .... County Treasurer, By ..... Deputy." All warrants shall be paid in the order of their presentation to the county treasurer; and it is hereby made the duty of the county treasurer to advertise, at least quarterly, all warrants which he is prepared to pay, in the same manner in which he is required to advertise county warrants, and after the date fixed in said notice, warrants shall cease to draw interest.

(5) He shall prepare and submit to each school district superintendent in his county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh day of said month, certified to by the county auditor, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

(6) After each monthly settlement with the county commissioners the treasurer of each county shall submit a statement of all canceled warrants of districts to the respective school district superintendents, which statement shall be verified to by the county auditor. The canceled warrants of each district shall be preserved separately and shall at all times be open to inspection by the school district superintendent or by any authorized accountant of such district.

Sec. 115. Section 28A.57.031, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.031 are each amended to read as follows:

Neither the ((~~county-08~~)) intermediate school district superintendent nor an employee of a school district shall be a member of the county committee.

Sec. 116. Section 28A.57.032, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.032 are each amended to read as follows:

The members of the county committee shall be elected by the ((~~county-08~~)) intermediate school district superintendent and the members of the board of directors of the school districts of the county at a meeting which the ((~~county-08~~)) intermediate school district

superintendent shall call for that and any additional purpose. At least one member of the county committee shall be elected from among the registered voters of each county commissioner's district in the county; and, as nearly as possible, an equal number of members shall be elected from among the registered voters of each class of school district (first, second, or third class) in the county. No member of a county committee shall continue to serve thereon if he ceases to be a registered voter of the county or if he is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

If more than one intermediate school district superintendent has jurisdiction within a county all such superintendents shall participate in electing the committee, and the intermediate school district superintendent having jurisdiction over the most populous part of the county shall serve as secretary of the committee and call meetings where so provided.

Sec. 117. Section 28A.57.033, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.033 are each amended to read as follows:

Vacancies in the membership of the county committee shall be filled by the persons charged with the duty of electing the members of the committee under RCW 28A.57.032: PROVIDED, That the committee may fill vacancies in its membership pending the calling of a meeting of said persons for this purpose by the ~~((county or))~~ intermediate school district superintendent.

Sec. 118. Section 28A.57.035, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.035 are each amended to read as follows:

Members of the county committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties ~~((as provided by RCW 43.03.050 and 43.03.060 as now or hereafter amended))~~ PROVIDED, That when such duties are for a period less than a major part of the day such members shall be reimbursed for expenses necessarily incurred during such period irrespective of RCW 43.03.050 and rules and regulations promulgated

thereunder)).

Sec. 119. Section 28A.57.040, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.040 are each amended to read as follows:

The county committee shall organize by electing from its membership a chairman and a vice chairman. The ((~~county-off~~)) intermediate school district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

Sec. 120. Section 28A.57.050, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of the county committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the ((~~county-off~~)) intermediate school district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the

school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the ((county-~~or~~)) intermediate school district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such

hearing, a written or printed notice thereof (a) in at least three public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on a commonly-used schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the planning and community affairs agency shall be divided into director's districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts: AND PROVIDED FURTHER, That nothing in this chapter shall authorize the division of any new or existing third class school district into school directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be

required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the ((county-er)) intermediate school district superintendent. A public hearing thereon shall be held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section, except that notice thereof shall be posted in some public place in each directors' district of the school district and on a commonly-used schoolhouse door of the district and at the place of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 121 Section 28A.57.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.070 are each amended to read as follows:

Upon receipt by the county committee of such notice from the state board as is required in RCW 28A.57.060(2), the ((county-er)) intermediate school district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of an established school district or districts and all approved terms of adjustment of assets and liabilities involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his action to each county auditor for the board of county commissioners, each county treasurer, each county assessor and the superintendents of all school districts affected by such action. Upon

receipt of such certification the superintendent of each school district which is annexed to another district by the action shall deliver to the superintendent of the school district to which annexed all books, papers, documents, records, and other materials pertaining to his office.

Sec. 122. Section 28A.57.075, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.075 are each amended to read as follows:

Whenever adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries thereof, pursuant to the provisions of this chapter, the order of the ((county-er)) intermediate school district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district (a) that such bonded indebtedness is assumed by the school district to which it is transferred; (b) that thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred; (c) that, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and (d) that taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, said taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred as aforesaid, as the same become due and payable.

In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of such transferred bonded indebtedness at any time outstanding (a) shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which such bonded

indebtedness was transferred and (b) shall be deemed to be bonded indebtedness solely of the transferee school district that assumed such indebtedness.

(2) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district (a) that the existing bonded indebtedness of each school district the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of the school district in its reduced or enlarged form, as the case may be; and (b) that taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

In case the aforesaid approval by the state board concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be shall be held for the purpose of affording said voters an opportunity to approve or reject such proposals as concern or affect them.

In a case involving both the question of the formation of a new district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever to the ((county-committee)) intermediate school district superintendent seems expedient. When the county committee has passed appropriate resolutions for the questions to be submitted and the ((county-ex))

intermediate school district superintendent has given notice thereof to the county auditor such special election shall be called, conducted, and the returns canvassed as in regular school district elections.

Sec. 123. Section 28A.57.090, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.090 are each amended to read as follows:

Whenever a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately and any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon. Whenever a special election is held to vote on a proposal for adjustment of bonded indebtedness the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated and any such proposition shall be considered approved if a majority of sixty percent of all votes cast thereon is in the affirmative.

In the event of approval of a proposition or propositions voted on at a special election, the ~~((county-or))~~ intermediate school district superintendent shall: (1) Make an order establishing such new district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; and (2) certify his action to the county and school district officials specified in RCW 28A.57.070. He may designate, with the approval of the new district, a name and number different from that of any component thereof but must designate the new district by name and number different from any other district in existence in the county.

The ~~((county-or))~~ intermediate school district superintendent, if he deems such action advisable, may fix, as the effective date of any order or orders he is required by this chapter to make, the first

day of July next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts.

Upon receipt of the aforesaid certification, the superintendent of each school district which is included in the new district shall deliver to the superintendent of the new school district all books, papers, documents, records and other materials pertaining to his office.

Sec. 124. Section 28A.57.130, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.130 are each amended to read as follows:

A school district shall be organized in form and manner as hereinafter in this chapter provided, and shall be known as .....  
 .....(insert here the name of the district) School District No.  
 ....., ..... county, state of Washington: PROVIDED, That all school districts now existing as shown by the records of the ((~~county~~ ~~or~~)) intermediate school district superintendent are hereby recognized as legally organized districts: PROVIDED FURTHER, That all school districts existing on the effective date of this 1969 amendatory act as shown by the records of the county or intermediate district superintendents are hereby recognized as legally organized districts.

Sec. 125. Section 28A.57.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.140 are each amended to read as follows:

Any school district in the state having a population in excess of ten thousand, as shown by any regular or special census or by any other evidence acceptable to the ((~~county-or~~)) intermediate school district superintendent, shall be a school district of the first class. Any other school district maintaining a fully accredited high school or containing a city of the third class or of the fourth class or an area of one square mile having a population of at least three hundred shall be a school district of the second class. All other school districts shall be school districts of the third class.

Whenever the ((~~county-or~~)) intermediate school district super-

intendent finds that the classification of a school district should be changed, he shall make an order in conformity with his findings and alter the records of his office accordingly. Thereafter the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which said district then belongs.

Sec.. 126. Section 28A.57.150, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.150 are each amended to read as follows:

Each incorporated city or town in the state shall be comprised in one school district: PROVIDED, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except as hereafter in this section provided.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites is included in an incorporated city or town through the extension of the limits of such city or town in the manner provided by law, the ~~((county or))~~ intermediate school district superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town and (2) whenever a part of a district so included contains a school building of the district, present to the county committee a proposal for the disposition of any part or all of the remaining territory of the district.

In case of the extension of the limits of a town to include territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, the county committee shall, in its discretion, prepare a proposal or proposals for annexation to the school

district in which the town is located any part or all of the territory aforesaid which has been included in the town and for annexation to the school district in which the town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the limits of the town: PROVIDED, That where no school or school site is located within the territory annexed to the town and not less than seventy-five percent of the registered voters residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the town is located, the ((~~county~~)) intermediate school district superintendent shall declare the territory so included to be a part of the school district containing said town: PROVIDED FURTHER, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: AND PROVIDED FURTHER, That the provisions and procedural requirements of this chapter as now or hereafter amended not in conflict with or inconsistent with the provisions hereinabove in this section stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school districts involved or affected thereby.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the ((~~county~~)) intermediate school district superintendent, except where the incorporation or consolidation would affect a district or districts of the first class, shall: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any other

district in existence in the county.

The ((county-er)) intermediate school district superintendent, if he deems such action advisable, may fix as the effective date of any declaration or order required under this section the first day of July next succeeding the date of the issuance of such declaration or order.

Sec. 127. Section 28A.57.170, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.170 are each amended to read as follows:

For the purpose of forming a new school district, a petition in writing may be presented to the ((county-er)) intermediate school district superintendent, as secretary of the county committee, signed either by ten registered voters or by a majority of the registered voters residing (1) in each whole district and in each part of a district proposed to be included in any single new district, or (2) in the territory of a proposed new district which comprises a part only of one or more districts. The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district.

Sec. 128. Section 28A.57.180, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.180 are each amended to read as follows:

For the purpose of transferring territory from one school district to another district, a petition in writing may be presented to the ((county-er)) intermediate school district superintendent, as secretary of the county committee, signed by a majority of the registered voters residing in the territory proposed to be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no registered voter resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: PROVIDED, That the ((county-er)) intermediate school

district superintendent, without being petitioned to do so, may present to the county committee a proposal for the transfer from one school district to another of any territory in which no children of school age reside: PROVIDED FURTHER, That the ((~~county-er~~)) intermediate school district superintendent shall not complete any transfer of territory pursuant to the provisions of this section which involves ten percent or more of the common school student population of the entire district from which such transfer is proposed, unless he has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those registered voters voting in said election; and if such proposed transfer is disapproved, the state board of education shall determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the board decides in the negative, the superintendent of public instruction may thereupon withhold from such district, in whole or in part, state contributed funds.

Sec. 129. Section 28A.57.190, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.190 are each amended to read as follows:

Whenever all or any part of a school district in which no accredited high school is maintained is bounded on three or more sides by a school district in which an accredited high school is situated and maintained, or by a school district in which a high school with a program approved by the state board of education is situated and maintained, the ((~~county-er~~)) intermediate school district superintendent shall report said fact to the county committee, which committee shall consider the question of the annexation to the aforesaid high school district of the territory or district so bounded.

Sec. 130. Section 28A.57.200, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.200 are each amended to read as follows:

In case any school district shall have an average enrollment of fewer than five pupils or shall not have maintained, during the preceding school year at least the minimum term of school required by law, the ((county-er)) intermediate school district superintendent shall report said fact to the county committee, which committee shall give consideration to the question of the dissolution of the school district and the annexation of the territory thereof to some other district or districts. In case any territory is not a part of any school district, the ((county-er)) intermediate school district superintendent shall present to the county committee a proposal for the annexation of said territory to some contiguous district or districts.

Sec. 131. Section 28A.57.240, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.240 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a county committee and by ((a)) an ((county-er)) intermediate school district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single county is involved shall be performed jointly by the county committees and by the superintendents of the several ((counties-er)) intermediate school districts as required whenever territory lying in more than one county or intermediate school district is involved: PROVIDED, That a county committee may designate three of its members, or two of its members and the ((county-er)) intermediate school district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by the whole committee of the county. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the state board (1) by the county committee of the county in which is situated the high school of the proposed new district or of the established

district proposed to be enlarged, or (2) in case no high school district is involved in the proposed change, by the county committee of the county in which the schoolhouse of the district is situated, or (3) if there be no schoolhouse in the district or more than one schoolhouse, by the county committee of the county in which is located the part of the district having the largest number of children of school age residing therein.

Sec. 132. Section 28A.57.245, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.245 are each amended to read as follows:

Whenever a change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve a joint district, and a majority of the county committee of either county approve a proposal but the proposal is not approved by the other county committee or said committee fails or refuses to act upon the proposal within sixty days of its receipt, the county committee approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee on joint school district organization composed of five persons. The members of the committee shall be selected from the membership of any county committee in this state except that no member shall be appointed from any county in which part of the joint district is situated. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, this temporary committee on joint school district organization shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a county committee under the provisions of this chapter and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the ((county-or))

intermediate school district superintendents under the provisions of this chapter. It shall be the duty of the ((~~county or~~)) intermediate school district superintendents of the ((~~counties~~)) intermediate school districts in which the joint school district is situated to assist the temporary committee on joint school district organization by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

Sec. 133. Section 28A.57.255, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.255 are each amended to read as follows:

The registered voters residing within a joint school district shall vote on the office of school director of their district and on the office of ((~~county or~~)) intermediate school district board of education of the county to which the district belongs, even though they reside outside ((~~that~~)) the county, or intermediate school district.

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.57.250.

At each general election, or upon approval of a request for a special election as provided for in RCW 29.13.020, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by him for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held

to vote for school directors of their district and members of the ((~~county-~~)) intermediate school district board of education concerned with their school district.

Sec. 134. Section 28A.57.260, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.260 are each amended to read as follows:

Every director or superintendent of a joint school district shall, on assuming the duties of his office, file his certificate of election or appointment and his signature with the ((~~appropriate county-~~)) intermediate school district superintendent to which the district belongs, which signature shall be placed on file with the appropriate county auditor by the said superintendent. A vacancy in the office of director of a joint district of the second or third class shall be filled by the ((~~appropriate-county-~~)) intermediate school district superintendent to which the district belongs, such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election. In a joint district of the first class, such vacancy shall be filled in the manner provided by RCW 28A.57.326 for filling vacancies in districts of the first class, such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election.

Sec. 135. Section 28A.57.290, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.290 are each amended to read as follows:

The amount of tax to be levied upon the taxable property of that part of a joint school district lying in one county shall be in such ratio to the whole amount levied upon the property in the entire joint district as the assessed valuation of the property lying in such county bears to the assessed valuation of the property in the entire joint district. After the budget of a joint school district has been prepared in the manner provided by law, the ((~~county-~~)) intermediate school district superintendent of the ((~~county-~~)) intermediate school district to which the joint school district belongs, after deducting estimated receipts from sources other than district

taxation, shall apportion to each county in which the territory of the joint district lies its proportionate share of the estimated expenditures of such joint district, which apportionment shall be made upon the same basis as is herein provided for the apportionment of tax levies. He shall then forward to the county auditor of ~~((his))~~ the county to which the joint school district belongs and to ~~((county-or-intermediate-district-superintendent-and))~~ the county auditor of each other county, for the board of county commissioners thereof, a certificate setting forth the sum apportioned to that county, together with copies of the certificates forwarded by him to the aforesaid officers of other counties.

Sec. 136. Section 28A.57.300, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.300 are each amended to read as follows:

Upon receipt of the aforesaid certificate, it shall be the duty of the board of county commissioners of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the ~~((county or))~~ intermediate school district superintendent of the ~~((county-or))~~ district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded quarterly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district.

Sec. 137. Section 28A.57.328, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the third class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the ~~((county~~

er)) intermediate school district superintendent and elect from among their number three directors for said new district: PROVIDED, That if fewer than three such directors reside in such new school district, they shall become directors of said district, and the ((~~county-er~~)) intermediate school district superintendent shall appoint the number of additional directors required to constitute a board of three directors for the 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 authority conferred by law upon boards of directors of other third class districts until the next regular election in the district and until their successors are elected and qualified. At such election three directors shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

Sec. 138. Section 28A.57.350, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.350 are each amended to read as follows:

The directors of old school districts who reside within the limits of a new school district of the first class that is divided into directors' districts in conformity with the provisions of this chapter shall meet at the call of the ((~~county-er~~)) intermediate school district superintendent and elect from among their number five directors for the new district, no two of whom shall be residents of the same school directors' district: PROVIDED, That if one or more of the directors' districts of the new school district has no such director residing therein, the directors shall nominate and elect the number of directors required to constitute a board of five directors for the school district from registered voters in such school directors' district. The directors of old school districts who reside within the limits of a new school district of the second class that is divided into directors' districts in conformity with the provisions of this chapter shall meet at the call of the ((~~county-er~~)) intermedi-

ate school district superintendent and elect from among their number five directors for the new district, no two of whom shall be residents of the same school directors' district: PROVIDED, That if one or more of the directors' districts of the new school district has no such director residing therein, the ((~~county~~)) intermediate school district superintendent shall appoint the number of additional directors required to constitute a board of five directors for the school district, no two of whom shall be residents of the same school directors' district.

Each board of directors constituted as provided for in this section 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 directors of other districts of the same class until the next regular school election in the district and until their successors are elected and qualified. At such election there shall be elected five directors to constitute the board of the district; one shall be elected from among the residents of each of the five directors' districts of the school district by the electors of the entire school district, two such directors for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

Sec. 139. Section 28A.57.370, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.370 are each amended to read as follows:

Whenever any school district other than a newly established school district is divided into directors' districts by the county committee in the discharge of its duties hereunder, the directors thereof shall continue to serve for the terms for which they were elected, unless two or more such directors reside in the same directors' district, in which event the director who shall continue to serve shall be determined by lot. The ((~~county~~)) intermediate school district superintendent shall then appoint the number of additional directors required to constitute a board of five directors for

the school district, no two of whom shall be residents of the same directors' district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected for the unexpired terms of those who were removed from office by virtue of this section or for four year terms in case no unexpired terms exist. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

Sec. 140. Section 28A.57.390, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.390 are each amended to read as follows:

The ((~~county~~)) intermediate school district superintendent shall prepare and keep in his office (1) a map showing the boundaries of the directors' districts of all school districts in or belonging to his ((~~county~~)) intermediate school district that are so divided, and (2) a record of the action taken by the county committee in establishing such boundaries.

Sec. 141. Section 28A.58.225, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.225 are each amended to read as follows:

A local district may be authorized by the ((~~county~~)) intermediate school district superintendent to transport and educate its pupils in another district 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. Such authorization may be extended for an additional year at the discretion of the ((~~county~~)) intermediate school district superintendent.

Sec. 142. Section 28A.58.530, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.530 are each amended to read as follows:

For the purpose of obtaining information on school organization, administration, operation and instruction, school districts and ((~~county~~)) intermediate school district superintendents may con-

tract for or purchase information and research services from public universities, colleges and other public bodies. For the same purpose, school districts and ((county-er)) intermediate school district superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations.

Sec. 143. Section 28A.67.070, chapter ..., Laws of 1969 (HR 58) and RCW 28A.67.070 are each amended to read as follows:

No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state, and limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the ((county-er)) intermediate school district superintendent, and one copy to be delivered to the teacher thereafter.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for non-renewal of contract. Such notice shall be served upon the employee

by certified or registered mail, or to the teacher personally, or by leaving a copy of the notice at the house of his usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within five days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing. If such notification and opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term.

Sec. 144. Section 28A.70.110, chapter ..., Laws of 1969 (HB 58) and RCW 28A.70.110 are each amended to read as follows:

The fee for any teaching certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the state board of education by rule or regulation shall deem necessary there-

for. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The ~~((county-superintendent,))~~ intermediate school district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county ~~((wherein-such-applicant-is-to-teach-or-resides,-or-to-the-treasurer-of-the-county))~~ in which the office of the intermediate school district superintendent is located, to be by him placed to the credit of the institute fund of said school district ~~((or-county,))~~ or ~~((in-the-case-of-an-intermediate-district,-to-be-placed-in-the))~~ intermediate school district institute fund which shall be created by the intermediate school district board: PROVIDED, That if any school district collecting fees for the certification of teachers does not hold an institute separate from the ~~((county,))~~ intermediate school district, then all such moneys shall be placed to the credit of the ~~((county-institute-fund-or))~~ intermediate school district institute fund ~~((,as-the-case-may-be))~~.

Sec. 145. Section 28A.70.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.70.140 are each amended to read as follows:

Before registering any certificate, the ~~((county-or))~~ intermediate school district superintendent of the county in which application is made for certificate shall satisfy himself that the applicant is a person of good moral character and personal fitness. In the event of a refusal to register a certificate for whatsoever reason, the ~~((county-or))~~ intermediate school district superintendent shall immediately notify the superintendent of public instruction of his action and shall fully and clearly state his reasons therefor, and the person aggrieved shall have the right of appeal to the superintendent of public instruction, and shall have the further right of appeal to the state board of education.

Sec. 146. Section 28A.71.100, chapter ..., Laws of 1969 (HB 58) and RCW 28A.71.100 are each amended to read as follows:

The ~~((county-superintendent-or))~~ intermediate school district

superintendent must arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training, in such manner and at such time as he believes will be of benefit to the teachers of the ((~~county-or-the~~)) intermediate school district. He may provide such additional means of teacher in-service training as he may deem necessary or appropriate and there shall be a proper charge against the ((~~county-or~~)) intermediate school district institute fund when approved by the ((~~county-or~~)) intermediate school district board.

((~~County~~)) Intermediate school district superintendents of contiguous ((~~counties-and/or~~)) intermediate school districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the ((~~county-superintendents-and/or~~)) intermediate school district superintendents holding such joint institutes or workshops.

In districts employing more than one hundred teachers, the school district superintendent, in his discretion, may hold a teachers' institute of two, three, four or five days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by ((~~county-or~~)) intermediate school district superintendents.

~~((Each-county-or-intermediate-district-superintendent-or-school-district-superintendent,-prior-to-the-holding-of-the-annual-teachers'-institute,-shall-make-an-estimate-of-the-necessary-expenses-thereof,-and-the-county-commissioners,-thereupon,-and-prior-to-the-date-of-holding-said-institute,-must-place-at-the-disposal-of-the-proper-superintendent-out-of-the-county-current-expense-fund-such-an-amount,-not-to-exceed-two-hundred-dollars,-as-in-addition-to-the-amount-then-in-the-hands-of-the-county-treasurer-in-the-institute-fund,-will-meet-the-superintendent's-estimate.-~~

~~The-county,-intermediate-or-school-district-superintendent-must-keep-an-accurate-account-of-the-actual-expenses-of-institutes-and/or~~

~~workshps-with-vouchers-for-same-and-make-a-complete-report-to-the  
county-auditor, which shall be placed on file in his office as a part  
of the regular files.))~~

Sec. 147. Section 28A.87.030, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.030 are each amended to read as follows:

In case any school district superintendent fails to make reports as by law or rule or regulation promulgated thereunder provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the ((county-ex)) intermediate school district superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs.

Sec. 148. Section 28A.87.050, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.050 are each amended to read as follows:

If any ((county-ex)) intermediate school district superintendent fails to make any full and correct report to the superintendent of public instruction of statements required by him or if he shall fail to file with the superintendent of public instruction a full and correct annual report within ten days after the time prescribed by law for filing said report, if any be required, the sum of fifty dollars shall be forfeited from his salary for each such unsatisfactory report, and the proper county officials are hereby authorized and required to deduct therefrom the sum aforesaid upon information from the superintendent of public instruction that such reports have not been made.

Sec. 149. Section 28A.87.080, chapter .... Laws of 1969 (HB 58) and RCW 28A.87.080 are each amended to read as follows:

Any person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county, ~~((eæ))~~ school district or intermediate school district in this state, and refusing or failing to pay over the same as required by law, shall be liable for double the amount so withheld, and in addition thereto, interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the ~~((eænty-eæ))~~ intermediate school district superintendent ~~((eæ-seæeæis))~~ to supervise and see that the provisions of this section are fully complied with, including the initiation of court actions therefor, and report thereon to the appropriate county commissioners at least semiannually. Fines and penalties, exclusive of any moneys recovered belonging to the school fund of any county, ~~((eæ))~~ school district or intermediate school district in this state, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state.

Sec. 150. Section 28A.87.090, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.090 are each amended to read as follows:

Except as otherwise provided in chapter 42.23 RCW, it shall be unlawful for any member of the state board of education, the superintendent of public instruction or any employee of his office, any ~~((eænty-eæ))~~ intermediate school district superintendent ~~((eæ-seæeæis))~~, any school district superintendent or principal, or any director of any school district, to request or receive, directly or indirectly, anything of value for or on account of his influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of ~~((eænty-eæ))~~ intermediate school district superintendent or any school district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value.

Any wilful violation of the provisions of this section shall

be a misdemeanor and punished as such.

Sec. 151. Section 28A.87.100, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.100 are each amended to read as follows:

Upon complaint in writing being made to any ((county-er)) intermediate school district superintendent by any registered voter of the school district complained against that the board of directors of the district have failed to make provision for the teaching of hygiene, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, or have failed to require students to take such course, it shall be the duty of such ((county-er)) intermediate school district superintendent to investigate at once the matter of such complaint, and if found to be true, he shall immediately notify the proper county officials of the county in which such school district is located thereof, and after the receipt of such notice, it shall be the duty of such officials to refuse to issue or register any warrants drawn upon such district subsequent to the date of such notice and until they shall be notified to do so by such ((county-er)) intermediate school district superintendent. Whenever it shall be made to appear to the said ((county-er)) intermediate school district superintendent, and he shall be satisfied that the board of directors of such district are complying with the requirements of this section relating to the teaching of physiology and hygiene, he shall notify said county officials, and said officials shall thereupon issue and register the warrants of said district.

Sec. 152. Section 28A.87.110, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.110 are each amended to read as follows:

Any ((county-er)) intermediate school district superintendent who shall fail or refuse to comply with the provisions of RCW 28A.87-.100 shall be liable to a penalty of one hundred dollars, to be recovered in a civil action in the name of the state in any court of competent jurisdiction, and the sum recovered shall go into the state current school fund; and it shall be the duty of the prosecuting attorneys of the several counties of the state to see that the provisions

of this section are enforced.

Sec. 153. Section 28A.87.170, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.170 are each amended to read as follows:

Any school district using textbooks other than those prescribed by lawful authority, or any district failing to comply with the course of study prescribed by the state board of education or by other lawful authority, or any district in which warrants are issued to a teacher not legally qualified to teach in the common schools of the said district, shall have withheld twenty-five percent of their school fund for that or the subsequent year, and it is hereby made the duty of the ((~~county-er~~) intermediate school district superintendent to deduct said amount from the apportionment to be made to any district failing in either or all of the above requirements, and the amounts thus deducted shall be withheld until the ((~~county-er~~) intermediate school district superintendent shall ascertain such situation no longer exists.

Sec. 154. Section 28A.88.020, chapter ..., Laws of 1969 (HB 58) and RCW 28A.88.020 are each amended to read as follows:

Appeals from the decision or order, or from the failure to decide or order, by a board of school directors shall be taken to the ((~~county-er~~) intermediate school district ((~~superintendent-of schools~~) board having jurisdiction over such school district: PROVIDED, That should such ((~~superintendent~~) board disqualify ((~~himself~~) itself, such appeal shall be to the superior court. Appeals from the decision or order, or the failure to decide or order, of a ((~~county-er~~) intermediate school district ((~~superintendent-of schools~~) board, when relating to the operation or management of schools or to the relation with teachers, shall be taken to the superintendent of public instruction. In all other cases appeal shall be taken to the superior court of the county in which the school district is situated.

Sec. 155. Section 28B.40.380, chapter ..., Laws of 1969 (HB 58) and RCW 28B.40.380 are each amended to read as follows:

In order to assist teachers in service, candidates for certificates, and others, each state college shall establish and maintain an extension department. The work of the department may supplement the previous training of teachers in service and comprise subjects included in the state college curriculum, or otherwise.

In order to prevent overlapping of territory in connection with this extension work, the state board of education shall district the state making a definite assignment of territory to each institution: PROVIDED, That such assignments of territory shall not preclude any other contractual arrangements initiated by a state college to carry out its duties under this section. The head of the extension department of each state college, after being assigned specific territory, shall cooperate with the several intermediate school district superintendents or educational executive officers of the ((affected-counties)) intermediate school districts in making public the courses or seminars available for each year, such information being forwarded by the head of the extension department to the state superintendent of public instruction.

A report of the work accomplished by any such extension department during the preceding school year shall be made by the board of trustees upon request of the governor or any member of the legislature.

Sec. 156. Section 28A.57.326, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.326 are each amended to read as follows:

(1) The board of directors of any first class school district shall fill, by appointment after board election, any vacancy which may occur in its body, but the appointment to fill such vacancy shall be valid only until the next regular district election.

(2) In case of a vacancy from any cause in the board of directors of a second class school district, the ((county-off)) intermediate school district superintendent ((, as the case may be,)) in conjunction with the other directors, shall fill such vacancy by appointment until the next regular school district election, at which time a succes-

sor shall be elected for the unexpired term. In case the electors of any second class school district shall fail to elect a director at any election and for whatsoever reason, the ((~~county-er~~)) intermediate school district superintendent(~~((7-as-the-ease-may-be7))~~) shall declare the office vacant upon the expiration of the term of the incumbent director and such vacancy shall be filled as hereinabove in this subsection provided.

(3) In case of a vacancy from any cause in the board of directors of a third class school district, the ((~~county-er~~)) intermediate school district superintendent (~~((7-as-the-ease-may-be7))~~) shall fill such vacancy by appointment until the next regular school district election, at which time a successor shall be elected for the unexpired term. In case the electors of any third class district shall fail to elect a director at any election and for whatsoever reason, the ((~~county-er~~)) intermediate school district superintendent(~~((7-as-the-ease-may-be7))~~) shall declare the office vacant upon the expiration of the term of the incumbent director and fill such vacancy as hereinabove in this subsection provided.

In the event of there being less than two members on the board of any first or second class district for whatsoever reason the ((~~county-er~~)) intermediate school district superintendent shall fill such vacancies by appointment, such appointments being valid only until the next regular school district election at which time successors shall be elected for the respective unexpired terms.

Vacancies in second and third class districts may result from vacancies caused by death, resignation, failure of the district to hold elections, failure of an electee to qualify before the day for taking office, absence from the district for a period of ninety days without board sanction or failure to attend four consecutive meetings of the board without a reasonable excuse.

#### Part IV. Construction and repeal.

NEW SECTION. Sec. 157. The forty-first legislature has before it a bill proposing a complete revision of the education laws

of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing education laws. The provisions of Part III seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part III shall concomitantly become effective. It is the further intent of the legislature that Part III of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part III of this bill shall be construed as amending the correlative sections of the 1969 education code. Any provisions repealing Title 28A and 28B sections in this 1969 amendatory act shall be construed as repealing sections of the 1969 education code and shall be effective only at such time as such code becomes effective.

NEW SECTION. Sec. 158. Part III 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.

NEW SECTION. Sec. 159. The following acts or parts of acts are each hereby repealed:

- (1) Section 1, page 264, chapter 97, Laws of 1909 and RCW 28.01.030;
- (2) Section 22, chapter 139, Laws of 1965 and RCW 28.01.035;
- (3) Section 2, chapter 157, Laws of 1955, as amended by section 1, chapter 216, Laws of 1959, and RCW 28.19.010;
- (4) Section 3, chapter 157, Laws of 1955 and RCW 28.19.020;
- (5) Section 4, chapter 157, Laws of 1955, as amended by section 4, chapter 216, Laws of 1959, and RCW 28.19.030;
- (6) Section 31, chapter 118, Laws of 1897, as last amended

by section 5, chapter 216, Laws of 1959, and RCW 28.19.040;

(7) Section 32, chapter 118, Laws of 1897, as last amended by section 6, chapter 216, Laws of 1959, and RCW 28.19.050;

(8) Section 14, chapter 157, Laws of 1955, as amended by section 7, chapter 216, Laws of 1959, and RCW 28.19.060;

(9) Section 6, page 284, chapter 97, Laws of 1909 and RCW 28.19.070;

(10) Section 7, page 284, chapter 97, Laws of 1909, as amended by section 15, chapter 157, Laws of 1955, and RCW 28.19.080;

(11) Section 8, page 285, chapter 97, Laws of 1909, as amended by section 16, chapter 157, Laws of 1955, and RCW 28.19.090;

(12) Section 29, chapter 157, Laws of 1955, as amended by section 25, chapter 216, Laws of 1959, and RCW 28.19.110;

(13) Section 31, chapter 157, Laws of 1955, as last amended by section 18, chapter 139, Laws of 1965, and RCW 28.19.120;

(14) Section 32, chapter 157, Laws of 1955, as amended by section 8, chapter 216, Laws of 1959, and RCW 28.19.190;

(15) Section 1, chapter 139, Laws of 1965 and RCW 28.19.300;

(16) Section 2, chapter 139, Laws of 1965 and RCW 28.19.310;

(17) Section 3, chapter 139, Laws of 1965, as amended by section 1, chapter 67, Laws of 1967 ex.sess., and RCW 28.19.320;

(18) Section 4, chapter 139, Laws of 1965 and RCW 28.19.330;

(19) Section 5, chapter 139, Laws of 1965 and RCW 28.19.340;

(20) Section 6, chapter 139, Laws of 1965 and RCW 28.19.350;

(21) Section 7, chapter 139, Laws of 1965 and RCW 28.19.360;

(22) Section 8, chapter 139, Laws of 1965 and RCW 28.19.370;

(23) Section 9, chapter 139, Laws of 1965 and RCW 28.19.380;

(24) Section 12, chapter 139, Laws of 1965 and RCW 28.19.390;

(25) Section 13, chapter 139, Laws of 1965 and RCW 28.19.400;

(26) Section 14, chapter 139, Laws of 1965 and RCW 28.19.410;

(27) Section 15, chapter 139, Laws of 1965 and RCW 28.19.420;

(28) Section 30, chapter 157, Laws of 1955, as last amended by section 17, chapter 139, Laws of 1965 and RCW 28.19.430;

- (29) Section 2, chapter 67, Laws of 1967 ex.sess., and RCW 28.19.440;
- (30) Section 30, chapter 216, Laws of 1959 and RCW 28.19.900;
- (31) Section 1, page 311, chapter 97, Laws of 1909, as last amended by section 5, chapter 67, Laws of 1967 ex.sess., and RCW 28.20.010;
- (32) Section 24, chapter 157, Laws of 1955, as last amended by section 3, chapter 67, Laws of 1967 ex.sess., and RCW 28.20.013;
- (33) Section 25, chapter 157, Laws of 1955, as amended by section 11, chapter 139, Laws of 1965, and RCW 28.20.015;
- (34) Section 19, chapter 157, Laws of 1955 and RCW 28.20.020;
- (35) Section 20, chapter 157, Laws of 1955 and RCW 28.20.030;
- (36) Section 25, page 11, Laws of 1886, as last amended by section 10, chapter 216, Laws of 1959, and RCW 28.20.040;
- (37) Section 28, chapter 216, Laws of 1959, as amended by section 19, chapter 139, Laws of 1965, and RCW 28.20.045;
- (38) Section 1, page 315, chapter 97, Laws of 1909, as amended by section 10, chapter 90, Laws of 1919, and RCW 28.71.010;
- (39) Section 2, page 315, chapter 97, Laws of 1909 and RCW 28.71.020;
- (40) Section 4, page 315, chapter 97, Laws of 1909 and RCW 28.71.030;
- (41) Section 8, page 316, chapter 97, Laws of 1909 and RCW 28.71.065;
- (42) Section 9, page 316, chapter 97, Laws of 1909 and RCW 28.71.070; and
- (43) Sections 28A.01.030, 28A.01.035, 28A.19.010, 28A.19.020, 28A.19.030, 28A.19.040, 28A.19.050, 28A.19.060, 28A.19.070, 28A.19.080, 28A.19.090, 28A.19.110, 28A.19.120, 28A.19.190, 28A.19.300, 28A.19.310, 28A.19.320, 28A.19.330, 28A.19.340, 28A.19.350, 28A.19.360, 28A.19.370, 28A.19.380, 28A.19.390, 28A.19.400, 28A.19.410, 28A.19.420, 28A.19.430, 28A.19.440, 28A.20.010, 28A.20.053, 28A.20.055, 28A.20.020, 28A.20.030, 28A.20.040 and 28A.20.095, chapter ..., Laws of

1969 (HB 58) and RCW 28A.01.030, 28A.01.035, 28A.19.010, 28A.19.020, 28A.19.030, 28A.19.040, 28A.19.050, 28A.19.060, 28A.19.070, 28A.19-.080, 28A.19.090, 28A.19.110, 28A.19.120, 28A.19.190, 28A.19.300, 28A.19.310, 28A.19.320, 28A.19.330, 28A.19.340, 28A.19.350, 28A.19-.360, 28A.19.370, 28A.19.380, 28A.19.390, 28A.19.400, 28A.19.410, 28A.19.420, 28A.18.430, 28A.19.440, 28A.20.010, 28A.20.053, 28A.20-.055, 28A.20.020, 28A.20.030, 28A.20.040 and 28A.20.095, at such time as the proposed 1969 education code becomes effective.

NEW SECTION. Sec. 160. The amendment or repeal of any section referred to herein shall not be construed as affecting any existing right acquired under the provisions of the statutes amended or repealed nor any rule, regulation or order adopted pursuant thereto nor as affecting any proceeding as instituted thereunder.

NEW SECTION. Sec. 161. 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. 162. Sections 1 through 101 and sections 157 and 162 of this 1969 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House April 16, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 177  
[House Bill No. 897]  
APPROPRIATIONS--LEGISLATIVE  
EXPENSE AND MEMBERS' SUBSISTENCE

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

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of three hundred

ninety-seven thousand three hundred twenty dollars (\$397,320), or so much thereof as may be necessary for the purpose of paying the expenses of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than one hundred ninety thousand and fifty dollars (\$190,050); and

(2) The House of Representatives shall not expend more than two hundred and seven thousand two hundred seventy dollars (\$207,270): PROVIDED, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

NEW SECTION. Sec. 2. There is hereby appropriated to the legislature out of the state general fund the sum of one hundred nineteen thousand two hundred dollars (\$119,200) for payment to members of the legislature and the president of the Senate in lieu of subsistence and lodging while in attendance at the first extraordinary session of the forty-first legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than forty thousand dollars (\$40,000); and

(2) The House of Representatives shall not expend more than seventy-nine thousand two hundred dollars (\$79,200).

NEW SECTION. Sec. 3. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of seven thousand seven hundred forty-three dollars (\$7,743.00) or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature.

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

Passed the House April 23, 1969  
Passed the Senate April 24, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 178  
[Engrossed Senate Bill No. 341]  
INTOXICATING LIQUOR

AN ACT Relating to intoxicating liquor; amending section 69, chapter 62, Laws of 1933 ex. sess., as last amended by section 3, chapter 239, Laws of 1963, and RCW 66.08.050; amending section 5, chapter 67, Laws of 1949, as amended by section 8, chapter 111, Laws of 1959, and RCW 66.20.200; amending section 27, chapter 62, Laws of 1933 ex. sess., as last amended by section 1, chapter 144, Laws of 1947, and RCW 66.24.010; amending section 23F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.270; amending section 23S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.380; amending section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as amended by section 3, chapter 143, Laws of 1965 ex. sess., and RCW 66.24.420; amending section 1, chapter 55, Laws of 1967 and RCW 66.24.490; amending section 90A added to chapter 62, Laws of 1933, ex. sess. by section 2, chapter 48, Laws of 1945 and RCW 66.28.020; amending section 27A added to chapter 62, Laws of 1933, ex. sess. by section 3, chapter 217, Laws of 1937, as amended by section 7, chapter 5, Laws of 1949, and RCW 66.28.080; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.44 RCW; repealing section 243, chapter 249, Laws of 1909 and RCW 66.44.220; and prescribing penalties.

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

Section 1. Section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 239, Laws of 1963, and RCW 66.08-.050 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall

- (1) determine the localities within which state liquor stores

shall be established throughout the state, and the number and situation of the stores within each locality;

(2) ~~((to))~~ appoint in ~~((inseparated))~~ cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed five years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatso-

ever, subject only to audit by the state auditor.

Sec. 2. Section 5, chapter 67, Laws of 1949, as amended by section 8, chapter 111, Laws of 1959 and RCW 66.20.200 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him by the board, and any person who makes any false statement on any card required by RCW 66.20.190, as now or hereafter amended (~~by this act (1959-e-111-§-7)~~), to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both.

Sec. 3. Section 27, chapter 62, Laws of 1933 ex. sess., as last amended by section 1, chapter 144, Laws of 1947 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant and no license shall be transferable, nor shall the holder thereof allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind shall be issued to:

(a) A person who is not a citizen of the United States, except when the privilege is granted by treaty;

(b) A person who has not resided in the state for at least one year prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(c) A person who has been convicted of a felony within five years prior to filing his application;

(d) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(e) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

~~((f))--A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor within the last preceding five years, or has forfeited his bond to appear in court within the last preceding five years to answer charges for any such violation;~~

~~(g))~~ (f) A corporation, unless all of the officers thereof are citizens of the United States.

(3) The board may, in its discretion, ~~((with or without hearing))~~ subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell ~~((beer or other liquors))~~ liquor thereunder shall be suspended or terminated, as the case may be. ~~((In any case where the board in its discretion grants a hearing, said hearing shall be summary and upon oral or written testimony.))~~ The board may appoint examiners who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses ~~((may, in the discretion of the board,))~~ shall be allowed fees at the rate of ~~((two))~~ four dollars per day, plus ~~((five))~~

ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued (~~(7-except-that-licenses-presently-held-by-licensees-or-issued-hereafter-for-use-in-the-present-licensing-period-shall-expire-on-the-thirtieth-day-of-September-of-1955-~~

~~In-issuing-licenses-for-use-subsequent-to-September-30,-1955, the-board-shall-issue-the-same-for-a-fee-of-three-fourths-the-annual-license-fee-and-such-license-so-issued-shall-expire-on-the-thirtieth-day-of-June-of-1956,-and-thereafter-every-license-shall-be-issued-on-an-annual-basis-and-shall-expire-on-the-thirtieth-day-of-June-succeeding-such-issuance)).~~

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within ten days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may make oral argument in support of such objections at the time fixed by the board, after the board shall have given to the applicant written notice of such oral argument at least five days prior thereto. Upon the granting of a license under this title the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: PROVIDED, That on and after the effective date of this act, the board shall issue no beer retailer license class A, B, or D or wine retailer license class C covering any premises not now licensed, if such premises are within five hun-

dred feet of the premises of any church, parochial or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

Sec. 4. Section 23F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.270 are each amended to read as follows:

(1) Every person, firm or corporation, holding a license to manufacture malt liquors within the state of Washington, shall, on or before the tenth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors sold for resale during the preceding calendar month to each beer wholesaler within the state of Washington;

(2) No beer wholesaler nor beer importer shall purchase any beer not manufactured within the state of Washington by a brewer holding a license as a manufacturer of malt liquors from the state of Washington, and/or transport or cause the same to be transported into

the state of Washington for resale therein, unless the brewer or manufacturer of such beer or the licensed importer of beer produced outside the United States has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer sold or delivered to each licensed beer importer or imported by the licensed importer of beer produced outside the United States during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States and all general sales corporations or agencies maintained by ((~~it~~)) such brewers or manufacturers or importers, and all trade representatives or agents of such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States, and of such general sales corporations and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall, after obtaining such certificate, fail to submit such report, or if such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States or general sales corporation or agency maintained by ((~~it~~)) such brewers or manufacturers or importers, or any representative or agent thereof, shall violate the terms of such agreement, the board shall, in its discretion, revoke such certificate;

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum,

which sum shall accompany the application for such certificate.

Sec. 5. Section 23S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.380 are each amended to read as follows:

There shall be a beer retailer's license to be designated as class G; a special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee ((five)) ten dollars per day.

Sec. 6. Section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as amended by section 3, chapter 143, Laws of 1965 ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) The fee for any dining, club or buffet car, or any boat

or airplane shall be as provided in subsection (4) of this section.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of (~~incorporated~~) cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of (~~incorporated~~) cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of (~~incorporated~~) cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: PROVIDED, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED FURTHER, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.

(5) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time

exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(6) Notwithstanding the provisions of subsection (5) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

Sec. 7. Section 1, chapter 55, Laws of 1967 and RCW 66.24.490 are each amended to read as follows:

There shall be a retailer's license to be designated as a class I license; this shall be a special occasion license to be issued to the holder of a class H license to extend his privilege of selling and serving beer, wine and spirituous liquor by the individual glass, and beer and wine by the opened bottle, at retail, for consumption on the premises, to ~~((persons-attending-a-national,-or-state,-or-region-al-(out-of-state)-convention-or-meeting-when-events))~~ members and guests of a society or organization on special occasions at a specified date and place when such special occasions of such groups are held on premises other than a class H licensed premises and for consumption on the premises of such outside location. The holder of such special occasion license shall be allowed to remove from his liquor stocks at his licensed class H premises, liquor for sale and service at such ~~((convention-or-meeting))~~ special occasion locations: PROVIDED, That such special license shall be issued only when the facilities of class H licensees in the particular city or county are not suitable and adequate to accommodate the number of persons attending such ~~((conventions-or-meetings))~~ special occasion: AND PROVIDED FURTHER, That the Washington state liquor control board may issue banquet permits when such groups prefer to provide their own liquor under such a permit rather than avail themselves of sale and service of liquor by the holder of a class I license. Such special class I license shall be issued for a specified date and place and upon payment of a fee of twenty-five dollars per day.

Sec. 8. Section 27A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 217, Laws of 1937, as amended by section 7, chapter 5, Laws of 1949 and RCW 66.28.080 are each amended to read as follows:

It shall be unlawful for any person, firm or corporation holding any retailer's license to permit or allow upon the premises licensed any music, dancing, or entertainment whatsoever, unless and until permission thereto is specifically granted by appropriate license or permit of the proper authorities of the city or town in which such licensed premises are situated, or the board of county commissioners, if the same be situated outside an incorporated city or town: PROVIDED, That the words "music and entertainment," as herein used, shall not apply to radios or mechanical musical devices.

NEW SECTION. Sec. 9. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW a new section to read as follows:

There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee ten dollars per day.

NEW SECTION. Sec. 10. Section 243, chapter 249, Laws of 1909 and RCW 66.44.220 are each repealed.

NEW SECTION. Sec. 11. Any resident of the state of Washington while outside the territorial boundaries of the state may purchase wine outside the boundaries of the state and may import such wine for his personal use and not for resale, in accordance with the provisions of this section.

Sec. 12. Section 90A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945 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-brewer-or~~) 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 (~~brewer-or~~) 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 domestic winery or licensed brewery which is, as of the date of passage of this act, a licensed wine or beer wholesaler respectively: PROVIDED FURTHER, That in the event of the sale of such 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.

Passed the Senate April 16, 1969.

Passed the House April 10, 1969.

Approved by the Governor April 25, 1969, with the exception of section 11 which is vetoed.

Filed in office of Secretary of State April 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This is the Liquor Board omnibus bill.

Section 11 of the bill provides:

Any resident of the state of Washington while outside the territorial boundaries of the state may purchase wine outside the boundaries of the state and may import such wine for his personal use and not for resale, in accordance with the provisions of this section.

There are no other "provisions" of the section governing the importation of wine, nor are there limitations on the blanket authority to import wine for personal use under section 11. Presumably, the section permits one to step across the state line and then to ship unlimited quantities of wine into the state. The only limitation is that it be for personal use, at best an elusive standard. None of the controls consistent with Washington State liquor laws would attach to wine imported under this section.

Without any controls, there is greater opportunity to move wine imported under the provisions of this section into commercial channels in contravention of the law. There is a distinct possibility of substantial revenue loss to the state.

For these reasons, I have vetoed section 11. The remainder of Engrossed Senate Bill No. 341 is approved."

CHAPTER 179  
[Engrossed Substitute House Bill No. 158]  
EYE PROTECTION

AN ACT Relating to the protection of eyes; and adding a new chapter to Title 70 RCW.

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

NEW SECTION. Section 1. As used in this chapter:

"Eye protection areas" means areas within vocational or industrial arts shops, science or other school laboratories, or schools within state institutional facilities as designated by the state superintendent of public instruction in which activities take place involving:

- (1) Hot molten metals or other molten materials;
- (2) Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;
- (3) Heat treatment, tempering or kiln firing of any metal or other materials;

(4) Gas or electric arc welding, or other forms of welding processes;

(5) Corrosive, caustic, or explosive materials;

(6) Custodial or other service activity potentially hazardous to the eye: PROVIDED, That nothing in this chapter shall supersede regulations heretofore or hereafter established by the department of labor and industries respecting such activity; or

(7) Any other activity or operation involving mechanical or manual work in any area that is potentially hazardous to the eye.

NEW SECTION. Sec. 2. Every person shall wear eye protection devices when participating in, observing, or performing any function in connection with any courses or activities taking place in eye protection areas of any private or public school, college, university, or other public or private educational institution in this state, as designated by the superintendent of public instruction. The governing board or authority of any public school shall furnish the eye protection devices prescribed in section 3 of this act without cost to all teachers and students in grades K-12 engaged in activities potentially dangerous to the human eye, and the governing body of each institution of higher education and vocational technical institute shall furnish such eye protection devices free or at cost to all teachers and students similarly engaged at the institutions of higher education and vocational technical institutes. Eye protection devices shall be furnished on a loan basis to all visitors observing activities hazardous to the eye.

NEW SECTION. Sec. 3. Eye protection devices, which shall include plano safety spectacles, plastic face shields or goggles, shall comply with the U.S.A. Standard Practice for Occupational and Educational Eye and Face Protection, Z87.1-1968 or later revisions thereof.

NEW SECTION. Sec. 4. The superintendent of public instruction, after consulting with the department of labor and industries, and the division of vocational education shall prepare and circulate to each public and private educational institution in this state with-

in six months of the date of passage of this chapter, a manual containing instructions and recommendations for the guidance of such institutions in implementing the eye safety provisions of this chapter.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 70 RCW.

Passed the House April 16, 1969  
Passed the Senate April 8, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 180  
[Engrossed House Bill No. 370]  
HIGHWAYS, CONSTRUCTION AND  
MAINTENANCE--FERRIES, FACILITIES,  
EMERGENCY REPAIRS OR REMOVAL

AN ACT Relating to highways; amending section 47.28.050, chapter 13, Laws of 1961 and RCW 47.28.050; amending section 47.28.030, chapter 13, Laws of 1961, as last amended by section 40, chapter 145, Laws of 1967 ex. sess. and RCW 47.28.030; amending section 47.56.030, chapter 13, Laws of 1961 as amended by section 8, chapter 278, Laws of 1961 and RCW 47.56.030; and repealing section 47.28.130, chapter 13, Laws of 1961 and RCW 47.28.130.

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

Section 1. Section 47.28.050, chapter 13, Laws of 1961 and RCW 47.28.050 are each amended to read as follows:

The Washington state highway commission 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 and one other paper, both 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 deems necessary: PROVIDED, That when the estimated cost of any contract to be awarded is less than ((fifteen)) twenty-five thousand dollars, the call for bids need

only be published in 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 five thousand dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids.

Sec. 2. Section 47.28.030, chapter 13, Laws of 1961, as last amended by section 40, chapter 145, Laws of 1967 ex. sess. and RCW 47.28.030 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars: PROVIDED, When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by day labor when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. (~~The state highway commission may authorize any district engineer of the highway commission to award any contract for work not exceeding a cost of fifteen thousand dollars. All such awards shall be subject to the approval of the commission and shall follow the same procedures as are prescribed for other highway commission contracts except as provided in this section.~~)

Whenever the work to be performed is repair or maintenance of an existing highway, surveying, test drilling, or other exploratory engineering on an existing or proposed highway and the engineer's estimate indicates the cost of the work would not exceed (~~two~~) seven thousand five hundred dollars, and delay of performance thereof would jeopardize a state highway or inconvenience the traveling public, the state highway commission may negotiate without a call for bids a contract for the furnishing of any equipment with operator and/or materials and supplies required for performance of the work, and in such

instances the contractor furnishing such equipment, and/or materials and supplies need not be prequalified pursuant to RCW 47.28.070 nor furnish a bid deposit or performance bond.

Sec. 3. Section 47.56.030, chapter 13, Laws of 1961 as amended by section 8, chapter 278, Laws of 1961 and RCW 47.56.030 are each amended to read as follows:

The state highway commission shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries that may be authorized by the Washington toll bridge authority, and the operation and maintenance thereof and the collection of tolls and charges thereon. The commission shall have full charge of design of all toll facilities. The commission shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The highway commission is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

NEW SECTION. Sec. 4. Section 47.28.130, chapter 13, Laws of 1961 and RCW 47.28.130 are each repealed.

Passed the House April 16, 1969  
Passed the Senate April 10, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 181  
[Engrossed House Bill No. 433]  
SUPPLEMENTAL BUDGET--DEPARTMENT  
OF PUBLIC ASSISTANCE; TORT CLAIMS  
ACCOUNT; LEGISLATIVE COUNCIL; JOINT  
COMMITTEE ON GOVERNMENTAL COOPERATION

AN ACT Adopting a supplemental budget; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. A supplemental budget is hereby adopted and the amounts hereinafter specified, or so much thereof as shall be necessary, are hereby appropriated out of the several funds indicated and authorized to be disbursed for the period from the effective date of this act through June 30, 1969.

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation . . . . . \$ 10,162,284.00

TORT CLAIMS ACCOUNT

General Fund Appropriation . . . . . \$ 48,074.00

Game Fund Appropriation . . . . . \$ 131,957.40

LEGISLATIVE COUNCIL

General Fund Appropriation . . . . . \$ 9,000.00

JOINT COMMITTEE ON INTERGOVERNMENTAL COOPERATION

General Fund Appropriation . . . . . \$ 6,390.00

NEW SECTION. Sec. 2. The appropriations contained in this act shall be allotted in accordance with chapter 43.88 RCW.

NEW SECTION. Sec. 3. Any receipts from federal or other sources received by the Department of Public Assistance as a result of the increased expenditures authorized by this act may be received and allotted by the governor as necessary to carry out the intent of this act.

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

Passed the House April 17, 1969  
Passed the Senate April 16, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 182  
[Engrossed House Bill No. 645]  
COUNTIES--ROAD ADMINISTRATION

AN ACT Relating to counties; establishing procedures for road management and accounting; amending section 36.75.010, chapter 4, Laws of 1963 and RCW 36.75.010; amending section 36.32.210,

chapter 4, Laws of 1963 as amended by section 1, chapter 108, Laws of 1963 and RCW 36.32.210; amending section 36.75.060, chapter 4, Laws of 1963 and RCW 36.75.060; amending section 36.75.140, chapter 4, Laws of 1963 and RCW 36.75.140; amending section 8, chapter 120, Laws of 1965 ex. sess. and RCW 36.78-.080; amending section 36.80.020, chapter 4, Laws of 1963 and RCW 36.80.020; amending section 36.80.030, chapter 4, Laws of 1963 and RCW 36.80.030; amending section 36.80.040, chapter 4, Laws of 1963 and RCW 36.80.040; amending section 36.80.060, chapter 4, Laws of 1963 and RCW 36.80.060; amending section 36.80.070, chapter 4, Laws of 1963 and RCW 36.80.070; amending section 36.82.010, chapter 4, Laws of 1963 and RCW 36.82.010; amending section 36.82.130, chapter 4, Laws of 1963 and RCW 36.82.130; amending section 36.82.160, chapter 4, Laws of 1963 and RCW 36.82.160; amending section 36.75.040, chapter 4, Laws of 1963 and RCW 36.75.040; and repealing section 36.75.045, chapter 4, Laws of 1963 and RCW 36.75.045.

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

Section 1. Section 36.75.010, chapter 4, Laws of 1963 and RCW 36.75.010 are each amended to read as follows:

Terms used in this title, with relation to roads and bridges, mean:

(1) "Alley," a public highway not designed for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Board," the board of county commissioners;

(3) "Center line," the line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway;

(4) "City street," every public highway or part thereof, located within the limits of incorporated cities and towns, except alleys;

(5) "County engineer" shall include county director of public works;

~~((5))~~ (6) "County road," every public highway or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway;

~~((6))~~ (7) "Department," the department of highways of the state, or such state agency as may succeed to its powers and duties;

~~((7))~~ (8) "Director," the acting director of the department of highways or his duly authorized assistant;

~~((8))~~ (9) "Highway commission," the state highway commission as provided for in chapter 47.01 RCW;

~~((9))~~ (10) "Pedestrian," any person afoot;

~~((10))~~ (11) "Private road or driveway," every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

~~((11))~~ (12) "Public highway," every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

~~((12))~~ (13) "Railroad," a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

~~((13))~~ (14) "Roadway," the paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel;

~~((14))~~ (15) "Sidewalk," property between the curb lines or the lateral lines of a roadway, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians;

~~((15))~~ (16) "State highway," includes every primary and secondary state highway or part thereof.

Sec. 2. Section 36.32.210, chapter 4, Laws of 1963 as amended

by section 1, chapter 108, Laws of 1963 and RCW 36.32.210 are each amended to read as follows:

(1) Each county commissioner of the several counties of the state of Washington shall, on the first Monday of March of each year beginning with the year 1964, file with the auditor of the county wherein such commissioner resides a statement verified by oath of such county commissioner showing for the twelve months period ending December 31st of the preceding year, the following:

~~((1))~~ (a) A full and complete inventory of all tools, machinery, equipment and appliances belonging to the district of such commissioner used or intended to be used in any public work, except the repair ~~((or))~~ construction or maintenance of any ~~((highway))~~ road ~~((or-any-work))~~ within said county for which public funds are to be expended in whole or in part and which said inventory shall be segregated to show the following subheads:

~~((a))~~ (i) The equipment on hand, together with a statement of the date when acquired, the amount paid therefor, the present value, the estimated life thereof and a sufficient description to fully identify such property;

~~((b))~~ (ii) All equipment of every kind or nature sold or disposed of in any manner during such preceding twelve months period, together with the name of the purchaser, the amount paid therefor, whether or not the same was sold at public or private sale, the reason for such disposal and a sufficient description to fully identify the same;

~~((c))~~ (iii) All the equipment purchased during said period, together with the date of purchase, the amount paid therefor, whether or not the same was bought under competitive bidding, the price paid therefor and the probable life thereof, the reason for making the purchase and a sufficient description to fully identify such property;

~~((2))~~ (b) The exact amount of money derived from sources other than tax levy coming into possession or under the control of

such commissioner for or on account of such district or of the commissioner making such statement; with the name of the party paying the same, the source from which derived, why so derived, and the date of its reception.

~~((3))~~ (c) The person to whom such money or any part thereof was paid and why so paid and the date of such payment.

(2) No county commissioner shall maintain official records which duplicate the records of the county road engineer or any part thereof.

Sec. 3. Section 36.75.060, chapter 4, Laws of 1963 and RCW 36.75.060 are each amended to read as follows:

For the purpose of efficient administration of the county roads of each county the board may, but not more than once in each year, form their respective counties, or any part thereof, into suitable and convenient road districts, not exceeding nine in number, and cause a description thereof to be entered upon their records.

Unless the board decides otherwise by ~~((unanimous))~~ majority vote, there shall be at least one road district in each county commissioner's district embracing territory outside of cities and towns and no road district shall extend into more than one county commissioner's district.

~~((Each county commissioner shall prepare and file with the county auditor on or before the second Monday in August in each year, detailed and itemized estimates of all expenditures required in each road district in his commissioner's district for the ensuing fiscal year, as provided by law))~~

Sec. 4. Section 36.75.140, chapter 4, Laws of 1963 and RCW 36.75.140 are each amended to read as follows:

The boards of the several counties of the state may adopt reasonable rules for the construction of approaches which, when complied with, shall entitle a person to build or construct an approach from any abutting property to any county road. The rules may include provisions for the construction of culverts under the approaches, the depth

of fills over the culverts and for such other drainage facilities as the board deems necessary. The construction of approaches, culverts, fills, or such other drainage facilities as may be required, shall be under the supervision of the ~~((board))~~ county road engineer, and all such construction shall be at the expense of the person benefited by the construction.

Sec. 5. Section 8, chapter 120, Laws of 1965, ex. sess. and RCW 36.78.080 are each amended to read as follows:

Members of the county road administration board shall receive no compensation for their service on the board, but shall be reimbursed for travel and other expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board to the extent of twenty-five dollars per day plus ten cents per mile.

Sec. 6. Section 36.80.010, chapter 4, Laws of 1963 and RCW 36.80.010 are each amended to read as follows:

The board shall employ a full time county road engineer residing in the county: PROVIDED, That in eighth and ninth class counties it may employ a county engineer on a part time basis who need not be a resident of such county, or may contract with other counties for the engineering services of a county road engineer from such other counties.

Sec. 7. Section 36.80.020, chapter 4, Laws of 1963 and RCW 36.80.020 are each amended to read as follows:

He shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction. He shall serve at the pleasure of the board. ~~((He shall have supervision, under the direction of the board, of establishing, laying out, constructing, altering, improving, repairing, and maintaining all county roads of the county.))~~

Before entering upon his employment, every county road engin-

eer shall give an official bond to the county in such amount as the board shall determine, conditioned upon the fact that he will faithfully perform all the duties of his employment and account for all property of the county entrusted to his care.

Sec. 8. Section 36.80.030, chapter 4, Laws of 1963 and RCW 36.80.030 are each amended to read as follows:

The county road engineer shall examine and certify to the board all estimates and all bills for labor, materials, provisions, and supplies with respect to county roads, prepare standards of construction of roads and bridges, and perform such other duties as may be required by order of the board.

~~(Every county road engineer, before entering upon his employment, shall give an official bond to the county, in such amount as the board shall determine, conditioned that he will faithfully perform all the duties of his employment and account for all property of the county entrusted to his care.~~

~~Each construction or improvement project shall be numbered and accurate records shall be kept of such work by the county road engineer.)~~ He shall have supervision, under the direction of the board, of establishing, laying out, constructing, altering, improving, repairing, maintaining all county roads of the county.

Sec. 9. Section 36.80.040, chapter 4, Laws of 1963 and RCW 36.80.040 are each amended to read as follows:

The office of ~~((elective))~~ county engineer shall be ~~((one))~~ an office of record; the county road engineer shall record and file in his office, all matters concerning the public roads, highways, bridges, ditches, or other surveys of his county, with the original papers, documents, petitions, surveys, repairs, and other papers, in order to have the complete history of any such road, highway, bridge, ditch, or other survey; and shall number each construction or improvement project.

Sec. 10. Section 36.80.060, chapter 4, Laws of 1963 and RCW 36-

.80.060 are each amended to read as follows:

The county road engineer shall maintain in his office complete and accurate records of all expenditures for (1) ~~((overhead-and-operations))~~ administration, (2) bond and warrant retirement, (3) maintenance, (4) construction, ~~((and))~~ (5) purchase and operation of road equipment, and (6) purchase or manufacture of materials and supplies, and shall maintain a true and complete inventory of all road equipment. ~~((He-shall-also-maintain-accurate-and-current-records-of-the-amounts-expended-for-or-properly-chargeable-to-each-commissioner's-district-for-construction, special-maintenance, maintenance, and equipment-rental.--He-shall-also-maintain-such-other-records-as-may-be-necessary-or-proper-for-the-efficient-conduct-of-the-county's-road-work.--Equipment-rental-shall-be-charged-to-the-respective-road-operations-or-projects-for-each-day-the-equipment-is-in-use-on-such-work, or-is-held-idle-in-the-district-when-demanded-elsewhere, at-the-rates-fixed-by-the-county-commissioners.--The-division-of-municipal-corporations, with-the-advice-and-assistance-of-the-highway-commission))~~ The state auditor, with the advice and assistance of the county road administration board, shall prescribe forms and types of records to be maintained by the county road engineers. ~~((No-county-commissioner-shall-maintain-official-records-which-duplicate-the-records-of-the-county-road-engineer-or-any-part-thereof.))~~

Sec. 11. Section 36.80.070, chapter 4, Laws of 1963 and RCW 36.80.070 are each amended to read as follows:

All road construction work, except minor construction work, which by its nature does not require plans and specifications, whether performed pursuant to contract or by day labor, shall be in accordance with plans and specifications prepared therefor by or under direct supervision of the county road engineer. ~~((All-maintenance-work-on-county-roads-shall-be-performed-under-supervision-of-the-county-road-engineer.))~~

Sec. 12. Section 36.82.010, chapter 4, Laws of 1963 and RCW

36.82.010 are each amended to read as follows:

There is created in each county of the state a county fund to be known as the "county road fund." Any funds which accrue to (~~the credit of the secondary-highway fund, general road and bridge fund, road district fund or any other fund of~~) any county for use upon county roads, shall be credited to and deposited in the county road fund.

Sec. 13. Section 36.82.130, chapter 4, Laws of 1963 and RCW 36.82.130 are each amended to read as follows:

No items of equipment shall be purchased by any county and paid for from the county road fund or equipment rental and revolving fund where the sales price thereof is in excess of (~~five hundred~~) one thousand dollars, except upon a call for bids published at least once a week for two consecutive weeks prior to the day of receiving and opening such bids. The call for bids shall specify the equipment to be purchased and the time and place when bids will be received and opened. Bids shall be publicly opened and read, and award shall be made to the lowest and best bidder: PROVIDED, That in the event of any evidence of collusion as between bidders, or in the event that it is considered that an insufficient number of bids have been received, or for other good cause, the board may reject all bids and readvertise for bids.

Sec. 14. Section 36.82.160, chapter 4, Laws of 1963 and RCW 36.82.160 are each amended to read as follows:

Each board of county commissioners, with the assistance of the county road engineer, shall prepare and file with the county auditor on or before the second Monday in August in each year, detailed and itemized estimates of all expenditures required in the county for the ensuing fiscal year. In the preparation and adoption of the county road budget the board shall determine and budget the respective percentages of the sum to become available for the following county road purposes: (1) (~~Overhead and operations~~) Administration; (2) bond and warrant retirement; (3) maintenance; (4) con-

struction; ~~((and))~~ (5) operation of equipment rental and revolving fund; and (6) such other items relating to the county road budget as may be required by the county road administration board; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

Sec. 15. Section 36.75.040, chapter 4, Laws of 1963 and RCW 36.75.040 are each amended to read as follows:

The board of county commissioners of each county, in relation to roads and bridges, shall have the power and it shall be its duty to:

(1) Acquire in the manner provided by law property real and personal and acquire or erect structures necessary for the administration of the county roads of such county;

(2) Maintain a county engineering office and keep record of all proceedings and orders pertaining to the county roads of such county;

(3) Acquire land for county road purposes by purchase, gift, or condemnation, and exercise the right of eminent domain as by law provided for the taking of land for public use by counties of this state;

(4) Perform all acts necessary and proper for the administration of the county roads of such county as by law provided;

(5) In its discretion rent or lease any lands, improvements or air space above or below any county road or unused county roads to any person or entity, public or private: PROVIDED, That the said renting or leasing will not interfere with vehicular traffic along said county road or adversely affect the safety of the traveling public: PROVIDED FURTHER, That any such sale, lease or rental shall be by public bid in the manner provided by law: AND PROVIDED FURTHER, That nothing herein shall prohibit any county from granting easements of necessity.

NEW SECTION. Sec. 16. Section 36.75.045, chapter 4, Laws of

1963 and RCW 36.75.045 are each repealed.

Passed the House April 16, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 183  
[Engrossed House Bill No. 742]  
APPRENTICESHIP PROGRAMS--  
MINORITY RACE REPRESENTATION

AN ACT Relating to discrimination; adding new sections to chapter 231, Laws of 1941 and to chapter 49.04 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. It is the policy of the legislature and the purpose of this act to provide every citizen in this state a reasonable opportunity to enjoy employment and other associated rights, benefits, privileges, and to help citizens of minority races realize in a greater measure the goals upon which this nation and this state were founded. All the provisions of this act shall be liberally construed to achieve these ends, and administered and enforced with a view to carry out the above declaration of policy.

NEW SECTION. Sec. 2. There is added to chapter 231, Laws of 1941 and to chapter 49.04 RCW a new section to read as follows:

Joint apprenticeship programs entered into under authority of chapter 49.04 RCW and which receive any state assistance in instructional or other costs, shall as a part thereof include entrance of minority races in such program, when available, in a ratio not less than the ratio which the minority race represents in population to the actual population in the city or trade area concerned, based on current census figures issued by the planning and community affairs agency with the ultimate goal of obtaining the proportionate ratio of representation in the total program membership. Where minimum standards have been set for entering upon any such apprenticeship program, this minority race representation shall be filled when minority race applicants have met such minimum standards and irrespective of individual ranking among all applicants seeking to enter the program: PROVIDED,

That nothing in this act will affect the total number of entrants into the apprenticeship program or modify the dates of entrance both as established by the joint apprenticeship committee. Minority race for the purposes of this act shall include Blacks, Mexican Americans or Spanish Americans, Orientals and Indians or Filipinos.

NEW SECTION. Sec. 3. There is added to chapter 231, Laws of 1941 and to chapter 49.04 RCW a new section to read as follows:

When it shall appear to the department of labor and industries that any apprenticeship program referred to in section 2 of this 1969 act has failed to comply with the minority race representation requirement hereinabove in such section referred to by January 1, 1970, which fact shall be determined by reports the department may request or in such other manner as it shall see fit, then the same shall be deemed prima facie evidence of noncompliance with this act and thereafter no state funds or facilities shall be expended upon such program: PROVIDED, That prior to such withdrawal of funds evidence shall be received and state funds or facilities shall not be denied if there is a showing of a genuine effort to comply with the provisions of this act as to entrance of minority races into the program. The director shall notify the appropriate federal authorities if there is noncompliance with the minority race representation qualification under any apprenticeship program as provided for in this act.

NEW SECTION. Sec. 4. There is added to chapter 231, Laws of 1941 and to chapter 49.04 RCW a new section to read as follows:

Every community college, vocational school; or high school carrying on a program of vocational education shall make every effort to enlist minority race representation in the apprenticeship programs within the state and are authorized to carry out such purpose in such ways as they shall see fit.

NEW SECTION. Sec. 5. There is added to chapter 231, Laws of 1941 and to chapter 49.04 RCW a new section to read as follows:

Every employer and employee organization as well as the apprenticeship council and local and state apprenticeship committees and

vocational schools shall make every effort to enlist minority race representation in the apprenticeship programs of the state and shall be aided therein by the department of labor and industries insofar as such department may be able to so do without undue interference with its other powers and duties. In addition, the legislature, in fulfillment of the public welfare, mandates those involved in apprenticeship training with the responsibility of making every effort to see that minority race representatives in such programs pursue the same to a successful conclusion thereof.

NEW SECTION. Sec. 6. The department of labor and industries shall report to the 1970 session of the legislature on the implementation of the minority race representation in apprenticeship programs as provided for in this act.

NEW SECTION. Sec. 7. This 1969 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 8. If any provision of this 1969 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 16, 1969  
Passed the Senate April 11, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 184  
[Engrossed Senate Bill No. 460]  
SCHOOLS, APPORTIONMENT OF STATE FUNDS--  
SCHOOL DIRECTORS' ASSOCIATION, POWERS

AN ACT Relating to education; amending section 3, chapter 276, Laws of 1959 as amended by section 1, chapter 162, Laws of 1965 ex. sess. and RCW 28.48.010; amending section 3, chapter 169, Laws of 1947 and RCW 28.58.340; amending section 28A.48.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.48.010; amending section 28A.61.030, chapter ..., Laws of 1969 (HB 58) and RCW 28A.61.030; providing sections to effect the correlative and pari

materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 3, chapter 276, Laws of 1959 as amended by section 1, chapter 162, Laws of 1965 ex. sess. and RCW 28.48.010 are each amended to read as follows:

On or before the last business day of September, (~~(1965)~~) 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 counties of the state the proportional share of the total annual amount due and apportionable to such counties for the school districts thereof as follows: (~~(In January, ten percent; in February, ten percent; in June, three and one-half percent and in each of the other months respectively eight and one-half percent.)~~)

<u>September</u> .....	10 %
<u>October</u> .....	8 %
<u>November</u> .....	6.5%
<u>December</u> .....	6.5%
<u>January</u> .....	13 %
<u>February</u> .....	13 %
<u>March</u> .....	11 %
<u>April</u> .....	5 %
<u>May</u> .....	5 %
<u>June</u> .....	5 %
<u>July</u> .....	8.5%
<u>August</u> .....	8.5%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the bien-

nium beginning July 1, (~~(1965)~~) 1969, and ending June 30, (~~(1967)~~) 1971, (~~((shall-be-apportioned-to-cover-the-two-school-years-beginning-September-1,-1965,-and-ending-August-31,-1967))~~) shall consist of the monthly apportionments due for July and August of 1969 plus the apportionments due for twenty-two months beginning with September, 1969 and ending with June, 1971. 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 counties during such month: PROVIDED, That any school district may, through its county superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed five percent of the total amount to become due and apportionable during the school district's fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and 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 county in which the district is located.

Sec. 2. Section 3, chapter 169, Laws of 1947 and RCW 28.58.340 are each amended to read as follows:

The school directors association shall have the power (1) to prepare and adopt, amend and repeal a constitution and rules, regulations, and bylaws for its own organization including county units and for its government and guidance, provided action taken with respect thereto is not inconsistent with the provisions of RCW 28.58.320 through 28.58.360 or with other provisions of law; (2) to arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties; (3) to provide for the payment of travel and subsistence expenses incurred by members and/or officers of the association while engaged in the performance of duties under direction of the association; (~~(and)~~) (4) to employ an executive secretary and other staff

and pay such employees out of the funds of the association; (5) to conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration; (6) to buy, sell or exchange such personal and real property as necessary for the efficient operation of the association; and (7) to purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors.

Part II. Sections affecting proposed 1969 education code.

Sec. 3. Section 28A.48.010, chapter ..., Laws of 1969 (HB 58) 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 counties of the state the proportional share of the total annual amount due and apportionable to such counties for the school districts thereof as follows: ~~((In January, ten percent; in February, ten percent; in June, three and one-half percent and in each of the other months respectively eight and one-half percent;))~~

<u>September.....</u>	<u>10 %</u>
<u>October.....</u>	<u>8 %</u>
<u>November.....</u>	<u>6.5%</u>
<u>December.....</u>	<u>6.5%</u>
<u>January.....</u>	<u>13 %</u>
<u>February.....</u>	<u>13 %</u>
<u>March.....</u>	<u>11 %</u>
<u>April.....</u>	<u>5 %</u>
<u>May.....</u>	<u>5 %</u>
<u>June.....</u>	<u>5 %</u>
<u>July.....</u>	<u>8.5%</u>
<u>August.....</u>	<u>8.5%</u>

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the biennium beginning July 1, 1969, and ending June 30, 1971, shall consist of the monthly apportionments due for July and August of 1969 plus the apportionments due for twenty-two months beginning with September, 1969 and ending with June, 1971, and ending August 31, 1971. 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 counties during such month: PROVIDED, That any school district may, through its county or intermediate district superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed five percent of the total amount to become due and apportionable during the school district's fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and 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 county in which the district is located.

Sec. 4. Section 28A.61.030, chapter ..., Laws of 1969 (HB 58) and RCW 28A.61.030 are each amended to read as follows:

The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules and regulations, and bylaws for its own organization including county or regional units and for its government and guidance:

PROVIDED, That action taken with respect thereto is consistent with the provisions of RCW 28A.61.010 through 28A.61.060 or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW 28A.58.310;

(4) To employ an executive secretary and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration;

(6) ~~((To perform such other requested services for local school boards as appear reasonable to the association; and~~

~~(7)))~~ To buy, sell or exchange such personal and real property as necessary for the efficient operation of the association; and

(7) To purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors.

### Part III. Construction.

NEW SECTION. Sec. 5. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall

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  
Filed in office of Secretary of State April 25, 1969

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  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

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

been restored in the area affected.

NEW SECTION. Sec. 3. The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(1) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(2) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(3) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(4) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(5) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(6) The sale, purchase or dispensing of alcoholic beverages;

(7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(8) The use of certain streets, highways or public ways by the public; and

(9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

In imposing the restrictions provided for by this act, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he from time to time

deems necessary.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. After the proclamation of a state of emergency as provided in section 8, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a felony and upon conviction thereof shall be imprisoned in the state penitentiary for not less than two years nor more than ten years.

NEW SECTION. Sec. 5. After the proclamation of a state of emergency pursuant to section 8 of this act, every person who:

(1) Wilfully causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

(a) engaging in fighting or in violent, tumultuous, or threatening behavior; or

(b) Making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or

(c) dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority; or

(d) creating a hazardous or physically offensive condition which serves no legitimate purpose; or

(2) Engages with at least one other person in a course of conduct as defined in subsection (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer shall be guilty of disorderly conduct and be punished by imprisonment in the county jail for not more than one year or fined not more than one thousand dollars or by both fine and imprisonment.

NEW SECTION. Sec. 6. Any person on any public way or any

public property, within the area described in the state of emergency, who is directed by a public official to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor.

NEW SECTION. Sec. 7. After the proclamation of a state of emergency as provided in section 8 of this act any person sixteen years of age or over who violates any provision of this act shall be prosecuted as an adult.

Sec. 8. Section 43.06.010, chapter 8, Laws of 1965 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) He shall supervise the conduct of all executive and ministerial offices;

(2) He 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) He shall make the appointments and supply the vacancies mentioned in this title;

(4) He 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, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(6) He 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 him, or to any grand jury designated by

him, or to the legislature when next in session;

(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) He shall issue and transmit election proclamations as prescribed by law;

(11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) (~~He may control or suppress riots or unlawful strikes, or any unlawful assembly of ten or more persons, when by such riot, unlawful strike, or unlawful assembly any persons are attempting to commit a felony, or inciting others to commit such crime, or any person or persons are in imminent danger of losing either life or property. Before taking any such action, the governor shall first notify and request the local authorities to suppress such riot, unlawful strike, or unlawful assembly, and if they fail, refuse, neglect, or are unable to do so, he shall issue his proclamation commanding relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of governor~~) He may, after finding that a public disorder, disaster 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 him during a state of emergency shall be effective only within the area described in the proclamation.

NEW SECTION. Sec. 9. The governor may in his discretion order the state militia pursuant to chapter 38.08 RCW or the state

patrol to assist local officials to restore order in the area described in the proclamation of a state of emergency.

NEW SECTION. Sec. 10. The provisions of this act shall be cumulative to and shall not operate to repeal any other laws, or local ordinances, except those specifically mentioned in this act.

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 19, 1969  
Passed the House April 12, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 187  
[Senate Bill No. 488]  
CAPITOL IMPROVEMENTS AND PROJECTS

AN ACT Relating to capital improvements and projects; redesignating the object for which an appropriation has been made; and amending section 6, chapter 148, Laws of 1967 ex.sess. and RCW 43-83.100.

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

Section 1. Section 6, chapter 148, Laws of 1967 ex.sess. and RCW 43.83.100 are each amended to read as follows:

The following sums, or so much thereof as may be necessary, are appropriated from the state building and higher education construction account: PROVIDED, That the legislature may reappropriate the unexpended balance from any project for other projects within the scope of RCW 43.83.090.

For the Department of General Administration

Construct and equip addition to state library .... \$ 562,113

For the Washington Correction Center

Construct and equip honor housing for  
270 inmates ..... \$ 1,875,630

For the Maple Lane School

Construct and equip treatment security unit ..... \$ -264,970

For the Spruce Canyon Youth Camp	
Construct and equip vocational-gymnasium building .....	\$ 194,411
For the School for the Blind	
Construct and equip student residence hall .....	\$ 373,000
For the School for the Deaf	
Construct and equip field house .....	\$ 150,000
For the Rainier School	
Construct and equip training and service building .....	\$ 650,000
Construct and equip volunteer services building...	\$ 150,000
For the Fircrest School	
Replace Redwood Hall, Phase II .....	\$ 2,550,000
For the University of Washington	
Construct and equip law school center .....	\$ 5,100,000
Construct and equip psychology building .....	\$ 3,500,000
Construct and equip performing arts building .....	\$ 3,700,000
Construct and equip computer center addition .....	\$ 1,300,000
Construct and equip electrical engineering addition .....	\$ 650,000
Enlarge plant services building .....	\$ 1,900,000
Expand and equip radiation therapy and hospital clinic .....	\$ 2,050,000
For Washington State University	
Construct and equip agricultural services building .....	\$ 3,934,775
Construct and equip physical sciences building ...	\$ 3,148,630
For Western Washington State College	
Construct additional instruction facilities .....	\$ 1,883,500
Construct and equip physical education addition ..	\$ 490,000
Construct and equip (( <del>administration</del> )) <u>classroom</u> building .....	\$ 1,650,000
Renovation of Old Main .....	\$ 975,000

Complete construction and equipping of  
education-psychology building ..... \$ 850,000  
For Central Washington State College  
Construct and equip instructional center ..... \$ 3,009,500  
Construct and equip library addition ..... \$ 2,070,000  
For Eastern Washington State College  
Construct and equip health and physical  
education building ..... \$ 1,125,000  
Construct and equip classroom building ..... \$ 1,500,000  
Construct and equip radio-television building .... \$ 500,000  
Construct and equip drama building ..... \$ 800,000  
Construct and equip art building ..... \$ 1,090,000  
For the Fourth State College  
Construction Phase I ..... \$15,000,000  
For the Finance Committee ..... \$ 62,471  
Passed the Senate March 21, 1969  
Passed the House April 20, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 188  
[Engrossed Senate Bill No. 629]  
PUBLIC OFFICIALS, EMPLOYEES AND  
CANDIDATES--STATEMENT OF PRIVATE INTERESTS

AN ACT Relating to public officers and employees; amending section 6,  
chapter 150, Laws of 1965 ex. sess., and RCW 42.21.060.

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

Section 1. Section 6, chapter 150, Laws of 1965 ex. sess.,  
and RCW 42.21.060 are each amended to read as follows:

Every public official and such other public employees as may be  
provided for herein shall on or before January 31st of each year, and  
every candidate shall (~~within-thirty-days-after~~) simultaneously  
with filing a declaration of candidacy, file with the secretary of  
state, a written statement of:

(1) The name of any corporation, firm or enterprise subject  
to the jurisdiction of a regulatory agency in which he has a direct  
financial interest of a value in excess of one thousand five hundred

dollars: PROVIDED, That policies of insurance issued to himself or his spouse, accounts in banks, savings and loan associations or credit unions are not to be considered financial interests; and

(2) Every office or directorship held by him or his spouse in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency; and

(3) The name of any person, corporation, firm, partnership, or other business association from which he receives compensation in excess of one thousand five hundred dollars during the preceding twelve month period by virtue of his being an officer, director, employee, partner or member of any such person, corporation, firm, partnership or other business association ((-)) ; and

(4) As to attorneys or others practicing before regulatory agencies during the preceding twelve month period, the name of the agency or agencies and the name of the firm, partnership or association of which he is a member, partner, or employee ((-)) and the gross compensation received by the attorney and the firm, partnership or association respectively for such practice before such regulatory agencies; and

(5) A list of legal description of all real property in the state of Washington, in which any interest whatsoever, including options to buy, was acquired during the preceding calendar year where the property is valued in excess of fifteen hundred dollars: PROVIDED That legislators shall also comply with such rules or joint rules as they now exist or may hereafter be amended or adopted.

For the purposes of this section, and this section only, the Washington state personnel board, established by RCW 41.06.110, shall adopt and promulgate rules and regulations in accordance with the standards and policies set forth in RCW 41.06.150, delineating which classified personnel employed by the state shall be required to complete and file the financial statement set forth in sections 1 and 2 of this 1969 amendatory act, as they now exist or may here-

after be amended.

Passed the Senate April 19, 1969  
Passed the House April 12, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 189  
[Engrossed Senate Bill No. 643]  
STATE LANDS RESERVED FOR STATE PARK  
USE--RENTAL; DETERMINATION OF AMOUNT,  
DISPOSITION OF PROCEEDS

AN ACT Relating to public lands; payment of rental for state lands reserved for state park use; fixing the amount thereof; making an appropriation; and providing for an effective date; amending section 5, chapter 63, Laws of 1967, ex. sess., and RCW 79.08.1064; amending section 6, chapter 63, Laws of 1967, ex. sess., and RCW 79.08.1066; adding a new section to chapter 79.08 RCW; and repealing section 7, chapter 63, Laws of 1967, ex. sess., and RCW 79.08.1068.

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

Section 1. Section 5, chapter 63, Laws of 1967, ex. sess., and RCW 79.08.1064 are each amended to read as follows:

~~The full market value shall be determined by the ((assessor of the county in which)) board of natural resources for trust lands used for state park purposes ((are situated)). ((In making such determination the county assessor shall consider only the use to which such property is then applied and shall not consider potential use of such property))~~

Sec. 2. Section 6, chapter 63, Laws of 1967, ex. sess., and RCW 79.08.1066 are each amended to read as follows:

~~The full market value rental for trust lands used by the parks and recreation commission shall be ((determined by negotiation between the department of natural resources, and parks and recreation commission and the trust beneficiaries of the lands involved--in making such determination only the following factors may be used:))~~

~~((1))--Full market value of such lands as determined by the county assessor in accordance with the provisions of this act, and))~~

~~((2)---The-off-setting-benefits-accruing-directly-or-indirectly to-the-trust-beneficiaries-of-such-land;-direct-benefits-include;-but are-not-limited-to;-free-lectures-and-instruction-on-natural-history for-students;-free-overnight-camping-facilities-for-educational classes;-and-free-use-of-park-lands-for-university-research-facilities; indirect-benefits-include;-but-are-not-limited-to;-an-increase-in-the property-value-of-other-trust-lands;-and-an-increase-in-property values-and-taxes-on-private-property-located-near-the-state-parks))~~  
a percentage of the full market value of the land and the board of natural resources shall consider in its deliberations the average percentage of return realized by the state during the preceding fiscal biennium on the invested common school permanent fund.

NEW SECTION. Sec. 3. There is added to chapter 79.08 RCW a new section to read as follows:

Any funds appropriated to the state parks and recreation commission for payment of rental for use of state lands reserved for state park purposes during the 1969-71 biennium and received by the department of natural resources shall be deposited by the department to the applicable trust land accounts without the deduction normally applied to such revenues for management purposes.

Sec. 4. Section 7, chapter 63, Laws of 1967, ex. sess., and RCW 79.08.1068 are each repealed.

Passed the Senate April 2, 1969  
Passed the House April 20, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 190  
[Engrossed Senate Bill No. 648]  
INSURANCE PREMIUM FINANCE COMPANY ACT

AN ACT Relating to the licensing and regulation of insurance premium finance companies; adding a new chapter to chapter 79, Laws of 1947 and to Title 48 RCW; providing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. This act shall be known and may be

cited as "The Insurance Premium Finance Company Act."

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Insurance premium finance company" means a person engaged in the business of entering into insurance premium finance agreements.

(2) "Premium finance agreement" means an agreement by which an insured or prospective insured promises to pay to a premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent or broker in payment of premiums on an insurance contract together with a service charge as authorized and limited by this chapter and as security therefor the insurance premium finance company receives an assignment of the unearned premium.

(3) "Licensee" means a premium finance company holding a license issued by the insurance commissioner under this chapter.

NEW SECTION. Sec. 3. (1) No person shall engage in the business of financing insurance premiums in the state without first having obtained a license as a premium finance company from the commissioner. Any person who shall engage in the business of financing insurance premiums in the state without obtaining a license as provided hereunder shall, upon conviction, be guilty of a misdemeanor and shall be subject to the penalties provided in this chapter.

(2) The annual license fee shall be one hundred dollars. Licenses may be renewed from year to year as of the first day of May of each year upon payment of the fee of one hundred dollars. The fee for said license shall be paid to the insurance commissioner.

(3) The person to whom the license or the renewal thereof may be issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the commissioner may require. The commissioner shall have authority, at any time, to require the applicant fully to disclose the identity of all stockholders, partners, officers, and employees and he may, in his discretion, refuse to issue or renew a license in the name of any firm, partnership, or corporation if he is not satisfied that any officer, employee, stock-

holder, or partner thereof who may materially influence the applicant's conduct meets the standards of this chapter.

(4) This section shall not apply to any savings and loan association, bank, trust company, small loan company, industrial loan company or credit union authorized to do business in this state but section 8 through section 13 and any rules promulgated by the commissioner pertaining to such sections shall be applicable to such organizations, if otherwise eligible, under all premium finance transactions wherein an insurance policy, other than a life or disability insurance policy, or any rights thereunder is made the security or collateral for the repayment of the debt, however, neither this section nor the provisions of this act shall be applicable to the inclusion of insurance in a retail installment transaction or to insurance purchased in connection with a real estate transaction, mortgage, deed of trust or other security instrument or an insurance company authorized to do business in this state unless the insurance company elects to become a licensee.

NEW SECTION. Sec. 4. (1) Upon the filing of an application and the payment of the license fee the commissioner shall make an investigation of each applicant and shall issue a license if the applicant is qualified in accordance with this chapter. If the commissioner does not so find, he shall, within thirty days after he has received such application, at the request of the applicant, give the applicant a full hearing.

(2) The commissioner shall issue or renew a license as may be applied for when he is satisfied that the person to be licensed--

(a) is competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for,

(b) has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for, and

(c) if a corporation, is a corporation incorporated under the laws of the state or a foreign corporation authorized to transact

business in the state.

NEW SECTION. Sec. 5. (1) The commissioner may revoke or suspend the license of any premium finance company when and if after investigation it appears to the commissioner that --

(a) any license issued to such company was obtained by fraud,  
(b) there was any misrepresentation in the application for the license,

(c) the holder of such license has otherwise shown himself untrustworthy or incompetent to act as a premium finance company, or

(d) such company has violated any of the provisions of this chapter.

(2) Before the commissioner shall revoke, suspend, or refuse to renew the license of any premium finance company, he shall give to such person an opportunity to be fully heard and to introduce evidence in his behalf. In lieu of revoking or suspending the license for any of the causes enumerated in this section, after hearing as herein provided, the commissioner may subject such company to a penalty of not more than two hundred dollars for each offense when in his judgment he finds that the public interest would not be harmed by the continued operation of such company. The amount of any such penalty shall be paid by such company through the office of the commissioner to the state treasurer. At any hearing provided by this section, the commissioner shall have authority to administer oaths to witnesses. Anyone testifying falsely, after having been administered such oath, shall be subject to the penalty of perjury.

(3) If the commissioner refuses to issue or renew any license or if any applicant or licensee is aggrieved by any action of the commissioner, said applicant or licensee shall have the right to a hearing and court proceeding as provided by statute.

NEW SECTION. Sec. 6. (1) Every licensee shall maintain records of its premium finance transactions and the said records shall be open to examination and investigation by the commissioner. The commissioner may at any time require any licensee to bring such re-

cords as he may direct to the commissioner's office for examination.

(2) Every licensee shall preserve its records of such premium finance transactions, including cards used in a card system, for at least three years after making the final entry in respect to any premium finance agreement. The preservation of records in photographic form shall constitute compliance with this requirement.

NEW SECTION. Sec. 7. The commissioner shall have authority to make and enforce such reasonable rules and regulations as may be necessary in making effective the provisions of this chapter, but such rules and regulations shall not be contrary to nor inconsistent with the provisions of this chapter.

NEW SECTION. Sec. 8. (1) A premium finance agreement shall--

(a) be dated, signed by or on behalf of the insured, and the printed portion thereof shall be in at least eight point type;

(b) contain the name and place of business of the insurance agent negotiating the related insurance contract, the name and residence or the place of business of the premium finance company to which payments are to be made, a description of the insurance contracts involved and the amount of the premium therefor; and

(c) set forth the following items where applicable--

(i) the total amount of the premiums,

(ii) the amount of the down payment,

(iii) the principal balance (the difference between items (i) and (ii)),

(iv) the amount of the service charge,

(v) the balance payable by the insured (sum of items (iii) and (iv)), and

(vi) the number of installments required, the amount of each installment expressed in dollars, and the due date or period thereof.

(2) The items set out in paragraph (c) of subsection (1) need not be stated in the sequence or order in which they appear in such paragraph (c), and additional items may be included to explain the computations made in determining the amount to be paid by the insured.

(3) The information required by subsection (1) of this section shall only be required in the initial agreement where the premium finance company and the insured enter into an open end credit transaction, which is defined as follows: A plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder.

NEW SECTION. Sec. 9. (1) A premium finance company shall not charge, contract for, receive, or collect a service charge other than as permitted by this chapter.

(2) The service charge is to be computed on the balance of the premiums due (after subtracting the down payment made by the insured in accordance with the premium finance agreement) from the effective date of the insurance coverage, for which the premiums are being advanced, to and including the date when the final installment of the premium finance agreement is payable.

(3) The service charge shall be a maximum of ten dollars per one hundred dollars per year plus an acquisition charge of ten dollars per premium finance agreement which need not be refunded upon cancellation or prepayment.

NEW SECTION. Sec. 10. A premium finance agreement may provide for the payment by the insured of a delinquency charge of one dollar to a maximum of five percent of the delinquent installment but not to exceed five dollars on any installment which is in default for a period of five days or more.

If the default results in the cancellation of any insurance contract listed in the agreement, the agreement may provide for the payment by the insured of a cancellation charge equal to the difference between any delinquency charge imposed with respect to the installment in default and five dollars.

NEW SECTION. Sec. 11. (1) When a premium finance agreement contains a power of attorney enabling the premium finance company to cancel any insurance contract or contracts listed in the agree-

ment, the insurance contract or contracts shall not be canceled by the premium finance company unless such cancellation is effectuated in accordance with this section.

(2) Not less than ten days' written notice shall be mailed to the insured of the intent of the premium finance company to cancel the insurance contract unless the default is cured within such ten day period.

(3) After expiration of such ten day period, the premium finance company may thereafter request in the name of the insured, cancellation of such insurance contract or contracts by mailing to the insurer a notice of cancellation, and the insurance contract shall be canceled as if such notice of cancellation has been submitted by the insured himself, but without requiring the return of the insurance contract or contracts. The premium finance company shall also mail a notice of cancellation to the insured at his last known address.

(4) All statutory, regulatory, and contractual restrictions providing that the insurance contract may not be canceled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under the provisions of this section. The insurer shall give the prescribed notice in behalf of itself or the insured to any governmental agency, mortgagee, or other third party on or before the second business day after the day it receives the notice of cancellation from the premium finance company and shall determine the effective date of cancellation taking into consideration the number of days notice required to complete the cancellation.

NEW SECTION. Sec. 12. (1) Whenever a financed insurance contract is canceled, the insurer shall return whatever gross unearned premiums are due under the insurance contract to the premium finance company for the account of the insured or insureds.

(2) In the event that the crediting of return premiums to the account of the insured results in a surplus over the amount due from

the insured, the premium finance company shall refund such excess to the insured: PROVIDED, That no such refund shall be required if it amounts to less than one dollar.

NEW SECTION. Sec. 13. No filing of the premium finance agreement shall be necessary to perfect the validity of such agreement as a secured transaction as against creditors, subsequent purchasers, pledgees, encumbrancers, successors, or assigns.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act are each added as new sections to chapter 79, Laws of 1947 and to Title 48 RCW as a new chapter.

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 the sixtieth day following passage by the legislature and submission to the governor for action.

Passed the Senate April 19, 1969  
Passed the House April 12, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 191  
[Senate Bill No. 756]  
CITIES AND TOWNS--GENERAL  
OBLIGATION BONDS--VALIDATION

AN ACT Relating to cities and towns; permitting and validating the issuance of general obligation bonds heretofore ratified by the voters pursuant to resolution; and declaring an emergency.

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

NEW SECTION. Section 1. Any city or town, which has prior to the effective date of this act, submitted to the voters thereof for their ratification or rejection the proposition of incurring indebtedness by the issuance of negotiable bonds in an amount when added to its existing indebtedness will exceed the amount of indebtedness authorized to be incurred without the assent of the voters, but will not exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred with the assent of the voters, may incur such indebtedness and issue such bonds

even though the amount of money desired to be borrowed and the amount of negotiable bonds to be issued therefor were stated in a resolution adopted by the city or town council submitting such proposition to the voters, instead of in an ordinance passed by such council, if all other requirements of law, including, but not limited to the other provisions of RCW 35.37.050 are complied with.

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 29, 1969  
Passed the House April 22, 1969  
Approved by the Governor April 25, 1969  
Filed in office of Secretary of State April 25, 1969

CHAPTER 192  
[House Bill No. 341]  
JUSTICES OF THE PEACE,  
PART TIME--SALARIES

AN ACT Relating to inferior courts; and amending section 101, chapter 299, Laws of 1961 and RCW 3.58.020.

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

Section 1. Section 101, chapter 299, Laws of 1961 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 ~~((as-fellows))~~ set by the county commissioners in each county in accordance with the minimum and maximum salaries provided in this subsection, except that special salary adjustments as determined in accordance with subsection (2) of this section shall be added thereto:

~~((1))~~ (a) In justice court districts having a population under two thousand five hundred persons, ~~((four-hundred-dollars))~~ the salary shall be not less than six hundred dollars nor more than two thousand two hundred fifty dollars;

~~((2))~~ (b) In justice court districts having a population of two thousand five hundred persons or more, but less than five thousand, ~~((a-minimum-of-four-hundred-dollars-and-a-maximum-of-two-thou-~~

~~and-four-hundred-dollars))~~ the salary shall be set at not less than six hundred dollars nor more than three thousand three hundred seventy-five dollars;

((3)) (c) In justice court districts having a population of five thousand persons or more, but less than seven thousand five hundred, ~~((a-minimum-of-four-hundred-dollars-and-a-maximum-of-three-thousand-dollars))~~ the salary shall be set at no less than six hundred dollars or more than four thousand five hundred dollars;

((4)) (d) In justice court districts having a population of seven thousand five hundred persons or more, but less than ten thousand, ~~((a-minimum-of-four-hundred-dollars-and-a-maximum-of-four-thousand-two-hundred-dollars))~~ the salary shall be set at not less than six hundred dollars or more than five thousand six hundred twenty-five dollars;

((5)) (e) In justice court districts having a population of ten thousand persons or more, but less than twenty thousand, ~~((a-minimum-of-one-thousand-dollars-and-a-maximum-of-five-thousand-four-hundred-dollars))~~ the salary shall be set at no less than twelve hundred dollars or more than six thousand seven hundred fifty dollars;

((6)) (f) In justice court districts having a population of twenty thousand persons or more, but less than thirty thousand, ~~((a-minimum-of-two-thousand-dollars-and-a-maximum-of-six-thousand-six-hundred-dollars))~~ the salary shall be set at not less than two thousand five hundred dollars or more than seven thousand eight hundred seventy-five dollars; and

((7)) (g) In justice court districts having a population of thirty thousand persons or more, but less than forty thousand, ~~((a-minimum-of-three-thousand-dollars-and-a-maximum-of-seven-thousand-eight-hundred-dollars; and~~

~~(8)--All-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-as-provided-in-this-section))~~ the salary shall be set at not less than three thousand five hundred dol-

lars or more than nine thousand dollars.

Passed the House April 16, 1969.

Passed the Senate April 11, 1969.

Approved by the Governor April 24, 1969, with the exception of an item in subsection (1) which is vetoed.

Filed in office of Secretary of State April 28, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill raises the range of salaries for part time justices of the peace in the state.

Subsection (1) provides that 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 for in the bill except that "special salary adjustments as determined in accordance with subsection (2) of this section shall be added thereto...." In the Senate, the bill was amended to eliminate subsection (2).

I have therefore vetoed this reference.

The remainder of House Bill No. 341 is approved.

CHAPTER 193  
[Engrossed House Bill No. 356]  
PUBLIC FUNDS--  
DEPOSIT AND INVESTMENT

AN ACT Relating to the deposit and investment of public funds; amending section 43.85.010, chapter 8, Laws of 1965 and RCW 43.85-.010; amending section 43.85.030, chapter 8, Laws of 1965, as amended by section 1, chapter 132, Laws of 1967 and RCW 43.85-.030; amending section 43.85.040, chapter 8, Laws of 1965 and RCW 43.85.040; amending section 43.85.060, chapter 8, Laws of 1965 and RCW 43.85.060; amending section 43.85.070, chapter 8, Laws of 1965 and RCW 43.85.070; amending section 43.85.150, chapter 8, Laws of 1965, as amended by section 2, chapter 132, Laws of 1967 and RCW 43.85.150; amending section 43.85.170, chapter 8, Laws of 1965 and RCW 43.85.170; amending section 43.85.190, chapter 8, Laws of 1965 and RCW 43.85.190; amending section 35.38.010, chapter 7, Laws of 1965 and RCW 35.38.010; amending section 35.38.020, chapter 7, Laws of 1965, as amended by section 5, chapter 132, Laws of 1967 and RCW 35.38.020; amending section 35.38.030, chapter 7, Laws of 1965 and RCW 35.38.030; amending section 35.38.040, chapter 7, Laws of 1965,

as amended by section 6, chapter 132, Laws of 1967, and RCW 35.38.040; amending section 36.29.020, chapter 4, Laws of 1963, as last amended by section 1, chapter 173, Laws of 1967, and RCW 36.29.020; amending section 35.48.010, chapter 4, Laws of 1963 and RCW 36.48.010; amending section 36.48.020, chapter 4, Laws of 1963, as amended by section 3, chapter 132, Laws of 1967, and RCW 36.48.020; adding a new chapter to Title 39 RCW; repealing section 43.85.050, chapter 8, Laws of 1965 and RCW 43.85.050; repealing section 43.85.080, chapter 8, Laws of 1965 and RCW 43.85.080; repealing section 43.85.090, chapter 8, Laws of 1965 and RCW 43.85.090; repealing section 43.85.100, chapter 8, Laws of 1965 and RCW 43.85.100; repealing section 43.85.110, chapter 8, Laws of 1965 and RCW 43.85.110; repealing section 43.85.120, chapter 8, Laws of 1965 and RCW 43.85.120; repealing section 35.38.070, chapter 7, Laws of 1965 and RCW 35.38.070; repealing section 35.38.080, chapter 7, Laws of 1965 and RCW 35.38.080; repealing section 35.38.090, chapter 7, Laws of 1965 and RCW 35.38.090; repealing section 35.38.100, chapter 7, Laws of 1965 and RCW 35.38.100; repealing section 35.38.110, chapter 7, Laws of 1965 and RCW 35.38.110; repealing section 36.48.030, chapter 4, Laws of 1963 and RCW 36.48.030; repealing section 36.48.100, chapter 4, Laws of 1963, section 4, chapter 132, Laws of 1967, and RCW 36.48.100; repealing section 36.48.110, chapter 4, Laws of 1963 and RCW 36.48.110; repealing section 36.48.120, chapter 4, Laws of 1963 and RCW 36.48.120; repealing section 36.48.130, chapter 4, Laws of 1963 and RCW 36.48.130; repealing section 36.48.140, chapter 4, Laws of 1963 and RCW 36.48.140; and repealing section 36.48.150, chapter 4, Laws of 1963 and RCW 36.48.150.

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

NEW SECTION. Section 1. In this 1969 amendatory act, unless the context otherwise requires:

- (1) "Public deposit" means moneys of the state or of any

county, city or town, or other political subdivision of the state or any commission, committee, board or officer thereof or any court of the state deposited in any qualified public depository;

(2) "Qualified public depository" means a state bank or trust company or national banking association located in this state which receives or holds public deposits and segregates eligible collateral for public deposits as described in section 5 of this 1969 amendatory act;

(3) "Loss" means issuance of an order of supervisory authority restraining a qualified public depository from making payments of deposit liabilities or the appointment of a receiver for a qualified public depository;

(4) "Commission" means the Washington public deposit protection commission created under section 3 of this 1969 amendatory act;

(5) "Eligible collateral" means collateral which is eligible as security for public deposits pursuant to applicable state law;

(6) The "maximum liability" of a qualified public depository means a sum equal to five percent of the average daily balance of collected funds of all public deposits held by the qualified public depository during the twelve months immediately preceding the date of any computation of such liability, less any assessments made under this 1969 amendatory act;

(7) "Public funds available for investment" means such public funds as are in excess of the anticipated cash needs throughout the duration of the contemplated investment period;

(8) "Investment deposits" means bank time deposits of public funds available for investment;

(9) "Treasurer" shall mean the state treasurer, a county treasurer, a city treasurer, a treasurer of any other municipal corporation, and the custodian of any other public funds.

NEW SECTION. Sec. 2. On and after the effective date of this act, all public deposits in qualified public depositories, including investment deposits, shall be protected against loss, as provided in

this 1969 amendatory act.

NEW SECTION. Sec. 3. The Washington public deposit protection commission shall be the state finance committee. Meetings of the commission shall be held at least once each month, and more frequently whenever called by the chairman after notice thereof.

NEW SECTION. Sec. 4. The commission shall have power (1) to make and enforce regulations necessary and proper to the full and complete performance of its functions under this 1969 amendatory act; (2) to require any qualified public depository to furnish such information dealing only with public deposits as the commission shall request. Any public depository which refuses or neglects to give any information so requested shall no longer be a qualified public depository and shall be excluded from the right to receive public deposits until such time as the commission shall acknowledge that such depository has furnished the information requested; (3) to take such action as it deems best for the protection, collection, compromise or settlement of any claim arising in case of loss; (4) to prescribe regulations, subject to this 1969 amendatory act, fixing the requirements for qualification of banks as public depositories, and fixing other terms and conditions consistent with this 1969 amendatory act, under which public deposits may be received and held; (5) to fix the official date on which any loss shall be deemed to have occurred taking into consideration the orders, rules and regulations of supervisory authority as they affect the failure or inability of a qualified public depository to repay public deposits in full; (6) in case loss occurs in more than one qualified public depository, to determine the allocation and time of payment of any sums due to public depositors under this 1969 amendatory act.

NEW SECTION. Sec. 5. (1) Every qualified public depository shall at all times maintain, segregated from its other assets, eligible collateral having a value at least equal to its maximum liability under this 1969 amendatory act. Such collateral may be segregated by deposit in the trust department of the depository or in such

other manner as the commission approves and shall be clearly designated as security for the benefit of public depositors under this 1969 amendatory act. (2) Collateral eligible as security shall be valued at face value or market value as determined by the commission. (3) The depository shall have the right to make substitutions of eligible collateral at any time. (4) The income from the assets which constitute segregated collateral shall belong to the depository bank without restriction.

NEW SECTION. Sec. 6. When the commission determines that a loss has occurred, it shall as soon as possible make payment to the proper public officers of all funds subject to such loss, pursuant to the following procedures: (1) For the purposes of determining the sums to be paid, the supervisor of banking or receiver shall, within twenty days after issuance of a restraining order or taking possession of any qualified public depository, ascertain the amount of public funds on deposit therein as disclosed by its records and the amount thereof covered by deposit insurance and certify the amounts thereof to the commission and each such public depositor; (2) within ten days after receipt of such certification, each such public depositor shall furnish to the commission verified statements of its deposits in such depository as disclosed by its records; (3) upon receipt of such certificate and statements, the commission shall ascertain and fix the amount of such public deposits, net after deduction of any deposit insurance, and assess the same against all then qualified public depositaries, as follows: First, against the depository in which the loss occurred, to the extent of the full value of collateral segregated pursuant to this 1969 amendatory act; second, against all other then qualified public depositaries in proportion to their then maximum liability; (4) assessments made by the commission shall be payable on the second business day following demand, and in case of the failure of any qualified public depository so to pay, the commission shall forthwith take possession of the eligible collateral segregated by such depository pursuant to this 1969 amendatory act and liquidate the

same for the purpose of paying such assessment; (5) upon receipt of such assessment payments, the commission shall reimburse the public depositors of the depositary in which the loss occurred to the extent of the depositary's net deposit liability to them.

NEW SECTION. Sec. 7. Upon payment to any public depositor, the commission shall be subrogated to all of such depositor's right, title and interest against the depositary in which the loss occurred and shall share in any distribution of its assets ratably with other depositors. Any sums received from any distribution shall be paid to the public depositors to the extent of any unpaid net deposit liability and the balance to the qualified public depositaries against which assessments were made, in proportion to such assessments. If the commission incurs expense in enforcing any such claim, the amount thereof shall be paid as a liquidation expense of the depositary in which the loss occurred.

NEW SECTION. Sec. 8. Except as provided in section 11 of this 1969 amendatory act, no public deposit shall be made except in a qualified public depositary located in this state.

NEW SECTION. Sec. 9. All institutions located in this state which are permitted by the statutes of this state to hold and receive public deposits shall have power to secure such deposits in accordance with this 1969 amendatory act. Except as provided in this 1969 amendatory act, no bond or other security shall be required of or given by any qualified public depositary for any public deposit defined in section 1 of this 1969 amendatory act.

NEW SECTION. Sec. 10. On each call report date, each qualified public depositary shall render to the commission a written report, certified under oath, indicating the total amount of public deposits held by it and the amount and nature of the eligible collateral segregated and designated therefor in accordance with this 1969 amendatory act. The commission may instruct the supervisor of banking to certify as to segregation of securities by public depositaries.

NEW SECTION. Sec. 11. Mutual savings banks and building or

savings and loan associations located in this state may continue to hold and receive deposits of public funds in accordance with and subject to the limitations of statutes applicable to such institutions, without segregating collateral or otherwise complying with the provisions of this 1969 amendatory act.

NEW SECTION. Sec. 12. The public deposit protection commission shall from time to time fix the rate of interest to be paid by qualified public depositories upon investment deposits: PROVIDED, That time deposits issued pursuant to this act shall bear interest at a rate which would not be in excess of one hundred percent of the average bill rate at the last U.S. Treasury 91-day bill market auction or in excess of the maximum rate permitted by any applicable governmental regulation.

NEW SECTION. Sec. 13. A treasurer as defined in section 1 of this 1969 amendatory act is authorized to deposit in investment deposits in a qualified public depository any public funds available for investment and secured by collateral in accordance with the provisions of this 1969 amendatory act, and receive interest thereon. The authority provided by this section is additional to any authority now or hereafter provided by law for the investment or deposit of public funds by any such treasurer: PROVIDED, That in no case shall the deposit or deposits of public funds by any such treasurer in any one bank or trust company exceed at any one time in the aggregate the total of the capital, surplus, and undivided profits of such bank or trust company.

Sec. 14. Section 43.85.010, chapter 8, Laws of 1965 and RCW 43.85.010 are each amended to read as follows:

Any national or state banking corporation, or other incorporated bank, or branch banks or branches thereof, authorized to do business in the state and approved by the state finance committee, may, upon ~~((depositing))~~ segregating security as ~~((hereinafter))~~ provided in section 5 of this 1969 amendatory act and upon compliance with all other requirements of law, become a ~~((state))~~ qualified pub-

lic depository.

No state funds shall be deposited in any institution other than a ~~((state))~~ qualified public depository.

The record of the proceedings of the committee shall be kept in the office of the committee and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state.

Sec. 15. Section 43.85.030, chapter 8, Laws of 1965, as amended by section 1, chapter 132, Laws of 1967 and RCW 43.85.030 are each amended to read as follows:

Every ~~((state))~~ qualified public depository, before it shall be entitled to receive any state moneys, shall ~~((deposit-with-the state-treasurer))~~ segregate as provided in section 5 of this 1969 amendatory act securities hereinafter enumerated as collateral and pledge for payment ((on-demand-or-at-a-specified-future-date,-to-him-or-his-order,-free-of-exchange,-at-any-place-designated-by-him,)) of all such moneys deposited with it and of interest ~~((thereon))~~ on any portion thereof representing investment deposits at the rate fixed by the ~~((state-finance-committee))~~ public deposit protection commission, if there has been no default in the payment of principal or interest thereon:

(1) Bonds, notes, or other securities constituting direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) (a) Direct and general obligation bonds and warrants of the state of Washington or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes,

which are payable from general ad valorem taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54, as now or hereafter amended;

(5) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city: PROVIDED, That the state finance committee need not approve for ~~((deposit))~~ segregation any collateral described in this subsection if in its judgment it is not desirable so to do.

(6) In addition to the foregoing, every state depository may also ~~((deposit-with-the-state-treasurer))~~ segregate such bonds, securities and other obligations as 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, as now or hereafter amended.

~~((The-state-finance-committee-in-lieu-of-collateral,-may-accept-from-any-depository-a-good-and-sufficient-bond-of-a-surety-company-authorized-to-do-business-in-the-state,-to-be-approved-by-the-committee-as-security-and-pledge-for-the-payment-on-demand-or-at-a-specified-future-date-to-the-state-treasurer-or-his-order,-free-of-exchange,-at-any-place-in-this-state-designated-by-the-treasurer,-of-all-such-moneys-deposited-with-it,-and-of-interest-thereon-at-the-rate-fixed-by-the-state-finance-committee,-which-bond-shall-be-at-least-equal-to-the-amount-of-the-moneys-to-be-received-by-the-depository.))~~

The finance committee may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a ~~((state-depository))~~ qualified public depository for state funds, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which has been designated as such depository, the expense of the investigation to be borne

by the depositary examined.

Sec. 16. Section 43.85.040, chapter 8, Laws of 1965 and RCW 43.85.040 are each amended to read as follows:

The state finance committee shall not approve the bonds and warrants, (~~(or in lieu thereof the bond of a surety company of any such depositary)~~) until fully satisfied that such bonds and warrants are good and sufficient, and that the depositary is prosperous and financially sound, meets the qualification requirements of a public depositary prescribed by the public deposit protection commission, and has unimpaired the paid-up capital and surplus claimed by it.

~~((The committee may at any time require any state depositary to furnish a new or additional bond or bonds, and upon its failure so to do may after fifteen days' notice to the depositary revoke the designation and approval thereof, and immediately upon such revocation, the bank shall cease to be a state depositary))~~

Sec. 17. Section 43.85.060, chapter 8, Laws of 1965 and RCW 43.85.060 are each amended to read as follows:

Every (~~(state depositary)~~) public depositary of state moneys shall, on the first day of each calendar month, and oftener when required, file with the state auditor a sworn statement of the amount of state moneys on deposit with it, and shall, within ten days after the first day of January, April, July, and October in each year make a full statement of all deposits and payments of state moneys during the preceding quarter (~~((y together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, to the state finance committee which interest shall thereupon be remitted to the state treasurer and placed to the credit of the deposit interest fund))~~).

The statement shall be upon such forms as may be prescribed by the state finance committee and accompanied by an affidavit of the president and cashier of such depositary to the effect that it is in all respects true and correct, and that (~~((y except for the interest therein credited,))~~) neither the depositary nor any officer, agent, or

employee thereof, nor any person in its behalf has in any way whatsoever given, paid, or rendered or promised to give, pay, or render to any member of the committee, or to any other person or corporation whatever any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the state moneys. A copy of such statement shall be sent to the public deposit protection commission.

Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury.

The total interest paid by all depositaries shall be placed by the state treasurer to the credit of the deposit interest fund, and upon the fifteenth day of January of each year, the state treasurer shall divide the deposit interest fund among the various funds from which such deposits are made, in proportion to the respective amounts thereof.

Sec. 18. Section 43.85.070, chapter 8, Laws of 1965 and RCW 43.85.070 are each amended to read as follows:

The state treasurer may deposit with any qualified public depository which has fully complied with all requirements of law and the regulations of the public deposit protection commission any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and he shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistants or clerks. ~~((The amount at any time on deposit with any depository shall not exceed ninety percent of the value of the securities deposited by it. -- PROVIDED, That in the event repayment of deposits in a depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency, or instrumentality organized and acting under and pursuant to the laws of the United States, and authorized to insure the repayment of bank deposits, such depository shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit~~

~~with it over the amount covered by such insurance.)~~

Sec. 19. Section 43.85.150, chapter 8, Laws of 1965, as amended by section 2, chapter 132, Laws of 1967 and RCW 43.85.150 are each amended to read as follows:

Every depositary so selected shall ~~((file with the state treasurer a good and sufficient bond or))~~ segregate eligible collateral securities, authorized by RCW 43.85.030, as now or hereafter amended, as provided in section 5 of this 1969 amendatory act to be approved by the committee as a security and pledge for the payment on demand of the commissioner of public lands, or his order of his successors, free of exchange, at any place in this state designated by the commissioner, of all such moneys so deposited by him ~~((and the interest thereon at the rate fixed by the state finance committee. Such bond or securities shall be at least equal to the amount of the moneys to be received by the depositary, and shall before any deposit by the commissioner of public lands, be approved by the committee))~~. The depositary may be examined from time to time as provided in relation to state depositaries.

Sec. 20. Section 43.85.170, chapter 8, Laws of 1965 and RCW 43.85.170 are each amended to read as follows:

Every ~~((state))~~ qualified public depositary selected for the receipt and deposit of moneys by the commissioner of public lands, shall quarterly on the first of January, April, July, and October file with the state auditor a sworn statement of the amount of moneys on deposit with it to the credit of the commissioner of public lands, together with a computation of the interest earned thereon at the rate fixed by the ~~((state finance committee))~~ public deposit protection commission ~~((to be computed upon the daily balance on deposit))~~ and such statement and computation shall also be made to the committee. A copy of such statement shall be filed with the public deposit protection commission. ~~((The interest shall thereupon be forthwith remitted by the depositary to the state treasurer and by him placed in and credited to the general fund.))~~

Sec. 21. Section 43.85.190, chapter 8, Laws of 1965 and RCW 43.85.190 are each amended to read as follows:

It is the purpose of RCW 43.85.190 through 43.85.240 to authorize the state treasurer to ~~((deposit))~~ make investment deposits of state moneys or funds in his custody in state depositories at a rate of interest ((agreed-to-by-the-state-finance-committee-and-the depository)) fixed by the public deposit protection commission in accordance with section 12 of this 1969 amendatory act.

Sec. 22. Section 35.38.010, chapter 7, Laws of 1965 and RCW 35.38.010 are each amended to read as follows:

The city treasurer in all cities having a population of seventy-five thousand or more inhabitants shall annually at the end of each fiscal year designate one or more banks in the city which meets the requirements for a qualified public depository as set forth by the public deposit protection commission as depository or depositories of the moneys required to be kept by the treasurer, and such designation shall be subject to the approval of the mayor, and filed with the comptroller.

Sec. 23. Section 35.38.020, chapter 7, Laws of 1965, as amended by section 5, chapter 132, Laws of 1967 and RCW 35.38.020 are each amended to read as follows:

~~((Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the comptroller, file with the city comptroller a contract with the city wherein the bank agrees to pay such rate of interest on the cash daily balance of all municipal funds kept by such treasurer in said bank, while acting as such depository, as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city while said deposit continues in such depository. The contract shall run to the city and be in such form as shall be approved by the mayor or corporation council.))~~

Such bank shall ~~((also file with the comptroller of such city~~

~~a surety bond or bonds to the city in the amount of the deposits of such city that may be carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the said treasurer, or in lieu thereof shall deposit with the comptroller any of the following enumerated securities, if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of the funds deposited by said treasurer))~~  
segregate in accordance with section 5 of this 1969 amendatory act the following eligible collateral:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) (a) Direct and general obligation bonds and warrants of the state of Washington, or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the state of Washington, having the power to levy general taxes, which are payable from general ad valorem taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW as now or hereafter amended;

(5) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city (~~(--PROVIDED, That said comptroller need not accept for deposit any collateral described in this subdivision if in his judgment it is not desirable so to do))~~);

(6) In addition to the foregoing, every city depository may

also (~~(deposit with the city comptroller)~~) segregate such bonds, securities and other obligations as 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 as now or hereafter amended.

~~((Such surety bonds or securities shall be in such form as shall be approved by the corporation counsel of the city and the sufficiency of such surety bonds or such securities shall be approved by the mayor and comptroller of the city. When such bonds have been duly approved and filed with the comptroller, he shall immediately certify to the city treasurer the amount of bonds or securities filed by such bank or banks, whereupon the city treasurer shall be authorized to make deposits in such bank.~~

~~In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount required by such insurance.)~~

Sec. 24. Section 35.38.030, chapter 7, Laws of 1965 and RCW 35.38.030 are each amended to read as follows:

Any city or town having a population of less than seventy-five thousand inhabitants shall, upon a majority vote of its governing body, instruct its city or town treasurer annually at the end of each fiscal year, or at such other times as may be deemed necessary by the treasurer, to designate one or more banks in the county wherein the city or town is located which meets the requirements of a qualified public depository as set forth by the public deposit protection commission as depository or depositories of the moneys required to be

kept by said treasurer: PROVIDED, That where any bank has been designated as a depository hereunder such designation shall continue in force until revoked by a majority vote of the governing body of the city or town.

Sec. 25. Section 35.38.040, chapter 7, Laws of 1965, as amended by section 6, chapter 132, Laws of 1967, and RCW 35.38.040 are each amended to read as follows:

Before any such designation shall entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the city or town clerk, ~~((file with the city or town clerk a surety bond to the city or town in the maximum amount of deposits designated by the treasurer to be carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the treasurer, which surety bond shall be approved by the mayor and city or town clerk.~~

~~In lieu of a surety bond the bank or banks shall deposit with the city or town treasurer, subject to approval by the mayor and city or town clerk, any))~~ segregate as provided by section 5 of this 1969 amendatory act securities authorized by RCW 35.38.020 as now or hereafter amended, if there has been no default in the payment of principal or interest thereon ~~((, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of funds deposited by the treasurer))~~,

~~((Such bank or banks shall also at the same time file with the city or town clerk a contract with the city or town wherein the bank agrees to pay such rate of interest on the average daily balances, where such balances exceed one thousand dollars, of all municipal funds kept by the treasurer in the bank while acting as such depository as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city or town while said deposits continue in such depository. The contract shall run to the city or town and be in such form as shall be approved by the treasurer, mayor and city or town attorney.~~

~~In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States, the execution and filing of a bond with the city or town treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if the depository elects to deposit securities in lieu of a bond, it shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.)~~

Sec. 26. Section 36.29.020, chapter 4, Laws of 1963, as last amended by section 1, chapter 173, Laws of 1967, and RCW 36.29.020 are each amended to read as follows:

The county treasurer shall keep all moneys belonging to the state, or to any county, in his own possession until disbursed according to law. He shall not place the same in the possession of any person to be used for any purpose; nor shall he loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated ((county)) qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested by such treasurer in 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, or in 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, or in any short term United States government securities, or deposit such funds or any portion thereof in investment deposits as defined in section 1 of

this 1969 act secured by collateral in accordance with the provisions of this 1969 act: PROVIDED, Five percent of the interest or earnings, with an annual minimum of ten dollars or annual maximum of fifty dollars, on any transactions authorized by each resolution of the governing body shall be paid as an investment service fee to the office of the county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body.

Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest, to the maximum prudent extent, such funds or any portion thereof in securities constituting the direct and general obligations of the United States government or deposit such funds or any portion thereof in investment deposits as defined in section 1 of this 1969 act secured by collateral in accordance with the provisions of this 1969 act. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited.

Sec. 27. Section 36.48.010, chapter 4, Laws of 1963 and RCW 36.48.010 are each amended to read as follows:

Each county treasurer shall annually on the second Monday in January, and at such other times as he deems necessary, designate one or more banks in the state which meets the requirements for a qualified public depository as set forth by the public deposit protection commission as depository or depositories of all public funds held and required to be kept by him as such treasurer, and such designation or designations shall be in writing, and shall be filed with the board of

county commissioners of his county, and no county treasurer shall deposit any public money in banks, except as herein provided.

Sec. 28. Section 36.48.020, chapter 4, Laws of 1963, as amended by section 3, chapter 132, Laws of 1967, and RCW 36.48.020 are each amended to read as follows:

Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank, the bank designated shall, within ten days after the designation has been filed, (~~file with the county clerk of the county a surety bond to the county treasurer, properly executed by some reliable surety company qualified under the laws of the state to do business therein, in the maximum amount of deposits designated by the treasurer to be carried in the bank, conditioned for the prompt and faithful payment thereof on checks drawn by the treasurer.~~

~~The bond must be approved by the chairman of the board of county commissioners, the prosecuting attorney and the county treasurer, or any two of such officers, before being filed with the county clerk, and unless so approved, it shall not be received or filed by the county clerk.~~

~~The depository may deposit with the county treasurer in lieu of the surety bond, any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall not be less than one hundred and ten percent of the amount of the funds deposited by the treasurer) segregate in accordance with section 5 of this 1969 amendatory act the following eligible collateral:~~

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligations of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) (a) Direct and general obligation bonds and warrants of the state of Washington, or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision in the state, having the power to levy general taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW as now or hereafter amended;

(5) Bonds of any city of the state of Washington for the payment of which the entire revenue of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city: PROVIDED, That said treasurer need not accept for ~~((deposit))~~ segregation any collateral described in this subsection if in his judgment it is not desirable so to do;

(6) In addition to the foregoing, every county depository may also ~~((deposit-with-the-county-treasurer))~~ segregate such bonds, securities and other obligations as 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 as now or hereafter amended.

In counties where the combined banking capital and surplus of all of the banks in the county is insufficient to carry the county funds the provision of this section with reference to the limit of the amount to be deposited in any one depository may be waived by the county finance committee.

~~((In-the-event-repayment-of-deposits-in-any-such-depository-is insured-by-the-Federal-Deposit-Insurance-Corporation, or-by-any-other corporation, agency, or instrumentality organized and acting under and-pursuant-to-the-laws-of-the-United-States, the-execution-and-filing-of-a-bond-with-the-treasurer-shall-be-required-only-for-so-much of-the-designated-maximum-amount-of-deposits-as-such-designated-maximum-amount-of-deposits-exceeds-the-amount-of-such-insurance, and-if the-depository-elects-to-deposit-securities-in-lieu-of-the-bond, it~~

~~shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.))~~

NEW SECTION. Sec. 29. When deposits are made in accordance with this 1969 amendatory act, a treasurer shall not be liable for any loss thereof resulting from the failure or default of any depository without fault or neglect on his part or on the part of his assistants or clerks.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

- (1) Section 43.85.050, chapter 8, Laws of 1965 and RCW 43.85-.050;
- (2) Section 43.85.080, chapter 8, Laws of 1965 and RCW 43.85-.080;
- (3) Section 43.85.090, chapter 8, Laws of 1965 and RCW 43.85-.090;
- (4) Section 43.85.100, chapter 8, Laws of 1965 and RCW 43.85-.100;
- (5) Section 43.85.110, chapter 8, Laws of 1965 and RCW 43.85-.110;
- (6) Section 43.85.120, chapter 8, Laws of 1965 and RCW 43.85-.120;
- (7) Section 35.38.070, chapter 7, Laws of 1965 and RCW 35.38-.070;
- (8) Section 35.38.080, chapter 7, Laws of 1965 and RCW 35.38-.080;
- (9) Section 35.38.090, chapter 7, Laws of 1965 and RCW 35.38-.090;
- (10) Section 35.38.100, chapter 7, Laws of 1965 and RCW 35-.38.100;
- (11) Section 35.38.110, chapter 7, Laws of 1965 and RCW 35-.38.110;
- (12) Section 36.48.030, chapter 4, Laws of 1963 and RCW 36-

.48.030;

(13) Section 36.48.100, chapter 4, Laws of 1963, section 4, chapter 132, Laws of 1967, and RCW 36.48.100;

(14) Section 36.48.110, chapter 4, Laws of 1963 and RCW 36-.48.110;

(15) Section 36.48.120, chapter 4, Laws of 1963 and RCW 36-.48.120;

(16) Section 36.48.130, chapter 4, Laws of 1963 and RCW 36-.48.130;

(17) Section 36.48.140, chapter 4, Laws of 1963 and RCW 36.48.140; and

(18) Section 36.48.150, chapter 4, Laws of 1963 and RCW 36-.48.150.

NEW SECTION. Sec. 31. Sections 1 through 13 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 32. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 33. Nothing in this act shall be construed so as to impair the obligation of any contract or agreement entered into prior to its effective date.

Passed the House April 17, 1969.

Passed the Senate April 12, 1969.

Approved by the Governor April 25, 1969, with the exception of a certain item in section 3, which is vetoed.

Filed in office of Secretary of State April 28, 1969.

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

"...Section 3 of the act designates the State Finance Committee as the Washington Public Deposit Protection Commission. The section further provides that meetings of the Commission shall be held at least once a month, and more frequently whenever called by the chairman after notice thereof.

The Commission will be required to meet as often as is necessary to perform its function. The requirement of a monthly meeting is artificial and has no relationship to the actual work required of the Commission. I have therefore vetoed from section 3 the item requiring

meetings at least once each month. The remainder of the bill is approved.

CHAPTER 194  
[Substitute House Bill No. 724]  
POULTRY AND POULTRY PRODUCTS  
INCLUDING TURKEY--LABELING

AN ACT Relating to poultry and poultry products including turkey; adding new sections to chapter 69.04 RCW; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 69.04 RCW a new section to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any poultry and poultry products, including turkey, which has been frozen at any time, without having the package or container in which the same is sold bear a label clearly discernible to a customer that such product has been frozen and whether or not the same has since been thawed. No such poultry or poultry product shall be sold unless in such a package or container bearing said label.

NEW SECTION. Sec. 2. There is added to chapter 69.04 RCW a new section to read as follows:

No person shall advertise for sale, sell, offer for sale or hold for sale in intrastate commerce any turkey that does not bear a label stating whether such turkey is graded or ungraded. Such label shall be properly displayed on the package if such turkey is prepackaged, or attached to the turkey if not prepackaged. Such label shall, if the turkey has been graded, state the name of the governmental agency, whether federal or state, and the grade. No turkey which has been graded may be labeled as being ungraded. Any advertisement in any media concerning the sale of turkeys shall state or set forth whether a turkey is ungraded or graded and the specific grade if graded.

NEW SECTION. Sec. 3. There is added to chapter 69.04 RCW a new section to read as follows:

The provisions of this chapter shall be applicable to the enforcement of sections 1 and 2 of this 1969 act and any person violating the provisions of sections 1 and 2 of this 1969 act shall be subject to the applicable civil and criminal penalties for such violations as provided for in this chapter.

Passed the House March 14, 1969.

Passed the Senate April 8, 1969.

Approved by the Governor April 17, 1969, with the exception of a certain item in Section 2, which is vetoed.

Filed in office of Secretary of State April 28, 1969.

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

"...This bill establishes labeling requirements for poultry products. Section 1 requires that poultry or poultry products, including turkey, that has been frozen and then thawed must be labeled to advise prospective buyers of this fact.

Section 2 requires that all turkeys must bear a label showing whether they are graded or ungraded, and if graded, the label must show the grade. The bill does not require that all turkeys be graded.

As a practical matter, this requirement cannot be met. More than 85 percent of the turkeys consumed in Washington are grown and prepared for marketing outside the state. Nearly all imported turkeys are frozen before shipment into Washington. All turkeys in interstate commerce are labeled, and turkeys which are graded are presently labeled as such. If a turkey is ungraded no grade will appear on the label. To require an additional label on ungraded imported turkeys would place an extraordinary and unnecessary burden on local dealers without giving any additional protection to the consumer and would serve no useful purpose. I have therefore vetoed from section 2 of the bill the item that requires the label to state "whether such turkey is graded or ungraded".

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CHAPTER 195  
[Engrossed House Bill No. 882]  
FLOOD CONTROL ZONES--  
DISTRICTS--BY STATE

AN ACT Relating to flood control zone districts; amending section 3, chapter 153, Laws of 1961 and RCW 86.15.030; adding new sections to chapter 153, Laws of 1961, and to chapter 86.15 RCW; and adding a new section to chapter 159, Laws of 1935 and to chapter 86.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 153, Laws of 1961 and to chapter 86.15 RCW a new section to read as follows:

(1) The board is authorized to establish a countywide flood control zone district incorporating the boundaries of any and all watersheds located within the county which are not specifically organized into flood control zone districts established pursuant to chapter 86.15 RCW. Upon establishment of a countywide flood control zone district as authorized by this section, the board is authorized and may divide any or all of the zone so created into separately designated subzones and such subzones shall then be operated and be legally established in the same manner as any flood control zone district established pursuant to chapter 86.15 RCW.

(2) Countywide flood control zone districts shall be established pursuant to the requirements of RCW 86.15.020, 86.15.030 and 86.15.040 as now law or hereafter amended. Subzones established from countywide flood control zone districts shall be established by resolution of the board and the provisions of RCW 86.15.020, 86.15.030 and shall not apply to the establishment of such subzone as authorized by this 1969 amendatory act.

(3) Such subzones shall be operated and administered in the same manner as any other flood control zone district in accordance with the provisions of chapter 86.15 RCW.

(4) Such subzones shall have authority to exercise any and all powers conferred by the provisions of RCW 86.15.080 as now law or hereafter amended.

(5) The board shall exercise the same power, authority, and responsibility over such subzones as it exercises over flood control zone districts in accordance with the provisions of chapter 86.15 RCW as now law or hereafter amended, and without limiting the generality of this subsection, the board may exercise over such subzones, the powers granted to it by RCW 86.15.160, 86.15.170, 86.15.176 and 86.15.178 as now law or hereafter amended.

Sec. 2. Section 3, chapter 153, Laws of 1961 and RCW 86.15-

.030 are each amended to read as follows:

Upon receipt of a petition asking that a zone be created, or upon motion of the board, the board shall adopt a resolution which shall describe the boundaries of such proposed zone; describe in general terms the flood control needs or requirements within the zone; set a date for public hearing upon the creation of such zone, which shall be not more than thirty days after the adoption of such resolution. Notice of such hearing and publication shall be had in the manner provided in RCW 36.32.120(7).

At the hearing scheduled upon the resolution, the board shall permit all interested parties to be heard. Thereafter, the board may reject the resolution or it may modify the boundaries of such zone and make such other corrections or additions to the resolution as they deem necessary to the accomplishment of the purpose of this chapter: PROVIDED, That if the boundaries of such zone are enlarged, the board shall hold an additional hearing following publication and notice of such new boundaries: PROVIDED FURTHER, That the boundaries of any zone shall generally follow the boundaries of the watershed area affected: PROVIDED FURTHER, That the immediately preceding proviso shall in no way limit or be construed to prohibit the formation of a countywide flood control zone district authorized to be created by section 1 of this 1969 amendatory act.

Within ten days after final hearing on a resolution, the board shall issue its order.

NEW SECTION. Sec. 3. There is added to chapter 153, Laws of 1961, and to chapter 86.15 RCW a new section to read as follows:

The board may provide by resolution for levying voluntary assessments, under a mode of annual installments extending over a period not exceeding fifteen years, on property benefited from a flood control improvement. Such voluntary assessment shall be imposed only after each owner of property benefited by the flood control improvement has agreed to the assessment by written agreement with the board. Such agreement shall be recorded with the county auditor and the obli-

gations under the agreement shall be binding upon all heirs, and all successors in interest of the property.

The voluntary assessments need not be uniform or directly related to benefits to the property from the flood control improvement.

The levying, collection and enforcement hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this act.

The disposition of all proceeds from voluntary assessments shall be in accordance with RCW 86.15.130.

The proceeds from voluntary assessments may be used for any flood control improvement not inconsistent with the provisions of this act and in addition the proceeds may be used for operation and maintenance of flood control improvements constructed under the authority of this act.

NEW SECTION. Sec. 4. There is added to chapter 159, Laws of 1935 and to chapter 86.16 RCW a new chapter to read as follows:

The prohibitions contained in RCW 86.16.080 and RCW 86.16.090 shall not apply to any improvement or structure nor to any property situated within any approved plat which improvement or structure was constructed or which plat has been filed for record prior to August 15, 1966.

Passed the House April 16, 1969  
Passed the Senate April 9, 1969  
Approved by the Governor April 28, 1969  
Filed in office of Secretary of State April 28, 1969

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CHAPTER 196  
[Engrossed Senate Bill No. 95]  
WESTERN WASHINGTON STATE COLLEGE--  
DEGREE OF DOCTOR OF PHILOSOPHY IN EDUCATION

**AN ACT** Relating to education; adding a new section to chapter 28.81 RCW; adding a new section to chapter 28B.40 of Title 28B RCW; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW

or of Titles 28A and 28B RCW if such titles shall be enacted;  
and declaring an emergency.

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

Part I. Section affecting current law.

NEW SECTION. Section 1. There is added to chapter 28.81 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 Western Washington State College is  
hereby authorized to grant a degree of doctor of philosophy in educa-  
tion to any student who has completed a program of study and research  
in those areas which are determined by the faculty of the college and  
the board of trustees to be appropriate for the granting of such  
degree: PROVIDED, That such program shall not commence prior to  
July 1, 1971: AND PROVIDED FURTHER, That if the Council on Higher  
Education shall have been created by the legislature, the inaugura-  
tion of the program authorized by this section shall be subject to the  
review and recommendations of the Council which shall consider such  
program in the light of the overall state needs and capabilities for  
the award of doctoral degrees, both present and future.

Part II. Section affecting proposed 1969 education code.

NEW SECTION. Sec. 2. There is added 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 Western Washington State College is  
hereby authorized to grant a degree of doctor of philosophy in educa-  
tion to any student who has completed a program of study and research  
in those areas which are determined by the faculty of the college and  
the board of trustees to be appropriate for the granting of such  
degree: PROVIDED, That such program shall not commence prior to July  
1, 1971: AND PROVIDED FURTHER, That if the Council on Higher Educa-  
tion shall have been created by the legislature, the inauguration of  
the program authorized by this section shall be subject to the review  
and recommendations of the Council which shall consider such program

in the light of the overall state needs and capabilities for the award of doctoral degrees, both present and future.

Part III. Construction.

NEW SECTION. Sec. 3. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB ...). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 4. Part II 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 on the date upon which the 1969 education code becomes effective.

Passed the Senate April 19, 1969  
 Passed the House April 11, 1969  
 Approved by the Governor April 29, 1969  
 Filed in office of Secretary of State April 29, 1969

CHAPTER 197  
 [Engrossed Senate Bill No. 311]  
 HIGHWAYS--ADVANCE ACQUISITION OF  
 REAL PROPERTY AND ENGINEERING COSTS

AN ACT Relating to highways; amending section 1, chapter 281, Laws of  
 of 1961 and RCW 47.12.180; amending section 3, chapter 281,

Laws of 1961 and RCW 47.12.200; amending section 4, chapter 281, Laws of 1961 and RCW 47.12.210; amending section 5, chapter 281, Laws of 1961 and RCW 47.12.220; amending section 6, chapter 281, Laws of 1961 and RCW 47.12.230; adding new sections to chapter 47.12 RCW; and making an appropriation.

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

Section 1. Section 1, chapter 281, Laws of 1961 and RCW 47.12-.180 are each amended to read as follows:

It is hereby declared to be the public policy of the state of Washington to provide for the acquisition of real property and engineering costs necessary for the improvement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of such property, and eliminating economic waste occasioned by the improvement of such property immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and condemnation of real property necessary for the state highway system and engineering costs, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

The Washington state highway commission is hereby authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvement of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240, as now or later amended, or alternatively by the method provided in sections 6 through 9 of this 1969 amendatory act. Neither method shall be used to condemn property or property rights in advance of programmed construction until the highway commission has complied with hearing procedures required for the location or relocation of the type of highway for which such property is to be condemned.

Sec. 2. Section 3, chapter 281, Laws of 1961 and RCW 47.12-.200 are each amended to read as follows:

The highway commission may enter into agreements with the state

finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the highway commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 3. Section 4, chapter 281, Laws of 1961 and RCW 47.12-.210 are each amended to read as follows:

Such an agreement shall provide that the state finance committee shall purchase, at par, warrants drawn upon the motor vehicle fund in payment for the property covered by the agreement and the engineering costs necessary for such advance purchase or condemnation. Such warrants shall be purchased by the state finance committee, upon the presentation by the holders thereof to the state treasurer, from any moneys available for investment in: (1) The accident fund, medical aid fund, or the reserve fund created by chapter 51.44; ~~((2))~~ ~~any of the several funds created by chapter 41.32;~~ ~~(3) any of the several funds created by chapter 41.40;~~ or ~~((4))~~ (2) the state treasury available for investment as provided in RCW 43.84.080: PROVIDED, That ~~((the board of trustees of the teachers' retirement system shall approve each agreement affecting any fund created by chapter 41.32 and the state employees' retirement board shall approve each agreement affecting any fund created by chapter 41.40;))~~ in no event shall more than ten percent of the assets of any fund be used for the purpose of acquiring property as authorized herein, except in the case of current state funds in the state treasury, twenty percent of the balance therein available for investment may be invested as provided in RCW 47.12.180 through 47.12.240.

Sec. 4. Section 5, chapter 281, Laws of 1961 and RCW 47.12.220 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

- (1) A provision stating the ~~((terms))~~ term of the agreement

which shall not extend (~~((beyond one calendar month after the end of the then current biennium;--The agreement may contain options for the renewal thereof by the highway commission for an additional period or periods of not exceeding two years each;--PROVIDED; That no such agreement may be renewed to extend beyond six years from the date of the original agreement.))~~) more than seven years from the effective date of the agreement.

(2) A designation of the specific fund or funds to be used to carry out such agreement.

(3) A provision that the highway commission may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the highway commission shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier.

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee.

(5) Any additional provisions agreed upon by the highway commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240.

Sec. 5. Section 6, chapter 281, Laws of 1961 and RCW 47.12.230 are each amended to read as follows:

Warrants issued for payment of property and engineering costs as provided herein shall be of a distinctive design and shall contain the words "for purchase by the state finance committee from ..... fund" (indicating the proper investing fund as provided by the agreement). Such warrants shall be approved by the secretary of the state finance committee prior to their issuance by the state treasurer. Upon presentation of such warrants to the state treasurer for payment, he shall pay the par value thereof from the fund for which the state

finance committee agreed to purchase such warrants whether or not there are then funds in the motor vehicle fund. The state treasurer shall deposit such warrants in the treasury for the investing fund.

NEW SECTION. Sec. 6. There is added to chapter 47.12 RCW a new section to read as follows:

The term "advance right of way acquisition" means the acquisition of property and property rights not less than two nor more than seven years in advance of programed construction, together with the engineering costs necessary for such advance right of way acquisition.

NEW SECTION. Sec. 7. There is added to chapter 47.12 RCW a new section to read as follows:

There is hereby created the "advance right of way revolving fund" in the custody of the treasurer, into which the Washington highway commission is authorized to deposit directly and expend without appropriation any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

NEW SECTION. Sec. 8. There is added to chapter 47.12 RCW a new section to read as follows:

There is appropriated from the motor vehicle fund the sum of five million dollars or so much thereof as is necessary to carry out the provisions of this act, into the advance right of way revolving fund in the custody of the treasurer created by this 1969 amendatory act, to be expended together with federal moneys available for such purposes by the Washington highway commission for advance right of way acquisition without further or additional appropriation.

NEW SECTION. Sec. 9. There is added to chapter 47.12 RCW a new section to read as follows:

Whenever, after any properties or property rights are acquired from funds in the advance right of way revolving fund, the Washington highway commission proceeds with the construction of a highway which will require the use of any of the property so acquired, the commission shall reimburse the advance right of way revolving fund, from

other funds available to it, the amount of the prior expenditures for advance right of way acquisition for the state highway being constructed. Such deposits may be reexpended as provided in this 1969 amendatory act without further or additional appropriations.

NEW SECTION. Sec. 10. Whenever the Washington state highway commission shall purchase or condemn any property pursuant to the authority of RCW 47.12.180 through 47.12.240, as now or later amended, or sections 6 through 9 of this 1969 amendatory act, the commission shall cause any structures so acquired and not removed within a reasonable time to be maintained in good appearance.

Passed the Senate April 22, 1969  
Passed the House April 10, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

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CHAPTER 198  
[Engrossed Senate Bill No. 387]  
POLICE OFFICERS' POWER OF ARREST

AN ACT Relating to crimes and police officers' power of arrest; and creating a new section.

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

NEW SECTION. Section 1. Any police officer having information to support a reasonable belief 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 person: PROVIDED, That nothing herein shall extend or otherwise affect the powers of arrest prescribed in chapter 46 RCW.

Passed the Senate April 22, 1969  
Passed the House April 12, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

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CHAPTER 199  
[Engrossed Substitute Senate Bill No. 569]  
JUSTICE COURTS--DISTRIBUTION OF INCOME

AN ACT Relating to the distribution of certain justice court income; amending section 106, chapter 299, Laws of 1961 and RCW 3.62-.020; amending section 109, chapter 299, Laws of 1961 as amend-

ed by section 1, chapter 111, Laws of 1969 and RCW 3.62.050; amending section 3, chapter 7, Laws of 1891 and RCW 3.16.110; amending section 5, chapter 7, Laws of 1891 and RCW 3.16.130; amending section 181, page 379, Laws of 1863 as amended by section 1901, Code of 1881 and RCW 3.16.160; amending section 151, page 250, Laws of 1854 as amended by section 1848, Code of 1881 and RCW 3.28.070; amending section 600, page 153, Laws of 1869, as amended by section 660, Code of 1881, and RCW 4-.24.180; amending section 1896, Code of 1881 as last amended by section 6, chapter 200, Laws of 1967 and RCW 10.04.110; amending section 3211, Code of 1881, as last amended by section 1, chapter 122, Laws of 1967 and RCW 10.82.070; amending section 15.32.720, chapter 11, Laws of 1961 and RCW 15.32.720; amending section 47, chapter 63, Laws of 1969 (uncodified); amending section 2537, Code of 1881 and RCW 16.28.160; amending section 28, chapter 249, Laws of 1961 and RCW 17.21.280; amending section 14, chapter 4, Laws of 1919 and RCW 18.57.030; amending section 17, chapter 121, Laws of 1899 as amended by section 9, chapter 213, Laws of 1909 and RCW 18.64.260; amending section 14, chapter 192, Laws of 1909 as last amended by section 3, chapter 284, Laws of 1961 and RCW 18.71.020; amending section 21, chapter 70, Laws of 1965 and RCW 18.83.051; amending section 15, chapter 392, Laws of 1955 and RCW 19.30-.140; amending section 36.82.210, chapter 4, Laws of 1963 and RCW 36.82.210; amending section 46.44.045, chapter 12, Laws of 1961 as last amended by section 50, chapter 32, Laws of 1967, and RCW 46.44.045; amending section 46.68.050, chapter 12, Laws of 1961 as last amended by section 10, chapter 99, Laws of 1969 ex. sess. (SB 287) and RCW 46.68.050; amending section 4, chapter 39, Laws of 1963 as amended by section 11, chapter 167, Laws of 1967 and RCW 46.81.030; amending section 6, chapter 39, Laws of 1963 and RCW 46.81.050; amending section 47.08.030, chapter 13, Laws of 1961 and RCW 47.08.030; amending

section 60, chapter 35, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1959 and RCW 50.16.010; amending section 70, chapter 62, Laws of 1933 ex. sess. as last amended by section 5, chapter 172, Laws of 1939 and RCW 66.44.010; amending section 12, page 440, Laws of 1873 (section 12, page 28, Code of 1881, Bagley's Supp.) and RCW 67.19.120; amending section 14, page 50, Laws of 1888 and RCW 70.20.030; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 1, chapter..., Laws of 1969 ex. sess. (SB 537) and RCW 75.08.230; amending section 21, chapter 125, Laws of 1911, and RCW 76.04.130; amending section 77.12.170, chapter 36, Laws of 1955 and RCW 77.12.170; amending section 5, page 122, Laws of 1890 and RCW 78.12.050; amending section 80.04.400, chapter 14, Laws of 1961 and RCW 80.04.400; amending section 80.24.040, chapter 14, Laws of 1961 and RCW 80.24.040; amending section 80.24.050, chapter 14, Laws of 1961 and RCW 80.24.050; amending section 81.04.400, chapter 14, Laws of 1961 and RCW 81.04.400; amending section 81.92.150, chapter 14, Laws of 1961 and RCW 81.92.150; amending section 82.36.420, chapter 15, Laws of 1961 and RCW 82.36.420; amending section 10, chapter 18, Laws of 1935 as amended by section 7, chapter 15, Laws of 1967 and RCW 88.16.150; amending section 10, page 368, Laws of 1909 and RCW 28.27.102; amending section 11, page 368, Laws of 1909 and RCW 28.27.104; amending section 5, chapter 77, Laws of 1903 and RCW 28.27.190; amending section 2, chapter 106, Laws of 1909 and RCW 28.58.281; amending section 11, page 360, Laws of 1909 and RCW 28.87.010; amending section 6, page 359, Laws of 1909 and RCW 28.87.030; amending section 12, page 361, Laws of 1909, and RCW 28.87.060; amending section 1, page 357, Laws of 1909 and RCW 28.87.070; amending section 3, page 357, Laws of 1909 and RCW 28.87.080; amending section 7, page 359, Laws of 1909 and RCW 28.87.130; amending section 9, page 360, Laws of 1909 and RCW 28.87.140; amending section 28A.27.102, chapter

..., Laws of 1969 (HB 58) and RCW 28A.27.102; amending section 28A.27.104, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.104; amending section 28A.87.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.010; amending section 28A.87.030, chapter ..., Laws of 1969 (HB 58), and RCW 28A.87.030; amending section 28A.87.060, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.060; amending section 28A.87.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.070; amending section 28A.87.080, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.080; amending section 28A.87.130, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.130; amending section 28A.87.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.140; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; repealing section 107, chapter 299, Laws of 1961 and RCW 3.62.030; and declaring an emergency.

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

Part I. Sections not related to Titles 28 or 28A or 28B RCW.

NEW SECTION. Section 1. The state auditor shall establish distribution percentages for use by the county treasurer and state treasurer in remitting justice court income, except for (1) fines, forfeitures, and penalties assessed and collected because of the violation of city and/or county ordinances and (2) fees and costs assessed and collected because of a civil action. A separate percentage shall be established for each city within the county, and for each county, and for the amount that each county shall remit to the state treasurer. These percentages shall be established by reviewing the financial records of each county for the six years prior to January 1, 1969, and determining the average percentage of the net income, from that county's justice courts, that each city, and the county, and the state has received for that period of time. The percentages determined by this procedure shall then be provided to each county trea-

surer for his use in distributing justice court income. Percentages shall be established for each state fund, now receiving justice court income, by determining the average percentage of justice court income that each fund has received from the total income remitted to the state by the counties for this period of time, except that any state fund receiving less than five hundred dollars each year for the two years 1967 and 1968 shall not have a percentage established for it and the amounts of income in such situation shall be added to the amounts remitted to the state general fund for the purpose of calculating average distribution percentages.

The state auditor, with the assistance of the administrator for the courts, shall review the distribution percentages annually. This review shall be based upon the annual percentages of types of violations, in relationship to the total cases processed, to determine if the original percentages established by this section are still proportionately accurate within a margin of plus or minus five percent. In the event the annual review indicates that the existing percentages are not proportionately accurate, the state auditor shall revise the distribution percentages to the percentages indicated in the annual review and notify the county and state treasurer within fifteen days in advance of any quarterly distribution of the revised percentages and the statistics supporting the revision.

Sec. 2. Section 106, chapter 299, Laws of 1961 and RCW 3.62-.020 are each amended to read as follows:

All fees, fines, forfeitures and penalties assessed and collected by justice courts, except fines, forfeitures and penalties assessed and collected because of the violation of city ordinances, shall be remitted by the justice court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law. The county treasurer shall place these moneys into the justice court suspense fund.

Sec. 3. Section 109, chapter 299, Laws of 1961 as last amended

by section 1, chapter 111, Laws of 1969 and RCW 3.62.050 are each amended to read as follows:

Quarterly, the county treasurer shall determine the ~~((difference-between-the-amount-deposited-to-the-current-expense-or-salary-fund-by-all-of-the-justice-courts-of-the-county-and-the))~~ total expenditures of ~~((such))~~ the justice courts, including the cost of providing courtroom and office space and including the cost of probation and parole services and any personnel employment therefor. The treasurer shall then ~~((charge-each-governmental-unit-fund-entitled-to-share-in-the-receipts-of-the-courts-its-proportionate-share-of-such-unreimbursed-difference-of-expenditures-incurred-during-the-quarter-and-make-the-appropriate-treasurer's-remittance))~~ transfer an amount, equal to the total expenditures, from the justice court suspense fund to the current expense ((or salary)) fund. ((The-proportionate-share charged-against-each-fund-shall-be-determined-by-the-relationship between-the-unreimbursed-expenditures-and-the-total-credits-of-the-courts-to-each-fund-as-required-by-RCW-3,62,020,--Balances-remaining in-governmental-funds-shall-then-be-remitted-as-provided-by-law.)) The treasurer shall then, using the percentages established as in section 1 of this 1969 amendatory act provided remit the appropriate amounts of the remaining balance in the justice court suspense fund to the state general fund and to the appropriate city treasurer(s). The final remaining balance of the justice court suspense fund shall then be remitted as specified by the county commissioners.

NEW SECTION. Sec. 4. Quarterly, the state treasurer, using section 1 of this 1969 amendatory act, shall calculate the appropriate amounts to be transferred to each appropriate state fund.

Sec. 5. Section 3, chapter 7, Laws of 1891 and RCW 3.16.110 are each amended to read as follows:

The justices of the peace and constables shall charge and collect for the use of their respective counties, and pay into the county treasury on the first Monday in each month, and on going out of office, all the fees now or hereafter allowed by law paid or charge-

able in all cases, except such fees as are a charge against the county or state, and also on the first Monday in each month, and on going out of office, the said justices of the peace shall pay into the county treasury all moneys they shall have received on account of fines collected for violations of any state law: 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. 6. Section 5, chapter 7, Laws of 1891 and RCW 3.16.130 are each amended to read as follows:

All fees and compensation collected from any source, and all fines collected for violations of any state law, shall be paid to the county treasurer on the first Monday of the following month, and the said justices and constable at the same time shall deliver to such treasurer a statement and copy of the fee book for the month last past, showing by items the sources from which such fees and fines were derived, and shall append thereto an affidavit that they have received no other money for fees or fines, not before paid over to such treasurer: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The treasurer shall file and preserve in his office said statements and affidavits, and shall issue to said justices and constables one original and one duplicate receipt therefor, and the said justices and constables shall preserve one in their offices and file the duplicate with the county auditor, whereupon the auditor shall charge the treasurer with the amount shown by the receipt.

Sec. 7. Section 181, page 379, Laws of 1863, as amended by section 1901, Code of 1881 and RCW 3.16.160 are each amended to read as follows:

It shall be the duty of every justice, on the first Mondays

in January and July in every year, and on going out of office, to pay over to the treasurer of his county all money he may have received on account of fines, and all fees which may have remained unclaimed in his hands for twelve months; and he shall, at the same time, deliver to such treasurer a statement in writing, showing by items the sources from which such money was derived, and shall append thereto an affidavit that he has received no other money for fines, not before paid over to such treasurer, and has no other fees unclaimed for twelve months, in his hands; and the treasurer's receipt therefor he shall file with the auditor, who shall give him a quietus: 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. 8. Section 151, page 250, Laws of 1854 as amended by section 1848, Code of 1881 and RCW 3.28.070 are each amended to read as follows:

If any person convicted of a contempt be adjudged to be imprisoned, a warrant of commitment shall be issued by the justice. If he be adjudged to pay a fine, a process may be issued to collect the same; and when so collected, it shall forthwith be paid by the justice into the county 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. 9. Section 600, page 153, Laws of 1869 as amended by section 660, Code of 1881, and RCW 4.24.180 are each amended to read as follows:

Fines and forfeitures not specially granted or otherwise appropriated by law, when recovered, shall be paid into the school fund of the proper county: 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. Whenever, by the provisions of law, any property real or personal shall be forfeited to the state, or to any officer for its use, the action for the recovery of such property may be commenced in any county where the defendant may be found or where such property may be.

Sec. 10. Section 1896, Code of 1881 as last amended by section 6, chapter 200, Laws of 1967 and RCW 10.04.110 are each amended to read as follows:

In all cases of conviction, unless otherwise provided in this chapter, the justice shall enter judgment for the fine and costs against the defendant, and may commit him to jail until the amount of such fine and costs owing are paid, or the payment thereof be secured as provided by RCW 10.04.120. The amount of such fine and costs owing shall be computed as provided for superior court cases in RCW 10.82.030 and 10.82.040. Further proceedings therein shall be had as in like cases in the superior court: 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. 11. Section 3211, Code of 1881, as last amended by section 1, chapter 122, Laws of 1967 and RCW 10.82.070 are each amended to read as follows:

Except as otherwise provided by law, all sums of money derived from fines imposed for violation of orders of injunction, mandamus and other like writs, or for contempt of court, and the net proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures, shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him transmitted to the state treasurer, for deposit in the general fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice

court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. ((He shall indicate in such entry the source from which such money was derived.))

Sec. 12. Section 15.32.720, chapter 11, Laws of 1961 and RCW 15.32.720 are each amended to read as follows:

One-half of all fines collected from prosecutions under this chapter shall be paid to the state and the remainder to the county in which the conviction is had: 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. 13. Section 47, chapter 63, Laws of 1969 (uncodified) is hereby amended to read as follows:

All fees collected under the provisions of this 1969 act shall be paid to the state treasurer to be deposited in the seed fund account in the state general fund as provided for in RCW 43.79.330, as is now or hereafter amended, to be used only in the enforcement of this 1969 act. All moneys collected under the provisions of RCW 15.48.010 through 15.48.260 remaining in such account on the effective date of this 1969 act, shall likewise be used only in the enforcement of this 1969 act: 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. 14. Section 2537, Code of 1881 and RCW 16.28.160 are each amended to read as follows:

It shall be the duty of any and all persons searching or hunting for stray horses, mules or cattle, to drive the band or herd in which they may find their stray horses, mules or cattle, into the nearest corral before separating their said stray animals from the balance of the herd or band; that in order to separate their said stray animals from the herd or band, the person or persons owning

said stray shall drive them out of and away from the corral in which they may be driven before setting the herd at large. Any person violating this section shall be deemed guilty of a misdemeanor, and on conviction thereof, before a justice of the peace, shall be fined in any sum not exceeding one hundred dollars, and half the costs of prosecution; said fine so recovered to be paid into the school fund of the county in which the offense was committed; and in addition thereto shall be imprisoned until the fine and costs are paid: 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. 15. Section 28, chapter 249, Laws of 1961 and RCW 17.21-.280 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid to the director for use exclusively in the enforcement of this chapter. All moneys held by the director for the enforcement of chapter 17.20 shall be retained by him for the enforcement of this chapter: 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. 16. Section 14, chapter 4, Laws of 1919 and RCW 18.57-.030 are each amended to read as follows:

Any person who shall practice or attempt to practice, or hold himself out as practicing osteopathy or osteopathy and surgery in this state, without having, at the time of so doing, a valid, unrevoked certificate as provided in this chapter, shall be guilty of a misdemeanor. In each such conviction the fine shall be paid, when collected, to the state treasurer, and shall constitute a special fund to be used by the director, for the prosecution of illegal practitioners as defined in this chapter, and the said director is authorized to prosecute all persons guilty of a violation of the provi-

sions of this chapter: 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. 17. Section 17, chapter 121, Laws of 1899 as amended by section 9, chapter 213, Laws of 1909 and RCW 18.64.260 are each amended to read as follows:

All suits for the recovery of the several penalties prescribed in this chapter shall be prosecuted in the name of the state of Washington in any court having jurisdiction, and it shall be the duty of the prosecuting attorney of the county wherein such offense is committed to prosecute all persons violating the provisions of this chapter upon the filing of proper complaint. All penalties collected under the provisions of this chapter shall inure to the school fund of the county in which suit was prosecuted and judgment obtained: 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. 18. Section 14, chapter 192, Laws of 1909 as last amended by section 3, chapter 284, Laws of 1961 and RCW 18.71.020 are each amended to read as follows:

Any person who shall practice or attempt to practice, or hold himself out as practicing medicine and surgery in this state, without having, at the time of so doing, a valid, unrevoked certificate as provided in this chapter, shall be guilty of a misdemeanor. In each such conviction the fine shall be paid, when collected, to the state treasurer: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The director of licenses is authorized to prosecute all persons guilty of a violation of the provisions of this chapter.

Sec. 19. Section 21, chapter 70, Laws of 1965 and RCW 18.83-.051 are each amended to read as follows:

There is hereby created the "state board of psychological examiners' account" within the state general fund. All moneys received under chapter 18.83 RCW by the state treasurer shall be deposited in the "state board of psychological examiners' account" within the state general fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Each member of the board shall receive the sum of twenty-five dollars per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the duties of the board. Any such expenses shall be paid from the "state board of psychological examiners' account" within the general fund, to the extent that the moneys are available therein.

Sec. 20. Section 15, chapter 392, Laws of 1955 and RCW 19.30-.140 are each amended to read as follows:

A permanent revolving fund, in which shall be deposited all moneys collected for licenses and all fines collected for violations of the provisions of this chapter, shall be established. Expenses incurred under this chapter, not to exceed receipts, shall be paid from this fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 21. Section 36.82.210, chapter 4, Laws of 1963 and RCW 36.82.210 are each amended to read as follows:

All fines and forfeitures collected for violation of any of the provisions of chapters 36.75, and 36.77 to 36.87, inclusive, when the violation thereof occurred outside of any incorporated city or

town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All fines and forfeitures collected for the violation of any of such provisions when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3-.62 RCW as now exists or is later amended.

Sec. 22. Section 46.44.045, chapter 12, Laws of 1961 as last amended by section 50, chapter 32, Laws of 1967 and RCW 46.44.045 are each amended to read as follows:

(1) Any person violating any of the provisions of RCW 46.44-.040 through 46.44.044 shall be guilty of a misdemeanor and upon first conviction thereof shall be fined a basic fine of not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined a basic fine of not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to, but not in lieu of, the above basic fines, such person shall be fined two cents per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five

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

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

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

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

(6) For the purpose of determining additional fines as pro-

vided by subsection (2), "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.040 through 46.44.044 plus the weights allowed by RCW 46.44.046, 46.44.047, and 46.44.095.

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

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

Sec. 23. Section 46.68.050, chapter 12, Laws of 1961 as last amended by section 10, chapter 99, Laws of 1969, ex. sess. (SB 287) and RCW 46.68.050 are each amended to read as follows:

All fines and forfeitures collected for violation of any of the provisions of this title when the violation occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; and one-half into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later

amended.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund for the construction and maintenance of city streets; and one-half into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 24. Section 4, chapter 39, Laws of 1963 as amended by section 11, chapter 167, Laws of 1967 and RCW 46.81.030 are each amended to read as follows:

There shall be levied and paid into the driver education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine is imposed, three dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, three dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total fine or bail forfeited for all offenses.

All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Where a fine is suspended, in whole or in part, the penalty

assessment shall be levied in accordance with the fine actually imposed.

Sec. 25. Section 6, chapter 39, Laws of 1963 and RCW 46.81-.050 are each amended to read as follows:

The gross proceeds of the penalty assessments provided in RCW 46.81.030 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the driver education account in the general fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 26. Section 47.08.030, chapter 13, Laws of 1961 and RCW 47.08.030 are each amended to read as follows:

All fines and forfeitures collected for violation of any of the provisions of this title when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the

construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 27. Section 60, chapter 35, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1959 and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

- (1) all contributions collected pursuant to the provisions of this title,
- (2) interest earned upon any moneys in the fund,
- (3) any property or securities acquired through the use of moneys belonging to the fund,
- (4) all earnings of such property or securities,
- (5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
- (6) all money recovered on official bonds for losses sustained by the fund,
- (7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended, and
- (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all inter-

est on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title; and all sums recovered on official bonds for losses sustained by the fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The amount in this fund in excess of one hundred thousand dollars on the close of business of the last day of each calendar quarter shall be immediately transferred to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Sec. 28. Section 70, chapter 62, Laws of 1933 ex.sess. as last amended by section 5, chapter 172, Laws of 1939 and RCW 66.44.010 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor shall belong to the county, city or town wherein the court imposing the fine is locat-

ed, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor: 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.

(2) In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor.

Sec. 29. Section 12, page 440, Laws of 1873 (section 12, page 28, Code of 1881, Bagley's Supp.) and RCW 67.14.120 are each amended to read as follows:

All fines and forfeitures collected under this chapter and all moneys paid into the treasury of any county for licenses as aforesaid, shall be applied to school or county purposes as the local laws of

such county may direct: PROVIDED, That this chapter shall not affect or apply to any private or local laws upon the subject of license in any county in this territory except King county, and no license shall be construed to mean more than the house or saloon kept by the same party or parties: PROVIDED, FURTHER, That no part of this chapter shall in any way apply to the county of Island: AND PROVIDED, FURTHER, That all moneys for licenses within the corporate limits of the town of Olympia shall be paid directly into the town treasury of said town as a municipal fund for the use of said town: AND PROVIDED FURTHER, 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. 30. Section 14, page 50, Laws of 1888 and RCW 70.20.030 are each amended to read as follows:

All fines recovered under the provisions of this act and not otherwise provided for, be and the same shall be paid into the county 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. 31. Section 75.08.230, chapter 12, Laws of 1955 as amended by section 1, chapter ..., Laws of 1969 ex. sess. (SB 537) and RCW 75.08.230 are each amended to read as follows:

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, except such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evalua-

tion studies, all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund: PROVIDED, That all such moneys as are realized from test fishing operations as aforesaid, shall be transmitted to the state treasurer who shall act as custodian, and the treasurer shall place such moneys in a special account known as receipts in excess of budget estimates, to be allotted by the governor, upon the request of the director of fisheries, for the purpose of defraying the costs of such test fishing: PROVIDED FURTHER, That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district that test fishing is being conducted: PROVIDED FURTHER, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected: PROVIDED, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

The proceeds of all sales of salmon by the director shall be handled in the same manner as the proceeds of the sales of food fish taken in test fishing conducted by the department.

Sec. 32. Section 21, chapter 125, Laws of 1911 and RCW 76.04-.130 are each amended to read as follows:

All fines collected under this act shall be paid into the county treasury of the county in which the offense was committed; 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. 33. Section 77.12.170, chapter 36, Laws of 1955 and RCW 77.12.170 are each amended to read as follows:

There is established in the state treasury a fund to be known as the state game fund which shall consist of all moneys received from fees for the sale of licenses and permits, and from fines, forfeitures, and costs collected for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission relating thereto: PROVIDED, That fifty percent of all fines and bail forfeitures shall not become part of the state game fund and shall be retained by the county in which collected; PROVIDED FURTHER, 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.

All state and county officers receiving any moneys in payment of fees for licenses under this title, or in payment of fines, penalties, or costs imposed for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission; from rentals or concessions, and from the sale of real or personal property held for game department purposes, shall pay them into the state treasury to be placed to the credit of the state game fund: PROVIDED, That county officers shall remit only fifty percent of all fines and bail forfeitures; PROVIDED FURTHER, 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. 34. Section 5, page 122, Laws of 1890 and RCW 78.12.050 are each amended to read as follows:

Suits commenced under the provisions of this chapter shall be in the name of the state of Washington, and all judgments and fines collected shall be paid into the county treasury for county purposes; 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. 35. Section 80.04.400, chapter 14, Laws of 1961 and RCW 80.04.400 are each amended to read as follows:

Actions to recover penalties under this title shall be brought in the name of the state of Washington in the superior court of Thurston county, or in the superior court of any county in or through which such public service company may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state under this title shall be paid into the treasury of the state and credited to the state general fund or such other fund as provided by law: 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. 36. Section 80.24.040, chapter 14, Laws of 1961 and RCW 80.24.040 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall within thirty days be paid to the state treasurer and by him deposited to the public service revolving fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 37. Section 80.24.050, chapter 14, Laws of 1961 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 there- to 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 pen- alty 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 treas- ury: PROVIDED, That all fees, fines, forfeitures and penalties col- lected 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. 38. Section 81.04.400, chapter 14, Laws of 1961 and RCW 81.04.400 are each amended to read as follows:

Actions to recover penalties under this title shall be brought in the name of the state of Washington in the superior court of Thurs- ton county, or in the superior court of any county in or through which such public service company may do business. In all such ac- tions the procedure and rules of evidence shall be the same as in or- dinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state under this title shall be paid into the treasury of the state and credited to the state general fund or 'such other fund as provided by law: 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. 39. Section 81.92.150, chapter 14, Laws of 1961 and RCW 81.92.150 are each amended to read as follows:

In addition to all other penalties provided by law every "stor- age warehouseman" and "warehouseman" subject to the provisions of this chapter and every officer, agent, or employee of any such "storage warehouseman" or "warehouseman" who violates or who procures, aids or abets in the violation of any provisions of this chapter, or any order,

rule , regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Every violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be a separate and distinct offense. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under this section and subject to the penalty herein specified.

The penalty shall become due and payable when the person incurring it receives a notice in writing from the commission describing the violation with reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it deems proper, and may ascertain the facts involved in all such applications in such manner and under such regulations as it deems proper.

If the amount of a penalty is not paid to the commission within fifteen days after receipt of the notice imposing it, or within fifteen days after the violator has received notice of the disposition of his application for remission or mitigation, the attorney general shall bring an action in the name of the state in the superior court of Thurston county or of some county in which such violator may be doing business, to recover the penalty. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered under this chapter shall be paid into the state treasury and credited to the public service revolving fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 40. Section 82.36.420, chapter 15, Laws of 1961 and RCW 82.36.420 are each amended to read as follows:

Fifty percent of all fines and forfeitures imposed in any criminal proceeding by any court of this state for violations of the penal provisions of this chapter shall be paid to the current expense fund of the county wherein collected and the remaining fifty percent shall be paid into the motor vehicle fund of the state: 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. All fees and penalties collected by the director under the penalty provisions of this chapter shall be paid into the motor vehicle fund.

Sec. 41. Section 10, chapter 18, Laws of 1935 as amended by section 7, chapter 15, Laws of 1967 and RCW 88.16.150 are each amended to read as follows:

In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account: 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.

Part II. Sections affecting Title 28.

Sec. 42. Section 10, page 368, Laws of 1909 and RCW 28.27.102 are each amended to read as follows:

Any superintendent, teacher or attendance officer, who shall fail or refuse to perform the duties prescribed by RCW 28.27.010 through 28.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a district officer, such fine shall be paid to the county treasurer and by him placed to the credit of the school district in which said officer resides, and in case of other officers such fine shall be paid to the county treasurer and by him placed to the credit of the general school fund of the county: PROVIDED, FURTHER, 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. 43. Section 11, page 368, Laws of 1909 and RCW 28.27.104 are each amended to read as follows:

All fines except as otherwise provided in RCW 28.27.010 through 28.27.130 shall inure and be applied to the support of the public schools in the district where such offense was committed: 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. 44. Section 5, chapter 77, Laws of 1903 and RCW 28.27-.190 are each amended to read as follows:

All fines collected under the provisions of RCW 28.27.150 through 28.27.190 shall be paid into the county treasury, the same to be placed to the credit of the general school fund: PROVIDED, That all fees, fines, -forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 45. Section 2, chapter 106, Laws of 1909 and RCW 28.58-.281 are each amended to read as follows:

Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of RCW 28.58.280 through 28.58.283 shall be a misdemeanor, punishable at the discretion of the court by a fine not exceeding fifty dollars. Such fine to be paid to the county treasurer for the benefit of said school district: 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. 46. Section 11, page 360, Laws of 1909 and RCW 28.87.010 are each amended to read as follows:

Any parent, guardian or other person who shall insult or abuse a teacher in the presence of his school, or anywhere on the school grounds or premises, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than ten dollars nor more than one hundred dollars, and said fine shall be turned over to the county treasurer, and by him remitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: 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. 47. Section 6, page 359, Laws of 1909 and RCW 28.87.030 are each amended to read as follows:

In case the district clerk fails to make the reports as by law provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the county superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be

paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs: 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. 48. Section 12, page 361, Laws of 1909 and RCW 28.87.060 are each amended to read as follows:

Any person who shall wilfully disturb any school or school meeting shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than fifty dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: 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. 49. Section 1, page 357, Laws of 1909 and RCW 28.87.070 are each amended to read as follows:

Any member of the state board of education, any employee of the state of Washington, any county superintendent or any employee of his office, who shall directly or indirectly disclose any question or questions prepared for the examination of teachers or of eighth grade pupils, or any teacher or other person connected with the instruction of or the examination of eighth grade pupils, who shall, before the time appointed for the use of the questions in the examination of such pupils, disclose the questions, or make known their character, or who shall directly or indirectly assist any such eighth grade pupil to answer any question submitted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars. Said fine shall be turned over to the county treasurer of the county

in which it is collected, and shall be by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: 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. 50. Section 3, page 357, Laws of 1909 and RCW 28.87.080 are each amended to read as follows:

Any officer or person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county or school district in this state, and refusing or failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the county superintendent of schools to supervise and see that the provisions of this section are fully complied with, and report thereon to the county commissioners semiannually or oftener. Such fines and penalties, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: 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. 51. Section 7, page 359, Laws of 1909 and RCW 28.87.130 are each amended to read as follows:

Any school officer who shall refuse or fail to deliver to his qualified successor all books, papers, records and moneys pertaining to his office, or who shall wilfully mutilate or destroy any such property, or any part thereof, or shall misapply moneys entrusted to him by virtue of his office, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to ex-

ceed one hundred dollars; said fine, when collected, to be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state (~~(and)~~) : 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. Any director who shall aid in, or give his consent to the employment of a teacher who is not the holder of a valid certificate authorizing him or her to teach in the public schools of this state, shall be personally liable to his district for any loss which it may sustain by reason of the employment of such person not lawfully qualified to teach.

Sec. 52. Section 9, page 360, Laws of 1909 and RCW 28.87.140 are each amended to read as follows:

Any teacher who shall maltreat or abuse any pupil by administering any unjust punishment, or who shall inflict punishment on the head or face of a pupil, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined in any sum not exceeding one hundred dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: 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.

Part III. Sections affecting proposed 1969 education code.

Sec. 53. Section 28A.27.102, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.102 are each amended to read as follows:

Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed by RCW 28A.27.010 through 28A.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor

more than one hundred dollars: PROVIDED, That in case of a school district employee, such fine shall be paid to the appropriate county treasurer and by him placed to the credit of the school district in which said employee is employed, and in case of all other officers such fine shall be paid to the appropriate county treasurer and by him placed to the credit of the general school fund of the county or intermediate district, as the case may be: PROVIDED FURTHER, 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. 54. Section 28A.27.104, chapter ..., Laws of 1969 (HB 58) and RCW 28A.27.104 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, all fines except as otherwise provided in RCW 28A.27.010 through 28A.27.130 shall inure and be applied to the support of the public schools in the school district where such offense was committed: 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. 55. Section 28A.87.010, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.010 are each amended to read as follows:

Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars; said fine shall be turned over to the county treasurer and by him remitted to the state treasurer who shall place the same to the credit of the current school fund of the state: 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. 56. Section 28A.87.030, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.030 are each amended to read as follows:

In case any school district superintendent fails to make reports as by law or rule or regulation promulgated thereunder provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the county or intermediate district superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the county treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs: 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. 57. Section 28A.87.060, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.060 are each amended to read as follows:

Any person who shall wilfully create a disturbance on school premises during school hours or at school activities or school meetings shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not more than fifty dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: 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. 58. Section 28A.87.070, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.070 are each amended to read as follows:

Any person having access to any question or questions prepared for the examination of teachers or common school pupils, who shall directly or indirectly disclose the same before the time appointed for

the use of the questions in the examination of such teachers or pupils, or who shall directly or indirectly assist any person to answer any question submitted, shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not less than one hundred nor more than five hundred dollars. Said fine shall be turned over to the county treasurer of the county in which it is collected and shall be by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state: 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. 59. Section 28A.87.080, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.080 are each amended to read as follows:

Any person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the state of Washington, or belonging to the school fund of any county or school district in this state, and refusing or failing to pay over the same as required by law, shall be liable for double the amount so withheld, and in addition thereto, interest thereon at the rate of five percent per month during the time of so withholding the same; and it shall be a special duty of the county or intermediate district superintendent of schools to supervise and see that the provisions of this section are fully complied with, including the initiation of court actions therefor, and report thereon to the appropriate county commissioners at least semiannually. Fines and penalties, exclusive of any moneys recovered belonging to the school fund of any county or school district in this state, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state: 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. 60. Section 28A 87.130, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.130 are each amended to read as follows:

Any school district official or employee who shall refuse or fail to deliver to his qualified successor all books, papers, and records pertaining to his position, or who shall wilfully mutilate or destroy any such property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred; said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: PROVIDED FURTHER, 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. 61. Section 28A.87.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.87.140 are each amended to read as follows:

Any teacher who shall maltreat or abuse any pupil by administering any unreasonable punishment, or who shall inflict punishment on the head of a pupil, upon conviction thereof shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not exceeding one hundred dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state: 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.

#### Part IV. Construction.

NEW SECTION. Sec. 62. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part II of the instant bill

seek to change existing laws. The provisions of Part III seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part II shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part II shall expire and the provisions of Part III shall concomitantly become effective. It is the further intent of the legislature that Part III of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part III of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part III shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part III shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 63. Part III 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.

NEW SECTION. Sec. 64. Section 107, chapter 299, Laws of 1961 and RCW 3.62.030 are each hereby repealed.

Passed the Senate April 22, 1969  
Passed the House April 10, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

CHAPTER 200  
[House Bill No. 222]  
EMPLOYMENT SECURITY--COMPUTATION  
OF APPEALS AND PETITION PERIODS

AN ACT Relating to the computation of appeals and petition periods in the administration of the laws relating to unemployment compensation; adding a new section to chapter 35, Laws of 1945 and to chapter 50.32 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 35, Laws

of 1945 and to chapter 50.32 RCW a new section to read as follows:

The appeal or petition from a determination, redetermination, order and notice of assessment, appeals decision, or commissioner's decision if such document be mailed, shall be deemed filed with the addressee on the postmarked date if said document is properly addressed and has sufficient postage affixed thereto.

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

Passed the House March 14, 1969  
Passed the Senate April 19, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

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CHAPTER 201  
[House Bill No. 224]  
EMPLOYMENT SECURITY--  
UNEMPLOYMENT TRUST FUND

AN ACT Relating to the use of money credited to the account of the state of Washington in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended; and amending section 62, chapter 35, Laws of 1945 as amended by section 2, chapter 170, Laws of 1959, and RCW 50-.16.030.

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

Section 1. Section 62, chapter 35, Laws of 1945 as amended by section 2, chapter 170, Laws of 1959, and RCW 50.16.030 are each amended to read as follows:

(1) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in

RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account.

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and (~~section 5501-of-Remington's-Revised-Statutes~~) RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the counter signature of the commissioner, or his duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appro-

priated and the amounts appropriated therefor,

(b) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the (~~four~~) fourteen preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such (~~five~~) fifteen twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the (~~fourth~~) fourteenth preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6).

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be de-

posited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

Passed the House March 14, 1969  
Passed the Senate April 19, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

CHAPTER 202  
[House Bill No. 550]  
JUDGES RETIREMENT--  
COMPUTATION OF BENEFITS

AN ACT Relating to the judges' retirement system; adding a new section to chapter 229, Laws of 1937 and to chapter 2.12 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 229, Laws of 1937 and to chapter 2.12 RCW a new section to read as follows:

The retirement pay or pension of any judge of the supreme or superior court of the state who was in office on August 6, 1965, and who retired prior to December 1, 1968, or who would have been eligible to retire at the time of death prior to December 1, 1968, shall be based, effective December 1, 1968, upon the annual salary which was being prescribed by the statute in effect for the office of judge of the supreme court or for the office of judge of the superior court, respectively, at the time of his retirement or at the end of the term immediately prior to his retirement if his retirement was made after expiration of his term or at the time of his death if he died prior to retirement. The widow's benefit for the widow of any such judge as provided for in RCW 2.12.030 shall be based, effective December 1, 1968, upon such retirement pay.

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 14, 1969  
Passed the Senate April 19, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

CHAPTER 203  
[Engrossed House Bill No. 640]  
PUBLIC ASSISTANCE--GOVERNOR'S  
ADVISORY COMMITTEE ON VENDOR RATES

AN ACT Relating to public assistance; adding new sections to chapter 26, Laws of 1959 and to Title 74 RCW.

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

NEW SECTION. Section 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

There is hereby created a governor's advisory committee on vendor rates. The committee shall be composed of seven members including the director of the state department of public assistance, who shall be the chairman, and six others appointed by the governor. Members shall be selected on the basis of their interest in public assistance and its related problems, and no less than two members shall be licensed certified public accountants. The members shall serve at the pleasure of the governor.

NEW SECTION. Sec. 2. The term "vendor rates" as used throughout this act shall include, but not be limited to, the cost reimbursement basis upon which all participating hospital organizations receive compensation.

NEW SECTION. Sec. 3. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

The committee shall meet at least a total of three and no more than twelve times per year at such specific times and places as may be determined by the chairman. Members shall be entitled to reimbursement for his subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for his travel expenses

as provided for in RCW 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 4. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

The committee shall have the following powers and duties:

(1) Study and review the methods and procedures for establishing the rates and/or fees of all vendors of goods, services and care purchased by the department of public assistance including all medical and other welfare care and services.

(2) Provide each professional and trade association or other representative groups of each of the service areas, the opportunity to present to the committee their evidence for justifying the methods of computing and the justification for the rates and/or fees they propose.

(3) The committee shall have the authority to request vendors to appoint a fiscal intermediary to provide the committee with an evaluation and justification of the method of establishing rates and/or fees.

(4) Prepare and submit a written report to the governor, at least sixty days prior to each session of the legislature, which contains its findings and recommendations concerning the methods and procedures for establishing rates and/or fees and the specific rates and/or fees that should be paid by the department of public assistance to the various designated vendors. This report shall include the suggested effective dates of the recommended rates and/or fees when appropriate.

The vendors shall furnish adequate documented evidence related to the cost of providing their particular services, care or supplies, in the form, to the extent and at such times as the chairman may determine.

The director, as chairman of this committee, shall have the same authority as provided in RCW 74.04.290 as it is now or hereafter

amended.

Passed the House April 21, 1969  
Passed the Senate April 12, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

CHAPTER 204  
[Engrossed House Bill No. 709]  
CITIES, 1st, 2nd, 3rd CLASS--  
PARKING--PARKING COMMISSIONS

AN ACT Relating to cities of the first, second and third class; amending section 35.86.040, chapter 7, Laws of 1965 and RCW 35.86-.040; amending section 35.86.020, chapter 7, Laws of 1965, as amended by section 14, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.020; and adding a new chapter to Title 35 RCW.

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

NEW SECTION. Section 1. It is hereby determined and declared:

- (1) The free circulation of traffic of all kinds through our cities is necessary to the health, safety and general welfare of the public, whether residing in, traveling to or through the cities of this state;
- (2) The most efficient use of the street and highway system requires availability of strategically located parking for vehicles in localities where large numbers of persons congregate;
- (3) An expanding suburban population has increased demands for further concentration of uses in central metropolitan areas, necessitating an increasing investment in streets and highways;
- (4) On-street parking is now inadequate, and becomes increasingly an inefficient and uneconomical method for temporary storage of vehicles in commercial, industrial and high-density residential areas, causing such immediate adverse consequences as the following, among others:
  - (a) Serious traffic congestion from on-street parking, which interferes with use of streets for travel, disrupts public surface transportation at peak hours, impedes rapid and effective fighting of fires and disposition of police forces, slows emergency vehicles, and inflicts hardship upon handicapped persons and others dependent upon

private vehicles for transportation;

(b) On-street parking absorbs right-of-way useful and usable for travel;

(c) On-street parking reduces the space available for truck and passenger loading for the abutting properties, hinders ready access, and impedes cleaning of streets;

(d) Inability to temporarily store automobiles has discouraged the public from travel to and within our cities, from congregating at public events, and from using public facilities.

(5) Insufficient off-street parking has had long-range results, as the following, among others:

(a) Metropolitan street and highway systems have lost efficiency and the free circulation of traffic and persons has been impaired;

(b) The growth and development of metropolitan areas has been retarded;

(c) Business, industry, and housing has become unnecessarily and uneconomically dispersed;

(d) Limited and valuable land area is under used.

All of which cause loss of payrolls, business and productivity, and property values, with resulting impairment of the public health, safety and welfare, the utility of our streets and highways, and tax revenues;

(6) Establishment of public off-street parking facilities will promote the public health, safety, convenience, and welfare, by:

(a) Expediting the movement of the public, and of goods in metropolitan areas, alleviating traffic congestion, and preserving the large investment in streets and highways;

(b) Permitting a greater use of public facilities, congregation of the public, and more intensive development of private property within the community;

(7) Establishment of public off-street parking is a necessary ancillary to and extension of an efficient street and highway system

in metropolitan areas, as much so as a station or terminal is to a railroad or urban transit line;

(8) Public off-street parking facilities, open to the public and owned by a city or town, are and remain a public use and a public function, irrespective of whether:

(a) Parking fees are charged to users;

(b) The management or operation of one or more parking facilities is conducted by a public agency, or under contract or lease by private enterprise; or

(c) A portion of the facilities is used for commercial, store or automobile accessory purposes;

(9) Public parking facilities under the control of a parking commission are appropriately treated differently from other parking facilities of a city.

NEW SECTION. Sec. 2. Cities of the first, second and third class are authorized and empowered to establish and maintain public off-street parking facilities through a parking commission; the use of property and property rights for such purpose is declared to be a public use; and parking facilities under the control of such parking commission shall be governed by the provisions of this act..

NEW SECTION. Sec. 3. (1) "Parking facilities" means lots, garages, parking terminals, buildings and structures and accommodations for parking of motor vehicles off the street or highway, open to public use, with or without charge.

(2) "Parking commission" shall mean the department or agency created by the legislative authority of the municipality as hereinafter provided.

(3) "City council" shall mean the city council or legislative authority of the municipality.

(4) "Mayor" shall mean the chief executive officer of the municipality.

NEW SECTION. Sec. 4. Parking facilities established pursuant to this act shall be owned by the city, under the control of the

parking commission (unless relinquished), and for the use of the public. The provisions of chapter 35.86 RCW as now or hereafter amended shall not apply to such parking facilities or other facilities under parking commission control.

NEW SECTION. Sec. 5. Any city of the first, second or third class may by ordinance create a parking commission for the purpose of establishing and operating off-street parking facilities.

Such parking commission shall consist of five members appointed by the mayor and confirmed by the city council, who shall serve without compensation but may be reimbursed for necessary expenses. One member of the parking commission shall be selected from among persons actively engaged in the private parking industry, if available.

Three of those first appointed shall be designated to serve for one, two, and three years respectively, and two shall be designated to serve four years. The terms for all subsequently appointed members shall be four years. In event of any vacancy, the mayor, subject to confirmation of the city council, shall make appointments to fill the unexpired portion of the term.

A member may be reappointed, and shall hold office until his successor has been appointed and has qualified. Members may be removed by the mayor upon consent of the city council.

NEW SECTION. Sec. 6. The parking commission shall select from its members a chairman, and may establish its own rules, regulations and procedures not inconsistent with this act. No resolution shall be adopted by the parking commission except upon the concurrence of at least three members.

NEW SECTION. Sec. 7. The parking commission is authorized and empowered, in the name of the municipality by resolution to:

(1) Own and acquire property and property rights by purchase, gift, devise, or lease for the construction, maintenance, or operation of off-street parking facilities, or for effectuating the purpose of this act; and accept grants-in-aid, including compliance with conditions attached thereto;

(2) Construct, maintain, and operate parking facilities, and undertake research, and prepare plans incidental thereto subject to applicable statutes and charter provisions for municipal purchases, expenditures, and improvements: PROVIDED, That the provisions of chapter 35.86 RCW as now or hereafter amended shall not apply to such construction, operation or maintenance;

(3) Establish and collect parking fees, make exemption for handicapped persons, lease space for commercial, store, advertising or automobile accessory purposes, and regulate prices and service charges, for use of and within and the aerial space over parking facilities under its control;

(4) Subject to applicable city civil service provisions, provide for the appointment, removal and control of officers and employees, and prescribe their duties and compensation, and to control all equipment and property under the commission's jurisdiction;

(5) Contract with private persons and organizations for the management and/or operation of parking facilities under its control, and services related thereto, including leasing of such facilities or portions thereof;

(6) Cause construction of parking facilities as a condition of an operating agreement or lease, derived through competitive bidding, or in the manner authorized by chapter 35.42 RCW;

(7) Execute and accept instruments, including deeds, necessary or convenient for the carrying on of its business; acquire rights to develop parking facilities over or under city property; and to contract to operate and manage parking facilities under the jurisdiction of other city departments or divisions and of other public bodies;

(8) Determine the need for and recommend to the city council:

(a) The establishment of local improvement districts to pay the cost of parking facilities or any part thereof;

(b) The issuance of bonds or other financing by the city for construction of parking facilities;

(c) The acquisition of property and property rights by con-

demnation from the public, or in street areas;

(9) Transfer its control of property to the city and liquidate its affairs, so long as such transfer does not contravene any covenant or agreement made with the holders of bonds or other creditors; and

(10) Require payment of the excise tax hereinafter provided.

The city shall not have any power to regulate parking facilities not owned by the city. Parking fees for parking facilities under the control of the parking commission shall be maintained commensurate with and neither higher nor lower than prevailing rates for parking charged by commercial operators in the general area.

NEW SECTION. Sec. 8. (1) Whenever the parking commission intends to construct new off-street parking facilities it shall:

(a) Prepare plans for such proposed development, which shall meet the approval of the planning commission, other appropriate city planning agency, or city council;

(b) Prepare a report to the city council stating the proposed method of financing and property acquisition;

(c) Specify the property rights, if any, to be secured from the public or of property devoted to public use; the uses of streets necessary therefor, or realignment or vacation of streets and alleys; the relocation of street utilities; and any street area to be occupied or closed during construction.

(2) In the event the proposed parking facility shall require:

(a) Creation of a local improvement district;

(b) Issuance of bonds, allocation or appropriation of municipal revenues from other sources, or guarantees of or use of the credit of the municipality;

(c) Exercise of the power of eminent domain; or

(d) Use of, or vacation, realignment of streets and alleys, or relocation of municipal utilities.

One or more public hearings shall be held thereon before the city council, or an assigned committee thereof, which shall report its

recommendations to be approved, revised, or rejected by the city council. Such hearings may be consolidated with any required hearings for street vacations, or creation of a local improvement district.

Pursuant to such hearing, the city council may:

(1) Create a local improvement district to finance all or part of the parking facility, in accordance with Title 35 RCW, as now existing or hereinafter amended: PROVIDED, HOWEVER, That assessments against property within the district may be measured per lot, per square foot, by property valuation, or any other method as fairly reflects the special benefits derived therefrom, and credit in calculating the assessment may be allowed for property rights or services performed;

(2) Provide for issuance of revenue bonds payable from revenues of the proposed parking facility, from other off-street parking facilities, on-street meter collections, or allocations of other sources of funds; issue general obligation bonds; make reimbursable or nonrefundable appropriations from the general fund, or reserves; and/or guarantee bonds issued or otherwise pledge the city's credit, all in such combination, and under such terms and conditions as the city council shall specify;

(3) Authorize acquisition of the necessary property and property rights by eminent domain proceedings, in the manner authorized by law for cities in Title 8 RCW: PROVIDED, That the city council shall first determine that the proposed parking facility will promote the circulation of traffic or the more convenient or efficient use by the public of streets or public facilities in the immediate area than would exist if the proposed parking facility were not provided, or that the parking facility otherwise enhances the public health, safety and welfare; and

(4) Authorize and execute the necessary transfer or control of property rights; vacate or realign streets and alleys or permit uses within the same; and direct relocation of street utilities.

In event none of the four above powers need be exercised, the

city council's approval of construction plans shall be deemed full authority to construct and complete the parking facility.

NEW SECTION. Sec. 9. The city may:

(1) Transfer control of off-street parking facilities under other departments to the parking commission under such conditions as deemed appropriate;

(2) Issue revenue bonds pursuant to chapter 35.41 RCW, and RCW 35.24.305, and 35.81.100 as now or hereafter amended, and such other statutes as may authorize such bonds for parking facilities authorized herein;

(3) Issue general obligation bonds pursuant to chapters 39-.44, 39.52 RCW, and RCW 35.81.115 as now or hereafter amended, and such other statutes and applicable provisions of the state Constitution that may authorize such bonds for parking facilities authorized herein;

(4) Appropriate funds for the parking commission; and

(5) Enact such ordinances as may be necessary to carry out the provisions of this chapter, notwithstanding any charter provisions to the contrary.

NEW SECTION. Sec. 10. All revenues received shall be paid to the municipal treasurer for the credit of the general fund, or such other funds as may be provided by ordinance.

Expenditures of the parking commission shall be made in accordance with the budget adopted by the municipality pursuant to chapter 35.32A RCW.

NEW SECTION. Sec. 11. Such cities shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property devoted to the purpose of off-street parking, were it in private ownership. This section shall apply to parking facilities acquired and/or operated under this chapter. The proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership.

NEW SECTION. Sec. 12. No city shall operate off-street parking facilities but shall call for sealed bids from responsible, experienced private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if the bids received are not satisfactory, the legislative body of the city may reject such bids and shall readvertise the facility for lease. In the event that no bids or no satisfactory bids shall have been received following the second advertising, the city may negotiate with a private operator for the operation of the facility without competitive bidding. In the event the city shall be unable to negotiate for satisfactory private operation within a reasonable time, the city may operate the facility for a period not to exceed three years, at which time it shall readvertise as provided above in this section.

Sec. 13. Section 35.86.040, chapter 7, Laws of 1965 and RCW 35.86.040 are each amended to read as follows:

Such cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation: PROVIDED, HOWEVER, That no city with a population of more than one hundred thousand shall operate any such off-street parking space and/or facilities (~~until-after~~

~~it has called~~) but shall call for sealed bids from responsible, experienced, private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation (~~(and shall specify a minimum rental upon which such a lease will be made by the city. The minimum rental may be on a weekly or monthly flat fee basis or may be based upon a weekly or monthly percentage of gross income, but it shall in any event be sufficient to cover all of the city's costs in acquiring and/or constructing or improving the facility to be leased, including interest charges, debt retirement, and payment in lieu of the taxes lost by removal of the property from the tax rolls)~~). The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received (~~meet the minimum rental specified~~) are satisfactory, the legislative body of the city may reject all bids, in the latter case, and in both situations (~~may~~) shall readvertise the facility for lease (~~or may operate the facility itself. If the city elects to operate the parking facility itself, it shall at least once in every three years again readvertise for bids in the same manner as provided above~~)). In the event that no bids or no satisfactory bids shall have been received following the second advertising the city may negotiate with a private operator for the operation of the facility without competitive bidding. In the event the city shall be unable to negotiate for sat-

isfactory private operation within a reasonable time, the city may operate the facility for a period not to exceed three years, at which time it shall readvertise as provided above in this section.

Sec. 14. Section 35.86.020, chapter 7, Laws of 1965 as amended by section 14, chapter 144, Laws of 1967 ex. sess. and RCW 35.86.020 are each amended to read as follows:

In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to ~~((the))~~ the powers already possessed by them for financing public improvements, to finance their acquisition and construction through the issuance and sale of revenue bonds or general obligation bonds or both. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state.

In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 as now or hereafter amended.

Such cities may authorize and finance the economic and physical surveys and plans, acquisition and construction, for off-street parking spaces and facilities, and the maintenance and management of such off-street parking spaces and facilities either within their general budget or by issuing revenue bonds or general obligation bonds or both.

General obligation bonds issued hereunder may additionally be made payable from any otherwise unpledged revenue, fees or charges which may be derived from the ownership, operation, lease or license of off-street parking space or facilities or which may be derived from the license of on-street parking space.

Such cities may, in addition to utilizing and pledging revenues from off-street parking spaces and facilities, utilize and pledge revenues from on-street parking meters in exercising any of the powers provided by this chapter, including the financing of economic and physical surveys and plans, acquisition, and construction, for off-

street parking facilities, the maintenance and management thereof, and for the payment of debt service of revenue bonds issued therefor.

In the event revenue bonds are issued, such cities are authorized to make such covenants pertaining to the continued maintenance of on-street and/or off-street parking spaces and facilities and the fixing of rates and charges for the use thereof as are deemed necessary to effectuate the sale of such revenue bonds.

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.

NEW SECTION. Sec. 16. Sections 1 through 11 of this act shall constitute a new chapter in Title 35 RCW.

Passed the House April 20, 1969  
Passed the Senate April 19, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

CHAPTER 205  
[House Bill No. 717]  
AERONAUTICS--DOWNED AIRCRAFT  
RESCUE TRANSMITTERS

AN ACT Relating to aircraft; requiring the installation of downed aircraft transmitters in aircraft carrying persons or property for compensation; and creating exemptions therefrom; amending section 1, chapter 157, Laws of 1929 and RCW 14.16.010; and adding a new section to chapter 157, Laws of 1929 and to chapter 14.16 RCW.

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

Section 1. Section 1, chapter 157, Laws of 1929 and RCW 14.16.010 are each amended to read as follows:

In this chapter "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "airman" means any individual (including the person in command and any pilot, mechanic or member of the crew) who engages in the navigation of air-

craft while under way and any individual who is in charge of the inspection, overhauling, or repairing of aircraft. "Operating aircraft" means performing the services of aircraft pilot. "Person" means any individual, proprietorship, partnership, corporation, or trust. "Downed aircraft rescue transmitter" means a transmitter of a type approved by the Washington state aeronautics commission or the federal aviation agency with sufficient transmission power and reliability that it will be automatically activated upon the crash of an aircraft so as to transmit a signal on a preset frequency such that it will be effective to assist in the location of the downed aircraft. "Air school" means air school as defined in RCW 14.04.020 (11).

NEW SECTION. Sec. 2. There is added to chapter 157, Laws of 1929 and to chapter 14.16 RCW a new section to read as follows:

Any aircraft used to carry persons or property for compensation after January 1, 1970 shall be equipped with a downed aircraft rescue transmitter and it shall be unlawful for any person to operate such aircraft without such a transmitter: PROVIDED, HOWEVER, Nothing in this section shall apply to (1) The rental or lease of an aircraft without a pilot; (2) Instructional flights by an air school; (3) Aircraft owned by and used exclusively in the service of the United States government; (4) Aircraft registered under the laws of a foreign country; (5) Aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft; and (6) Aircraft used by any air carrier or supplemental air carrier operating in accordance with the provisions of a certificate of public conveyance and necessity under the provisions of the Federal Aviation Act of 1958, Public Law 85-726, as amended.

Passed the House April 20, 1968  
Passed the Senate April 19, 1969  
Approved by the Governor April 30, 1969  
Filed in office of Secretary of State April 30, 1969

CHAPTER 206  
[Engrossed Senate Bill No. 35]  
MOTOR VEHICLES--SPECIAL LICENSE  
PLATES FOR AMATEUR RADIO OPERATORS

AN ACT Relating to motor vehicles; and amending section 46.16.320, chapter 12, Laws of 1961, as last amended by section 80, chapter 145, Laws of 1967 ex. sess., and RCW 46.16.320.

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

Section 1. Section 46.16.320, chapter 12, Laws of 1961, as last amended by section 80, chapter 145, Laws of 1967 ex. sess., and RCW 46.16.320 are each amended to read as follows:

Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers. ~~((and every person who desires a license plate containing his initials or any other combination of letters or numbers, that is consistent with the existing format of three letters and three numbers as prescribed by the director of motor vehicles may apply to the director for such license plates, and if the director is satisfied that such license plates as requested would be reasonable and proper and would not be a duplication of any other valid license plates, may receive in lieu of regular motor vehicle license plates similar plates bearing the letters or numbers, or combination thereof requested. No combination shall be issued with fewer than six letters and numbers. All sequences of letters and numbers must be approved by a committee of five members appointed to serve at the pleasure of the director to be known as the license plate advisory committee.~~

~~Original applicants shall be issued temporary license plates which will serve until such a time as the "personalized plates" can be manufactured by the Washington state prison industries, and pro-~~

~~cessed by the department of motor vehicles;--The temporary license plates shall be surrendered to the department at the time the "personalized plates" are issued;--Any previously issued license plates assigned to the vehicle involved must be surrendered to the department at the time of issuance of the "personalized plates";~~

~~Each time that "personalized plates" are transferred from one vehicle to another, by the owner, a special transfer fee of five dollars shall be collected by the department from that owner;--Such special fee shall be deposited in the motor vehicle fund;))~~

In addition to the annual license fee collected under chapter 46.16 and chapter 82.44, there shall be collected from each applicant for such special license plates an additional license fee of ~~((thirty))~~ five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Such special fee shall be deposited in the motor vehicle fund. Application for renewal of the amateur radio operator's call license plate must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license.

~~((Twenty-five dollars from each original application fee for "personalized plates" shall be deposited in the state treasury and credited to the mass transit trust account which is hereby created in the general fund, for appropriation by the legislature to political subdivisions for the study or construction of rapid transit facilities in accordance with comprehensive rapid transit plans approved by the highway commission, to be applied directly to such purpose or to be pledged to pay or secure the payment of principal of and interest on such bonds or other obligations as may be issued in furtherance of such purpose;))~~

Passed the Senate April 23, 1969

Passed the House April 23, 1969

Approved by the Governor May 1, 1969

Filed in office of Secretary of State May 1, 1969

CHAPTER 207  
[Engrossed House Bill No. 381]  
DOMESTIC RELATIONS--  
SUPPORT OF STEPCHILDREN

AN ACT Relating to husband and wife and family desertion or nonsupport; amending section 2407, Laws of 1881 and RCW 26.16.205; and amending section 1, chapter 28, Laws of 1913, as last amended by section 1, chapter 249, Laws of 1955 and RCW 26.20.030; and providing penalties.

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

Section 1. Section 2407, Laws of 1881 and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either or them, and in relation thereto they may be sued jointly or separately: PROVIDED, That with regard to stepchildren, the obligation shall cease upon the termination of the relationship of husband and wife.

Sec. 2. Section 1, chapter 28, Laws of 1913, as last amended by section 1, chapter 249, Laws of 1955 and RCW 26.20.030 are each amended to read as follows:

(1) Every person who:

(a) Has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it; or

(b) Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or stepchild or children or stepchildren or ward or wards; PROVIDED, That with regard to stepchildren the obligation shall cease upon termination of the relationship of husband and wife; or

(c) Has sufficient ability to provide for his wife's support or is able to earn the means for his wife's support and wilfully abandons and leaves her in a destitute condition; or who refuses or neglects to provide his wife with necessary food, clothing, shelter,

or medical attendance, unless by her misconduct he is justified in abandoning her, shall be guilty of the crime of family desertion or nonsupport.

(2) When children are involved under the age of sixteen years such act shall be a felony and punished by imprisonment in the state penitentiary for not more than twenty years or by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars or by both fine and imprisonment.

(3) When there is no child under sixteen years, such act shall be a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars, or by both fine and imprisonment.

Passed the House March 14, 1969  
Passed the Senate April 22, 1969  
Approved by the Governor May 3, 1969  
Filed in office of Secretary of State May 3, 1969

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CHAPTER 208  
[Engrossed Senate Bill No. 150]  
MOTOR VEHICLES ON PRIVATE  
PROPERTY--IMPOUNDMENT

AN ACT Relating to the impounding of motor vehicles standing upon private property without the consent of the owner thereof; and adding a new section to chapter 12, Laws of 1961 and to chapter 46.52 RCW.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section to read as follows:

Whenever any owner or person having possession or control of real property finds a vehicle standing upon such property without his consent, he is authorized to have such vehicle removed from such property and stored or held for its owner. Any towing firm providing such removal service shall promptly report the fact of a vehicle impound together with the license number, make, year and place of impound of such vehicle to the appropriate law enforcement agency, and shall post the authorized charges therefor prominently at its place of business, and the charges and costs incurred in the removal

of any such vehicle as aforementioned shall be paid by such vehicle's owner, and shall be a lien upon said vehicle until paid, and said lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally.

Passed the Senate April 30, 1969  
Passed the House April 10, 1969  
Approved by the Governor May 6, 1969  
Filed in office of Secretary of State May 6, 1969

CHAPTER 209  
[Engrossed Substitute Senate Bill No. 74]  
WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE  
FIGHTERS' RETIREMENT SYSTEM ACT

AN ACT Relating to retirement and pensions; establishing a new retirement system for law enforcement officers and fire fighters; allowing transfers by certain affected persons from present retirement systems to the newly established system; amending section 2, chapter 78, Laws of 1959 as amended by section 1, chapter 140, Laws of 1961, and RCW 41.20.085; amending section 1, chapter 82, Laws of 1963 and RCW 41.20.170; amending section 8, chapter 382, Laws of 1955 as amended by section 4, chapter 45, Laws of 1965 ex. sess., and RCW 41.18.100; amending section 4, chapter 382, Laws of 1955 as last amended by section 3, chapter 45, Laws of 1965 ex. sess., and RCW 41.18-.040; amending section 6, chapter 382, Laws of 1955 as amended by section 4, chapter 255, Laws of 1961, and RCW 41.18.060; amending section 11, chapter 382, Laws of 1955 as amended by section 6, chapter 255, Laws of 1961, and RCW 41.18.130; amending section 1, chapter 6, Laws of 1959 as last amended by section 1, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20.060; amending section 1, chapter 78, Laws of 1959 and RCW 41.20.005; amending section 1, chapter 382, Laws of 1955 as last amended by section 2, chapter 45, Laws of 1965 ex. sess., and RCW 41.18.010; adding new sections to chapter 382, Laws of 1955, and to chapter 41.18 RCW; adding a

new section to chapter 41.16 RCW; making an appropriation; adding a new chapter to Title 41 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. This act shall be known and cited as the "Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act."

NEW SECTION. Sec. 2. The purpose of this 1969 amendatory act is to provide for an actuarial reserve system for the payment of death, disability, and retirement benefits to law enforcement officers and fire fighters, and to beneficiaries of such employees, thereby enabling such employees to provide for themselves and their dependents in case of disability or death, and effecting a system of retirement from active duty.

NEW SECTION. Sec. 3. As used in this 1969 amendatory act, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) "Employer" means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any full time sheriff, deputy sheriff, city police officer, or town marshal.

(4) "Fire fighter" means any person who is regularly employed and paid as a member of a fire department by an employer and who has passed a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such; and shall include anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination; this term shall also include supervisory fire fighter personnel and all full time employees authorized under chapter 52.08 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW.

(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 1969 amendatory act means every natural born child, posthumous child, child legally adopted prior to the date benefits are payable under this 1969 amendatory act, stepchild and illegitimate child legitimized prior to the date any benefits are payable under this 1969 amendatory act, all while under the age of eighteen years and unmarried.

(8) "Member" means any county sheriff, deputy sheriff, city police officer, fire fighter, or a full time town marshal of the state of Washington.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same civil service position for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same civil service position 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 24;

(c) in the case of disability of any member, the basic salary payable to such member at the date a disability is claimed by such member to have been incurred.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means service rendered as an employee. For the purposes of this 1969 amendatory act a member shall be considered as being in service only while he is receiving a salary from the employer for such service or is on leave granted for service in the armed forces of the United States as provided in section 17 of this 1969 amendatory act. Service shall also include any time that a member is on disability.

(15) 'Accumulated contributions' means the contributions made by a member plus accrued interest credited thereon.

(16) 'Actuarial reserve' means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) 'Actuarial valuation' means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) 'Disability board' means either the county disability board or the city disability board established in section 11 of this 1969 amendatory act.

NEW SECTION. Sec. 4. The Washington law enforcement officers'

and fire fighters' retirement system is hereby created for fire fighters, policemen, deputy sheriffs, sheriffs, and town marshals.

(1) All fire fighters, policemen, deputy sheriffs, sheriffs and town marshals initially employed in that capacity on or after March 1, 1970, on a full time basis in this state shall be members of the retirement system established by this 1969 amendatory act, to the exclusion of any pension system existing under any prior act.

(2) Any employee who has made retirement contributions under any prior act shall have his membership transferred to the system established by this 1969 amendatory act on March 1, 1970: PROVIDED, HOWEVER, That for purposes of employee contribution rate, creditability of service, eligibility for service or disability retirement, and survivor and all other benefits, such employee shall also continue to be covered by the provisions of such prior act which relate thereto, as if this transfer of membership had not occurred. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this act 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 continued to be a member of the retirement system covered thereby and these benefits, including survivor's benefits, offset by all benefits payable under this act, shall be paid to him by the county, city, town or district by which he was employed at the time of his retirement.

(3) All funds held by any firemens' 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 millage as provided in RCW 41.16.060, and this millage 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 employ-  
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ees' 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 from the date of the employee's entrance therein until March 1, 1970. Such transfer of funds shall discharge said state retirement systems from any further obligation to pay benefits to such transferring members, and thereafter the full obligation of payment of benefits earned shall be borne by the retirement board administering this act and by the member's employer as provided for in subsection (2) of this section.

(5) All unfunded liabilities created by this or any other section of this 1969 amendatory act shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium.

NEW SECTION. Sec. 5. The retirement board shall be composed of the members of the public employees' retirement board established in chapter 41.40 RCW. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. These additional board members shall serve on the retirement board only for the purposes of administering this 1969 amendatory act. One board member shall be elected by the fire fighter members and one by the law enforcement members. These board members shall serve two year terms. The first board members elected by the system shall provide that the member

elected by the policemen shall serve for one year only and the member elected by the fire fighters shall serve a two year term, thereafter both shall serve two years unless they cease to be members of the retirement system. In such case it shall be the duty of the remaining board members to appoint another member from the same service to fill out the remaining part of the term. All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this 1969 amendatory act from funds appropriated for this purpose.

NEW SECTION. Sec. 6. The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to section 5 of this 1969 amendatory act and the board shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this act and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of all its proceedings, which shall be open to inspection by the public;

(5) From time to time adopt such rules and regulations not inconsistent with this act, for the administration of the provisions of this 1969 amendatory act, for the administration of the fund created by this 1969 amendatory act and the several accounts thereof, and for the transaction of the business of the board;

(6) Provide for investment, reinvestment, deposit and withdrawal of funds;

(7) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;

(8) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(9) Perform such other functions as are required for the execution of the provisions of this 1969 amendatory act;

(10) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;

(11) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;

(12) Pay from the retirement fund the expenses incurred in administration of the retirement system from funds appropriated for that purpose.

(13) Perform any other duties prescribed elsewhere in this 1969 amendatory act: PROVIDED, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this 1969 amendatory act and the retirement board shall have authority to approve or disapprove disability retirement requests only.

NEW SECTION. Sec. 7. A fund is hereby created and established in the state treasury to be known as the Washington law en-

forcement officers' and fire fighters' retirement fund, and shall consist of all moneys paid into it in accordance with the provisions of this 1969 amendatory act, whether such moneys shall take the form of cash, securities, or other assets. The members of the retirement board shall be the trustees of these funds created by this 1969 amendatory act and the retirement board shall have full power to invest or reinvest these funds in the securities authorized by RCW 41-.40.071 as now or hereafter amended.

NEW SECTION. Sec. 8. The total liability of this system shall be funded as follows:

(1) Every member shall have deducted from each payroll a sum equal to six percent of his basic salary for each pay period.

(2) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(3) The biennial actuarial evaluation required by section 6(2) of this 1969 amendatory act shall establish the total liability for this system. This liability shall be divided into current service liability and prior service liability. The contributions required by (1) and (2) above shall be applied toward the current service liability with the balance of the current service liability to be appropriated from the state general fund. The prior service liability shall be amortized over a period of not more than forty years from March 1, 1970. The amount thus computed shall be added to the current service liability to be appropriated from the state general fund.

This total amount shall be reported to the governor by the director of the retirement system, upon approval of the board, for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the Washington law enforcement officers' and fire fighters' retirement fund after considering the estimates as prepared and submitted. The transfer of funds from the state general fund to the retirement system shall be at a rate

determined by the board of trustees on the basis of the latest actuarial valuation. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

(4) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his claim to the benefits to which he may be entitled under the provisions of this 1969 amendatory act.

NEW SECTION. Sec. 9. Retirement of a member for service shall be made by the board as follows:

(1) Any member having twenty-five or more years of service and having attained the age of fifty years shall be eligible for retirement and shall be retired upon his written request;

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects shall be eligible at age fifty for a retirement allowance based on his years of service as follows: Five years but under ten years, one percent of his final average salary for each year of service; ten years but under twenty years, one and one-half percent of his final average salary for each year of service; and twenty years and over, two percent of his final average salary for each year of service. Any member selecting this optional vesting shall not be covered by the provisions of section 15 of this 1969 amendatory act.

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: PROVIDED, That for any member who is elected or appointed to the office of sheriff, his election or appointment shall be considered as a waiver of the age sixty provision for retirement for whatever number of years remain in his present term of office and any

succeeding terms to which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member employed on the effective date of this 1969 amendatory act.

NEW SECTION. Sec. 10. A member upon retirement for service shall receive a monthly retirement allowance of two percent of his final average salary for each completed year of service.

NEW SECTION. Sec. 11. (1) All claims for disability made against the retirement system as defined in section 3(1) of this 1969 amendatory act shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city, and one member from the public at large who resides within the city to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not residing within a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters

subject to the jurisdiction of the county disability board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed for all travel expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this 1969 amendatory act and subsequent legislative acts.

NEW SECTION. Sec. 12. Any member, regardless of his age or years of service may be recommended for retirement by the disability board for any disability which renders him unable to continue his service, whether incurred in the line of duty or not. Benefits hereunder shall not begin for a period of six months after the disability is incurred.

Any member who believes he is or is believed to be physically or mentally disabled, if such disability has been continuous from discontinuance of service, shall be examined by such medical authority as the disability board shall employ, upon the application of the head of the office or department in which the member is employed, or upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally. If examination shows, to the satisfaction of the disability board, that the member should be retired, he shall be retired forthwith: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and

after the discontinuance of service of said member. Where an application for disability is filed after the sixth month of disability but prior to the one-year time limit, the member shall be entitled to receive disability benefits to which he is entitled retroactive to the end of the sixth month.

NEW SECTION. Sec. 13. (1) On retirement for disability, as provided in section 12 of this 1969 amendatory act, a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability, and (b) an additional five percent of final average salary for each child as defined in section 3(8) of this 1969 amendatory act, (c) the combined total of subsections (1) (a) and (1) (b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall receive his full monthly salary from the employer during the six months waiting period applicable under section 12 of this 1969 amendatory act.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance or any other similar source provided by another employer.

(5) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board.

NEW SECTION. Sec. 14. (1) Upon the basis of a semiannual re-examination of disabled members, the disability board shall determine whether such disability beneficiary is still unable to perform his

duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than that received by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended. If the employer is unable to find employment for a disability beneficiary subsequently found to be able to perform his duties, the disability board shall continue the disability retirement allowance of the beneficiary until such time as employment is available.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system. Such member shall receive credit for service in the same manner as if he had never been retired for disability.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should a nonduty disability beneficiary, prior to attaining age fifty engage in a gainful occupation, the disability board shall reduce the amount of his retirement allowance to an amount which when added to

the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired member held at the time he was disabled. All disability beneficiaries under age fifty shall file with the disability board every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the disability board may further alter his retirement allowance as indicated above. The failure of any member to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(6) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid his accumulated contributions, less annuity payments made to him.

NEW SECTION. Sec. 15. (1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires nursing, care, or attention, the employer shall pay for such active member and such member retired for disability the necessary hospital, care, and nursing expenses of such member; and the employer shall pay for such disability retired member hospital, care, and nursing expenses as are reasonable, in the disability board discretion. The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the disability board, for a period not exceeding six months; after which period the other provisions of this chapter shall apply: PROVIDED, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability,

the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: PROVIDED FURTHER, That the disability board shall designate the hospital and medical services available to such sick or disabled member.

(2) The medical benefits payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this 1969 amendatory act.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries to the extent necessary to recover the amount of payments made by the employer.

NEW SECTION. Sec. 16. (1) Any person feeling aggrieved by any order or determination of a disability board shall have the right to appeal the said order or determination to the retirement board designated in chapter 41.40 RCW. The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board.

(2) The said appeal authorized by this section shall be governed by the provisions of sections 19 and 20 of this 1969 amendatory act.

NEW SECTION. Sec. 17. (1) In the event of the death of any member who is in active service, or who is retired, his surviving spouse shall become entitled to receive a monthly allowance equal to

fifty percent of his final average salary at the date of death if active, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in section 3 (8) of this 1969 amendatory act, subject to a maximum combined allowance of sixty percent of final average salary.

(2) If at the time of the death of a member retired for service or disability, the surviving spouse has not been lawfully married to the member for one year prior to his retirement, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When all the eligible children reach the age of eighteen, the balance of employee contributions, if any, shall be paid to the legal heirs of said member.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children under eighteen years of age the child or children shall receive the benefits as provided in subsection (3) above.

(6) If a surviving spouse receiving benefits under the provi-

sions of this section thereafter remarries and there are children under eighteen years of age, the benefit payable to the children will be twenty percent of final average salary for each child, subject to maximum combined payment of sixty percent of final average salary. When all the eligible children reach the age of eighteen the balance of employee contributions, if any, shall be paid to the legal heirs of said member.

NEW SECTION. Sec. 18. Each person affected by this 1969 amendatory act who at the time of entering the armed services was a member of this system, and has honorably served in the armed services of the United States, shall have added to his period of service as computed under this act, his period of service in the armed forces: PROVIDED, That such credited service shall not exceed five years: PROVIDED FURTHER, That such period of service shall be automatically added to each member's service when he has paid into the fund an amount equal to his contributions for this period of service. The employer shall pay into the fund an amount equal to that paid by the member.

NEW SECTION. Sec. 19. Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

NEW SECTION. Sec. 20. A hearing shall be held by members of  
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the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board: Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

NEW SECTION. Sec. 21. No bond of any kind shall be required of a claimant appealing to the superior or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits.

NEW SECTION. Sec. 22. (1) Should service of a member be discontinued except by death, disability or retirement, within six months after the day of discontinuance, he shall be paid his accumulated contributions, and his rights to all benefits as a member shall cease without notice. The provisions of this section shall be inapplicable to a member who leaves the service and is later found to have left the service by reason of disability: PROVIDED, That any member with at least five years' service may elect the provisions of section 9 (2) of this 1969 amendatory act.

(2) Any member who reenters the service of an employer shall upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of five years of membership service following resumption of employment, then receive credit toward retirement for the period of previous service which these contributions are to cover.

NEW SECTION. Sec. 23. 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 1969 amendatory

act, and the moneys in the fund created under this 1969 amendatory act shall not be subject to execution, garnishment, or any other process whatsoever.

NEW SECTION. Sec. 24. For purposes of this section of this 1969 amendatory act:

(1) "Index" shall mean the Consumer Price Index - Seattle, Washington area for urban wage earners and clerical workers, all items (1957-1959 = 100), compiled by the bureau of labor statistics, United States department of labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in sections 10 and 13 of this 1969 amendatory act, and the monthly allowance provided for in section 17 of this 1969 amendatory act.

The retirement board, not later than April 1st of each year commencing with calendar year 1971, shall make a determination with respect to the percentage of increase or decrease, if any, in the index beginning with the period between January, 1970 and January, 1971 and for each such twelve-month period subsequent thereto.

If the index indicates an increase or decrease between the month commencing and the month ending any such period, the amount of each retirement allowance shall be increased or decreased by the amount of such percentage increase or decrease, commencing upon April 1, 1971 if an increase or decrease is indicated for the period preceding such date, and upon April 1st of each year subsequent to each such period in which an increase or decrease is indicated. No retirement allowance shall be increased or decreased unless it commenced prior to January 2nd of the year preceding any such April 1st date.

The total amount of each retirement allowance shall include and shall be increased or decreased by each such percentage increase or decrease which may be added thereto or subtracted therefrom from time to time. Each subsequent percentage increase or decrease shall be calculated on the basis of the total amount of such retirement allowance as increased or decreased by any such percentage increases

or decreases. No retirement allowance shall be decreased below the original amount of the retirement allowance granted under the provisions of this 1969 amendatory act.

NEW SECTION. Sec. 25. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW a new section to read as follows:

Upon the death of a fireman who is eligible to retire under RCW 41.18.040, but who has not retired, a pension shall be paid to his widow at the same monthly rate that he was eligible to receive at the time of his death, if such widow was his wife for a period of five years prior to his death. If there be no widow, then such monthly payments shall be distributed to and divided among his children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows and survivors of firemen who died after January 1, 1967, if such firemen were otherwise eligible to retire on the date of death.

Sec. 26. Section 2, chapter 78, Laws of 1959 as amended by section 1, chapter 140, Laws of 1961 and RCW 41.20.085 are each amended to read as follows:

Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for length of service or a disability, shall have died, or shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during the surviving spouse's life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children a total

of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: PROVIDED, If such spouse or child or children marry, the persons so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless ((he)) such surviving spouse has been married to such officer for a period of at least five years prior to the date of his retirement.

As of July 1, 1961, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of one hundred fifty dollars per month ((+--PROVIDED, That such pension shall be reduced by the amount of any pension such surviving spouse may be receiving under social security or any other pension grant)).

"Surviving spouse" as used in this section means surviving female or male spouse.

Sec. 27. Section 1, chapter 82, Laws of 1963 and RCW 41.20.170 are each amended to read as follows:

Any employee of a harbor department of a city of the first class that has been abolished and has had its functions included within the police department of such city who (1) is a member of the employees' retirement system of such city, and (2) is employed within the police department of such city, may transfer his membership from the city employees' retirement system to the city's police relief and pension fund system by filing a written request with the board of administration and the board of trustees, respectively, of the two systems.

Upon the receipt of such request, the transfer of membership to the city's police relief and pension fund system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration of the city's employees' retirement system shall transmit to the board of trustees of the

city's police relief and pension fund system a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's police and pension fund system.

Any employee so transferring shall have all rights, benefits and privileges that he would have been entitled to had he been a member of the city's police relief and pension fund system from the beginning of his employment with the ~~((former-harbor-department))~~ city.

No person transferring shall thereafter be entitled to any other public pension, except social security, which is based upon service with the ~~((former-harbor-department))~~ city.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire ~~((June-30,-1964))~~ December 31, 1969.

Sec. 28. Section 8, chapter 382, Laws of 1955 as amended by section 4, chapter 45, Laws of 1965 ex. sess., and RCW 41.18.100 are each amended to read as follows:

In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause his widow shall receive a monthly pension ~~((equal-to-fifty-percent-of-his-basic-salary-or-))~~ under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow shall receive a monthly pension equal to fifty percent of his basic salary at the time of his death; (2) if a fireman who has retired on account of a service connected disability dies, his widow shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his death. If she at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow at the time of such fireman's death or upon the widow's death the month-

ly pension benefits hereinabove provided for shall be paid to and divided among his child or children share and share like, until they reach the age of eighteen or are married, whichever occurs first. ~~((If there be a widow and a child or children at the time of such fireman's death, the widow's monthly pension benefit shall be increased in a sum equal to five percent of the basic salary of such fireman for each child until such child reaches the age of eighteen years;--PROVIDED, That such increased benefit shall in no event exceed ten percent of the basic salary of such fireman.))~~ The widow's monthly pension benefit, including increased benefits to her children shall cease if and when she remarries. All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year.

Sec. 29. Section 4, chapter 382, Laws of 1955, as last amended by section 3, chapter 45, Laws of 1965 ex. sess. and RCW 41.18.040 are each amended to read as follows:

Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement such fireman shall be paid a monthly pension which shall be equal to fifty percent of ~~((his))~~ the basic salary now or hereafter attached to the same rank and status held by the said fireman at the date of his retirement: PROVIDED, That a fireman hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of the basic salary per year

for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired fireman, his pension shall be paid to his widow, at the same monthly rate that the retired fireman would have received had he lived, if such widow was his wife for a period of five years prior to the time of his retirement. If there be no widow, then such monthly payments shall be distributed to and divided among his children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

Sec. 30. Section 6, chapter 382, Laws of 1955, as amended by section 4, chapter 255, Laws of 1961 and RCW 41.18.060 are each amended to read as follows:

Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties it shall declare him inactive. For a period of six months from the time of such disability he shall draw from the pension fund a disability allowance equal to his basic monthly salary and, in addition, he shall be provided with medical, hospital and nursing care as long as the disability exists. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired at a monthly sum equal to fifty percent of the amount of his basic salary at any time thereafter attached to the rank which he held at the date of his retirement: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such fireman has served honorably for a period of more than twenty-five years as a member, in any capacity of the regularly constituted fire department of a municipality, he shall have his pension payable under this section increased by two percent of his basic salary per year for each full year of additional service to a maximum of five additional years.

Sec. 31. Section 11, chapter 382, Laws of 1955, as amended by section 6, chapter 255, Laws of 1961 and RCW 41.18.130 are each

amended to read as follows:

Any fireman who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his contributions to the fund plus earned interest: PROVIDED, That in the case of any fireman who has completed twenty years of service, such fireman, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his contributions as herein provided, to be classified as a vested fireman in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such fireman's termination;

(2) During the period between the date of his termination and the date upon which he becomes a retired fireman as hereinafter provided, such vested fireman and his spouse or dependent children shall be entitled to all benefits available under chapter 41.18 RCW to a retired fireman and his spouse or dependent children with the exception of the service retirement allowance as herein provided for: PROVIDED, That any claim for medical coverage under RCW 41.18.060 shall be attributable to service connected illness or injury;

(3) Any fireman electing to become a vested fireman shall be entitled at such time as he otherwise would have completed twenty-five years of service had he not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary attached to the position held by the vested fireman for the year preceding the date of his termination, for each year of service rendered prior to the date of his termination.

NEW SECTION. Sec. 32. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW a new section to read as follows:

The provisions of sections 28 and 29 of this 1969 amendatory

act shall be applicable to all firemen employed on the effective date thereof prior to March 1, 1970 and to those who shall thereafter become firemen, but shall not apply to any former fireman who has terminated his employment prior to the effective date of this 1969 amendatory act. - V

NEW SECTION. Sec. 33. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW a new section to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 and 41.18.100 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The present benefits payable under RCW 41.18.040, 41.18.080 and 41.18.100 at the effective date of this 1969 amendatory act shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section. - V

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

NEW SECTION. Sec. 34. All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. At the effective date of this 1969 amendatory act

such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded.

NEW SECTION. Sec. 35. All benefits presently payable pursuant to the provisions of RCW 41.20.085 which are not related to the amount of current salary attached to the position held by the deceased member, shall be increased annually as hereafter in this section provided. At the effective date of this 1969 amendatory act such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded.

Sec. 36. Section 1, chapter 6, Laws of 1959 as last amended by section 1, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20-.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing,

if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That, except as to a position higher than that of captain held for at least three calendar years prior to date of retirement, no such pension shall exceed the amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary attached to the position held by such retired member for the year preceding his date of retirement: PROVIDED, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130; (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

Sec. 37. Section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20.060 are each amended to read as follows:

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957, except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of section 36 of this 1969 amendatory act shall apply: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity of

the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

NEW SECTION. Sec. 38. There is added to chapter 41.16 RCW a new section to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The present benefits payable under RCW 41.16.080, 41.16-.120, 41.16.130 and 41.16.140 at the effective date of this 1969 amendatory act shall be increased two percent each year using as a basis for such two percent increase, the amount of present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded. The increase benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

Sec. 39. Section 1, chapter 78, Laws of 1959 and RCW 41.20-.005 are each amended to read as follows:

(1) "Rank" means civil service rank.

(2) "Position" means the particular employment held at any particular time, which may or may not be the same as civil service rank.

(3) Words importing masculine gender shall extend to females also.

(4) "Salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages.

Sec. 40. Section 1, chapter 382, Laws of 1955 as last amended by section 2, chapter 45, Laws of 1965 ex. sess. and RCW 41.18.010 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW and who has come under the provisions of this chapter in

accordance with RCW 41.18.170 and who is actively engaged as a fireman or as a member of the fire department as a fireman or fire dispatcher.

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow" means the surviving wife of a fireman and shall include the surviving wife of a fireman, retired on account of length of service, who was lawfully married to him for a period of five years prior to the time of his retirement; and the surviving wife of a fireman, retired on account of disability, who was lawfully married to him at and prior to the time he sustained the injury or contracted the illness resulting in his disability. The word shall not mean the divorced wife of an active or retired fireman.

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death.

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual fireman's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted

from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen and shall include services of an emergency nature normally rendered while off regular duty.

NEW SECTION. Sec. 41. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW, a new section to read as follows:

Any fireman as defined in section 40 of this 1969 amendatory act who has prior to July 1, 1969 been employed as a member of a fire department and who desires to make contributions and avail himself of the pension and other benefits of chapter 41.18 RCW as now law or hereafter amended, may transfer his membership from any other pension fund, except the Washington Law Enforcement Officers' and Fire Fighters' Retirement System, to the pension fund provided in chapter 41.18 RCW: PROVIDED, That such fireman transmits written notice of his intent to transfer to the pension board of his municipality prior to September 1, 1969.

NEW SECTION. Sec. 42. If any provision of this 1969 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. 43. To the extent that the provisions of this 1969 amendatory act are inconsistent with the provisions of any

other law, the provisions of this 1969 amendatory act shall be controlling.

NEW SECTION. Sec. 44. There is appropriated and transferred to the Washington law enforcement officers' and fire fighters' retirement system fund from the general fund the sum of one million, seven hundred thousand dollars to carry out the purposes of this 1969 amendatory act. Of this amount two hundred fifty thousand dollars shall be available for costs of administration during the 1969-1971 fiscal biennium and said sum is hereby appropriated from the retirement fund for that purpose.

NEW SECTION. Sec. 45. 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 July 1, 1969.

NEW SECTION. Sec. 46. Sections 1 through 24, 34, 35, 42, and 43 of this 1969 amendatory act shall be added as a new chapter to Title 41 of the Revised Code of Washington.

Passed the Senate April 17, 1969.

Passed the House April 15, 1969.

Approved by the Governor April 25, 1969, with the exception of two items in section 32 which are vetoed.

Filed in office of Secretary of State May 8, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill creates a unified statewide retirement system for law enforcement officers and fire fighters. It is one of the significant accomplishments of the 1969 legislature and I heartily endorse the purposes of this legislation.

Section 32 of the bill provides:

'The provisions of sections 28 and 29 of this 1969 amendatory act shall be applicable to all firemen employed on the effective date thereof prior to March 1, 1970, and to those who shall thereafter become firemen, but shall not apply to any former fireman who has terminated his employment prior to the effective date of this 1969 amendatory act.'

Sections 28 and 29 of the act contain amendments to the existing firemen's pension system. The intent of section 32 is to permit all firemen who are employed prior to March 1, 1970, the effective date of the new pen-

sion system, to participate in the benefits of the existing firemen's pension system. However, as drafted, section 32 will actually allow persons who become firemen subsequent to March 1, 1970, to participate in the benefits of the existing firemen's pension system. This is in direct conflict with section 4 (1) of the bill which specifically excludes all fire fighters employed subsequent to March 1, 1970, from any pension system existing under any prior act.

In order to conform section 32 to the clear intent of this legislation I have vetoed two items in that section to make clear that firemen employed subsequent to March 1, 1970, will not participate in the existing firemen's pension system.

The remainder of the bill is approved.

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CHAPTER 210  
[Substitute House Bill No. 349]  
PUBLIC SERVICE COMPANIES

AN ACT Relating to public service companies; amending section 80.04-.500, chapter 14, Laws of 1961 and RCW 80.04.500; amending section 80.28.210, chapter 14, Laws of 1961 and RCW 80.28.210; adding a new section to chapter 14, Laws of 1961, and to chapter 80.28 RCW; amending section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 105, Laws of 1965 ex. sess., and RCW 81.12.010; amending section 81.16.010, chapter 14, Laws of 1961 and RCW 81.16.010; amending section 81.24-.010, chapter 14, Laws of 1961 as amended by section 11, chapter 59, Laws of 1963, and RCW 81.24.010; amending section 81-.44.085, chapter 14, Laws of 1961 and RCW 81.44.085; amending section 81.53.060, chapter 14, Laws of 1961 and RCW 81.53.060; amending section 81.53.080, chapter 14, Laws of 1961 and RCW 81.53.080; amending section 81.68.010, chapter 14, Laws of 1961 and RCW 81.68.010; amending section 9, chapter 295, Laws of 1961 as amended by section 12, chapter 59, Laws of 1963 and RCW 81.77.080; amending section 81.80.270, chapter 14, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1965 ex. sess., and RCW 81.80.270; amending section 81.80.300, chapter 14, Laws of 1961 as amended by section 1, chapter 170, Laws

of 1967, and RCW 81.80.300; amending section 81.80.320, chapter 14, Laws of 1961 as amended by section 4, chapter 170, Laws of 1967, and RCW 81.80.320; amending section 81.80.312, chapter 14, Laws of 1961 as amended by section 2, chapter 170, Laws of 1967, and RCW 81.80.312; amending section 81.80.060, chapter 14, Laws of 1961 as last amended by section 1, chapter 33, Laws of 1969 and RCW 81.80.060; prescribing penalties; and providing an effective date.

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

Section 1. Section 80.04.500, chapter 14, Laws of 1961 and RCW 80.04.500 are each amended to read as follows:

Nothing in this title shall authorize the commission to make or enforce any order affecting rates, tolls, rentals, contracts or charges or service rendered, or the (~~safety~~) adequacy or sufficiency of the facilities, equipment, instrumentalities or buildings, or the reasonableness of rules or regulations made, furnished, used, supplied or in force affecting any telephone line, gas plant, electrical plant or water system owned and operated by any city or town, or to make or enforce any order relating to the safety of any telephone line, electrical plant or water system owned and operated by any city or town, but all other provisions enumerated herein shall apply to public utilities owned by any city or town.

Sec. 2. Section 80.28.210, chapter 14, Laws of 1961 and RCW 80.28.210 are each amended to read as follows:

Every person or corporation (~~(7-except-a-city-or-town)~~) transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation of pipelines for transporting natural gas, in this state, even though such person or corporation not be a public service company under chapter 80.28, and even though such person or corporation does not deliver, sell or furnish any such gas to any person or corporation within this state, shall be subject to regulation by the utilities and transportation commission insofar as the construction and operation of such

facilities shall affect matters of public safety, and every such company shall construct and maintain such facilities as will be safe and efficient. The commission shall have the authority to prescribe rules and regulations (~~((in-the-manner-prescribed-in-RCW-80-04-160))~~) to effectuate the purpose of this enactment. Every such person and every such officer, agent and employee of a corporation who, as an individual or as an officer or agent of such corporation, violates or fails to comply with, or who procures, aids, or abets another, or his company, in the violation of, or noncompliance with, any provision of this section or any order, rule or requirement of the commission hereunder, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 14, Laws of 1961 and to chapter 80.28 RCW a new section to read as follows:

Any gas company which violates any provision of RCW 80.28.210 as now exists or is later amended or of any regulation issued thereunder, shall be subject to a civil penalty to be directly assessed by the commission, such penalty not to exceed one thousand dollars for each violation for each day that the violation persists, but the maximum civil penalty shall not exceed two hundred thousand dollars for any related series of violations. Any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon and compromised, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the gas company charged in attempting to achieve compliance after notification of the violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon and compromised, may be recovered in a civil action in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions for recovery the procedure and rules of evidence shall be the same as in ordinary civil actions. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

Sec. 4. Section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 105, Laws of 1965 ex. sess., and RCW 81.12.010 are each amended to read as follows:

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title (~~(ex-Title-22)~~): PROVIDED, That it shall not include common carriers subject to regulation by the Interstate Commerce Commission: PROVIDED FURTHER, That it shall not include motor freight carriers subject to the provisions of chapter 81.80 or garbage and refuse collection companies subject to the provisions of chapter 81.77 RCW or storage warehousemen subject to the provisions of chapter 81.92 RCW or wharfingers and warehousemen subject to the provisions of chapter 81.94 RCW: PROVIDED FURTHER, That nothing contained in this chapter shall relieve public service companies from the necessity for compliance with the provisions of RCW 81.80.270.

Sec. 5. Section 81.16.010, chapter 14, Laws of 1961 and RCW 81.16.010 are each amended to read as follows:

As used in this chapter, the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the (~~public service-commission~~) utilities and transportation commission under the provisions of this title (~~(ex-Title-22)~~).

As used in this chapter, the term "affiliated interest," means:

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securi-

ties are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

Sec. 6. Section 81.24.010, chapter 14, Laws of 1961 as amended by section 11, chapter 59, Laws of 1963, and RCW 81.24.010 are each amended to read as follows:

Every company subject to regulation by the commission, except auto transportation companies, steamboat companies, warfingers or warehousemen, motor freight carriers, and storage warehousemen shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to ~~((four-tenths))~~ six-tenths of one percent of its intrastate gross operating revenue: PROVIDED ~~((FURTHER))~~, That the fee shall in no case be less than one dollar.

The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Railroad, express, sleeping car, and toll bridge companies shall constitute class two. Every other company subject to regulation by the commission, for which regulatory

fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Sec. 7. Section 81.44.085, chapter 14, Laws of 1961 and RCW 81.44.085 are each amended to read as follows:

Every person operating a common carrier railroad in this state shall equip each locomotive and caboose used in train or yard switching service, and every car used in passenger service with a first aid kit of a type to be approved by the commission, which kit shall be plainly marked and be readily visible and accessible and be maintained in a fully equipped condition: PROVIDED, That such kits shall not be required on equipment used exclusively in yard or switching service where such kits are maintained in the yard or terminal.

Each locomotive and caboose shall also be furnished with sanitary cups and sanitary ice-cooled drinking water.

For the purpose of this section a "locomotive" shall include all railroad engines propelled by any form of energy and used in rail line haul or yard switching service.

Any person violating any provisions of this section shall be guilty of a misdemeanor.

Sec. 8. Section 81.53.060, chapter 14, Laws of 1961 and RCW 81.53.060 are each amended to read as follows:

The mayor and city council, or other governing body of any city or town, or the county commissioners of any county within which there exists any under-crossing, over-crossing or grade crossing, or where any street or highway is proposed to be located or established across any railroad, or any railroad company whose road is crossed by any highway, may file with the commission their or its petition in writing, alleging that the public safety requires the establishment of an under-crossing or over-crossing, or an alteration in the method and manner of an existing crossing and its approaches, or in the style and nature of construction of any existing over-crossing, under-crossing or grade crossing, or a change in the location of an existing highway or crossing, the closing or discontinuance of an existing

highway crossing, and the diversion of travel thereon to another highway or crossing, or if not practicable, to change such crossing from grade or to close and discontinue the same, the opening of an additional crossing for the partial diversion of travel and praying that the same may be ordered. If the existing or proposed crossing is on a state road, highway or parkway, the petition may be filed by the director of highways or state parks and recreation commission. Upon such petition being filed, the commission shall fix a time and place for hearing the petition and shall give not less than ~~((ten))~~ twenty days' notice thereof to the petitioner, the railroad company and the municipality or county in which the crossing is situate. If the highway involved is a state highway or parkway, like notice shall be given to the director of highways or state parks and recreation commission. If the change petitioned for requires that private lands, property, or property rights be taken, damaged, or injuriously affected to open up a new route for the highway, or requires that any portion of any existing highway be vacated and abandoned, ~~((ten))~~ twenty days' notice of the hearing shall be given to the owner or owners of the private lands, property, and property rights which it is necessary to take, damage or injuriously affect, and to the owner or owners of the private lands, property, or property rights that will be affected by the proposed vacation and abandonment of the existing highway. The commission shall also cause said notice of hearing to be published once in some newspaper of general circulation in the community where such crossing is situate, which publication shall appear at least two days prior to the date of hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence: PROVIDED, That in the case of a petition for closure of a grade crossing the commission may order such grade crossing closed without hearing where: (1) notice of the filing of the petition is posted at, or as near as practical to, the crossing; (2) notice of the filing of the petition is published once in some newspaper of general circulation in the community or area

where such crossing is situated, which publication shall appear with-  
in the same week that the notice referred to in (1) above is posted;  
and (3) no objections are received by the commission within twenty  
days from the date of the publication of the notice.

Sec. 9. Section 81.53.080, chapter 14, Laws of 1961 and RCW 81.53.080 are each amended to read as follows:

After February 24, 1937, no building, loading platform, or other structure which will tend to obstruct the vision of travelers on a highway or parkway, of approaching railway traffic, shall be erected or placed on railroad or public highway rights of way within a distance of one hundred feet of any grade crossing located outside the corporate limits of any city or town unless authorized by the commission, and no trains, railway cars or equipment shall be spotted less than one hundred feet from (~~such-crossing~~) any grade crossing within or without the corporate limits of any city or town except to serve station facilities and existing facilities of industries.

The commission shall have the power to specify the minimum vertical and horizontal clearance of under-crossings constructed, repaired or reconstructed after February 24, 1937, except as to primary state highways.

Sec. 10. Section 81.68.010, chapter 14, Laws of 1961 and RCW 81.68.010 are each amended to read as follows:

As used in this chapter:

- (1) "Corporation" means a corporation, company, association or joint stock association.
- (2) "Person" means an individual, firm or a copartnership.
- (3) "Auto transportation company" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed

termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town: PROVIDED, That the term "auto transportation company" shall not include corporations or persons, their lessors, trustees, receivers or trustees appointed by any court whatsoever insofar as they own, control, operate or manage taxicabs, hotel buses, school buses, motor propelled vehicles ((7)) operated exclusively in transporting agricultural, horticultural, or dairy or other farm products from the point of production to the market, or any other carrier which does not come within the term "auto transportation company" as herein defined.

No portion of this section shall apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of such vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond said three mile limit.

(4) "Public highway" means every street, road, or highway in this state.

(5) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from said termini or route, whether such departures be periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" within the meaning of this section shall be a question of fact and the finding of the commission thereon shall be final and shall not be subject to review.

Sec. 11. Section 9, chapter 295, Laws of 1961 as amended by section 12, chapter 59, Laws of 1963, and RCW 81.77.080 are each amended to read as follows:

Every garbage and refuse collection company shall, on or before the 1st day of April of each year, file with the commission a state-

ment on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to (~~four-tenths~~) five-tenths of one percent of the amount of gross operating revenue: PROVIDED, That the fee shall in no case be less than one dollar.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before March 1st of any year in which it determines that the moneys then in the garbage and refuse collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

Sec. 12. Section 81.80.270, chapter 14, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1965 ex. sess., and RCW 81.80.270 are each amended to read as follows:

No permit issued under the authority of this chapter shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the commission, and upon the payment of a fee of twenty-five dollars.

No person, partnership or corporation, singly or in combination with any other person, partnership or corporation, whether a carrier holding a permit or otherwise, or any combination of such, shall acquire control or enter into any agreement or arrangement to acquire control of a common or contract carrier holding a permit through ownership of its stock or through purchase, lease or contract

to manage the business, or otherwise except after and with the approval and authorization of the commission: PROVIDED, That upon the dissolution of a partnership, which holds a permit, because of the death, bankruptcy, or withdrawal of a partner where such partner's interest is transferred to his spouse or to one or more remaining partners, or in the case of a corporation which holds a permit, in the case of the death of a shareholder where a shareholder's interest upon death is transferred to his spouse or to one or more of the remaining shareholders, the commission shall transfer the permit to the newly organized partnership which is substantially composed of the remaining partners, or continue the corporation's permit without making the proceeding subject to hearing and protest. In all other cases any such transaction either directly or indirectly entered into without approval of the commission shall be void and of no effect, and it shall be unlawful for any person seeking to acquire or divest control of such permit to be a party to any such transaction without approval of the commission.

Every carrier who shall cease operation and abandon his rights under the permits issued him shall notify the commission within thirty days of such cessation or abandonment, and return to the commission the identification (~~plates~~) cards issued to him.

Sec. 13. Section 81.80.300, chapter 14, Laws of 1961 as amended by section 1, chapter 170, Laws of 1967, and RCW 81.80.300 are each amended to read as follows:

The commission shall prescribe an identification cab card and identification decal or stamp or number which must be carried within the cab of each motive power vehicle of each motor carrier required to have a permit under this chapter.

The identification cab card and the decal or stamp or number provided for herein may be in such form and contain such information as required by the commission.

It shall be unlawful for any "common carrier" or "contract carrier" to operate any motor vehicle within this state unless there is

carried within the cab of the motive power vehicle, either operating as a solo vehicle or in combination with trailers, the identification cab card and decal or stamp or number required by this section and the payment by such carrier of a total fee of three dollars for each such decal or stamp or number plus (~~(7-for-a-sole-truck7)~~) the applicable gross weight fee prescribed by RCW 81.80.320 (~~(7-for-a-combination-of-vehicles, i.e., a-motive-power-vehicle-and-a-trailer-or combination-of-trailers, a-payment-of-a-total-fee-of-three-dollars plus-two-times-the-applicable-gross-weight-fee-prescribed-by-RCW 81.80.320-for-the-motive-power-vehicle)~~)).

Equipment of carriers operated between points in this state and points outside the state exclusively in interstate commerce, may be operated with cab cards and decals or stamps or numbers not assigned to specific motive power vehicles upon application therefor and payment for each such decal or stamp or number a total fee of three dollars plus (~~(7-for-a-sole-truck7)~~) two times the applicable gross weight fee prescribed by RCW 81.80.320 (~~(7-for-the-motive-power-vehicle, for-a-combination-of-vehicles, i.e., a-motive-power-vehicle-and a-trailer-or-combination-of-trailers, a-payment-of-a-total-fee-of three-dollars-plus-four-times-the-applicable-gross-weight-fee-prescribed-by-RCW-81.80.320, for-the-motive-power-vehicle)~~)).

The commission may adopt rules and regulations imposing a reduced schedule of fees for short term operations, requiring reports of carriers, and imposing such conditions as the public interest may require with respect to the operation of such vehicles.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for any fees collected under this chapter.

The decal or stamp or number required herein shall be issued annually under the rules and regulations of the commission, and shall be affixed to the identification cab card required by this section not later than January 1st of each year: PROVIDED, That such decal or stamp or number may be issued for the ensuing calendar year on and after the first day of December preceding and may be used from the

date of issue until December 1st of the succeeding calendar year for which the same was issued. In case an applicant receives a permit after January 1st of any year such decal or stamp or number shall be obtained and attached to the identification cab card and carried within the cab of the motive power vehicle subject to this chapter before operation of any such vehicle is commenced.

It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display any identification cab card and decal or stamp or number, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification cab card and decal or stamp or number.

The commission shall collect all fees provided in this section and all such fees shall be deposited in the state treasury to the credit of the public service revolving fund.

Sec. 14. Section 81.80.320, chapter 14, Laws of 1961 as amended by section 4, chapter 170, Laws of 1967, and RCW 81.80.320 are each amended to read as follows:

In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification decal or stamp or number for each motive power vehicle operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, plus any additional tonnage or log tolerance permits, the following fees:

- ((less-than-4,000-pounds-----\$7.00
- 4,000-pounds-or-more-and-less-than-6,000-pounds-----8.00
- 6,000-pounds-or-more-and-less-than-8,000-pounds-----9.00
- 8,000-pounds-or-more-and-less-than-10,000-pounds-----10.00
- 10,000-pounds-or-more-and-less-than-12,000-pounds-----11.00
- 12,000-pounds-or-more-and-less-than-14,000-pounds-----12.00
- 14,000-pounds-or-more-and-less-than-16,000-pounds-----13.00

<del>16,000-pounds-or-more-and-less-than-18,000-pounds</del>	<del>14.00</del>
<del>18,000-pounds-or-more-and-less-than-20,000-pounds</del>	<del>15.00</del>
<del>20,000-pounds-or-more-and-less-than-22,000-pounds</del>	<del>16.00</del>
<del>22,000-pounds-or-more-and-less-than-24,000-pounds</del>	<del>17.00</del>
<del>24,000-pounds-or-more-and-less-than-26,000-pounds</del>	<del>18.00</del>
<del>26,000-pounds-or-more-and-less-than-28,000-pounds</del>	<del>19.00</del>
<del>28,000-pounds-or-more-and-less-than-30,000-pounds</del>	<del>20.00</del>
<del>30,000-pounds-or-more-and-less-than-32,000-pounds</del>	<del>21.00</del>
<del>32,000-pounds-or-more-and-less-than-34,000-pounds</del>	<del>22.00</del>
<del>34,000-pounds-or-more-and-less-than-36,000-pounds</del>	<del>23.00</del>
Less than 4,000 pounds	\$ 7.00
<u>4,000 pounds or more and less than 8,000 pounds</u>	<u>9.00</u>
<u>8,000 pounds or more and less than 12,000 pounds</u>	<u>11.00</u>
<u>12,000 pounds or more and less than 16,000 pounds</u>	<u>13.00</u>
<u>16,000 pounds or more and less than 20,000 pounds</u>	<u>15.00</u>
<u>20,000 pounds or more and less than 24,000 pounds</u>	<u>17.00</u>
<u>24,000 pounds or more and less than 28,000 pounds</u>	<u>19.00</u>
<u>28,000 pounds or more and less than 32,000 pounds</u>	<u>21.00</u>
<u>32,000 pounds or more and less than 36,000 pounds</u>	<u>23.00</u>
<u>36,000 pounds or more and less than 40,000 pounds</u>	<u>30.00</u>
<u>40,000 pounds or more and less than 44,000 pounds</u>	<u>32.00</u>
<u>44,000 pounds or more and less than 48,000 pounds</u>	<u>34.00</u>
<u>48,000 pounds or more and less than 52,000 pounds</u>	<u>36.00</u>
<u>52,000 pounds or more and less than 56,000 pounds</u>	<u>38.00</u>
<u>56,000 pounds or more and less than 60,000 pounds</u>	<u>40.00</u>
<u>60,000 pounds or more and less than 64,000 pounds</u>	<u>42.00</u>
<u>64,000 pounds or more and less than 68,000 pounds</u>	<u>44.00</u>
<u>68,000 pounds or more and less than 72,000 pounds</u>	<u>46.00</u>
<u>72,000 pounds or more and less than 76,000 pounds</u>	<u>48.00</u>

In the event that trailers or semitrailers are separately licensed for gross weight and not included within the licensed gross weight of the motive power vehicle as prescribed above, the fees provided herein shall be computed on the basis of the licensed gross

weight of the trailer or semitrailer, plus any additional tonnage or log tolerance, and a separate identification cab card will be issued in the same manner as for a motive power vehicle under RCW 81.80.300.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

NEW SECTION. Sec. 15. Sections 13 and 14 of this 1969 amendatory act shall take effect on December 1, 1969.

Sec. 16. Section 81.80.312, chapter 14, Laws of 1961 as amended by section 2, chapter 170, Laws of 1967 and RCW 81.80.312 are each amended to read as follows:

No carrier shall interchange its trailers or semitrailers with any other carrier without first filing an interchange agreement with and securing approval thereof by the commission. The interchange agreement providing for the transfer or interchange of trailers or semi-

trailers pursuant thereto shall be authorized only on through movements between connecting regular route carriers.

No carrier shall interchange its power units, with or without drivers, with any other carrier, and no carrier shall interchange its trailers or semitrailers with any other carrier beyond that authorized in the preceding paragraph without first filing an interchange agreement with and securing approval thereof under rules adopted by the commission: PROVIDED, That such approval shall be given only for interchanges between connecting regular route carriers and only within an area which the commission has, following hearing, found to be within the distribution area around a city or cities one of which has a population of not less than one hundred thousand, and has further found it consistent with the public interest to allow such interchange agreements due to a lack of service or a resultant improvement in service and operating economies: PROVIDED FURTHER, That such interchange agreements are limited to traffic having both origin and final destination within such area and the points or point of interchange are located within such area and are common to both carriers and are named in the interchange agreement.

Any carrier operating any motive power vehicle owned by another person or party but not operated pursuant to an interchange agreement shall secure identification cab cards and decals or stamps or numbers in his own name for such motive power vehicles as required by RCW 81.80.300.

Sec. 17. Section 81.80.060, chapter 14, Laws of 1961 as last amended by section 1, chapter 33, Laws of 1969, and section 2, chapter 69, Laws of 1967, and section 77, chapter 145, Laws of 1967 ex. sess., and RCW 81.80.060 is amended to read as follows:

Every person who engages for compensation to perform a combination of services a substantial portion of which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the commission as to such transportation and shall not engage upon the same without first having obtained a common

carrier or contract carrier permit to do so. An example of such a combination of services shall include, but not be limited to, the delivery of household appliances for others where the delivering carrier also unpacks or uncrates the appliances and makes the initial installation thereof. Every person engaging in such a combination of services shall advise the commission what portion of the consideration is intended to cover the transportation service and if the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the commission in the same manner that the rates of common and contract carriers are now controlled and regulated. Any person engaged in extracting and/or processing and, in connection therewith, hauling materials exclusively for the maintenance, construction or improvement of a public highway shall not be deemed to be performing a combination of services.

Passed the House April 28, 1969.

Passed the Senate April 25, 1969.

Approved by the Governor May 8, 1969.

Filed in office of Secretary of State May 8, 1969.

CHAPTER 211  
[Engrossed House Bill No. 425]  
RETIREMENT FUNDS--INVESTMENT

AN ACT Relating to investment of retirement funds; amending section 35.39.040, chapter 7, Laws of 1965 as amended by section 1, chapter 19, Laws of 1965 and RCW 35.39.040; and amending section 9, chapter 207, Laws of 1939 and RCW 41.28.080; and adding a new section to chapter 41.28 RCW.

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

Section 1. Section 35.39.040, chapter 7, Laws of 1965 as amended by section 1, chapter 19, Laws of 1965 and RCW 35.39.040 are each amended to read as follows:

Any city or town now or hereafter operating an employees' pension system, established and operated pursuant to state statute or charter provision, or any pension system operating now or hereafter

under state statute or charter provision exclusively for employees of cities or towns, is authorized to invest pension fund moneys in ((such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state of Washington as lawful investments for the funds of mutual savings banks, and to invest not to exceed forty percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of this state as lawful investments for the funds of mutual savings banks; -- PROVIDED, That not more than eight percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

Subject to the limitations hereinafter contained, investment of pension funds may also be made in amounts not to exceed twenty-five percent of the system's total investments in the shares of certain open-end investment companies; -- PROVIDED, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company; -- The total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended; -- The company must be at least ten years old and have net assets of at least five million dollars; -- It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends; -- It must have paid dividends from investment income in each of the ten years next preceding purchase; The maximum selling commission on its shares, furthermore, may not exceed eight and one-half percent of the sum of the asset value plus such commission;

Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state of Wash-

~~ington, and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law issued by the city or town operating such pension system, or by any city or town which is a member of the system.)~~ the following classes of investments, and not otherwise:

(1) Bonds, notes or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: PROVIDED, That the principal and interest thereof shall be payable in the United States funds, either unconditionally or at the option of the holder;

(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: PROVIDED, That the issuer has not, within ten years prior to the making of the investment, been in default for more than ninety days in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: PROVIDED, That any such municipal or political subdivisions, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less

than ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association or the inter-American bank, or the Asian development bank;

(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of Congress of July 17, 1916, known as the "federal farm loan act", as amended or supplemented from time to time;

(9) Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

(10) Obligations of any other state or the Commonwealth of Puerto Rico, municipal authority or political subdivision within the state or the commonwealth issued pursuant to the laws of such state or commonwealth with principal and interest payable from tolls or other special revenues: PROVIDED, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(11) Bonds and debentures issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That such securities can qualify for an "A" rating or better by a nationally recognized rating agency;

(12) Capital notes or debentures of any national or state bank doing business in the United States of America;

(13) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America;

(14) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state: PROVIDED, That the investment in any such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation;

(15) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the deposit in such banks shall not exceed the amount insured by the federal deposit insurance corporation;

(16) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended), or are guaranteed by the veterans administration under the Servicemen's Readjustment Act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection at least equal to that provided by the said national housing act or the said Servicemen's Readjustment Act;

(17) Appropriate contracts of life insurance or annuities from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases in the judgment of the retirement board be appropriate or necessary to carry out the purposes of this

chapter.

(18) Subject to the limitations hereinafter provided, investments may be made in amounts not to exceed thirty-five percent of the system's total investments in the shares of certain open-end investment companies: PROVIDED, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company and shall only be made in the shares of such companies as are registered as "open-end companies" under the federal Investment Company Act of 1940, as amended. Such company must be at least ten years old and have net assets of at least ten million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase;

(19) Subject to the limitations hereinafter provided, investments may be made in preferred stock or common stock of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That

(a) The board receives advice in writing on all stock investments from an investment counsel. This counsel shall be an investment counseling firm hired on a contractual basis by the board. Such advice shall become part of the official minutes of the next succeeding meeting of the board. The counsel shall not be engaged in the business of buying, selling, or otherwise marketing securities during the time of its employment by the board.

(b) Stock investments shall be made only by retirement or pension funds which have invested assets (cost basis) in excess of ten million dollars.

(c) Stock investments and investments in open-end investment companies combined shall not exceed thirty-five percent of the total

investments (cost basis) of the system.

(d) Such investment in the stock of any one company shall not exceed five percent of the common shares outstanding.

(e) No single common stock investment, based on cost, may exceed two percent of the assets of the fund.

(f) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars.

(iii) Any preferred stock.

(iii) The common stock of Washington corporations which meet all other listed qualifications except that of being registered on a national exchange..

(g) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

Investment of pension funds shall be made by the pension board, board of trustees or other board charged with administering the affairs of the pension system.

Sec. 2. Section 9, chapter 207, Laws of 1939 and RCW 41.28.080 are each amended to read as follows:

(1) There is hereby created and established a board of administration in each city coming under this chapter, which shall,

under the provisions of this chapter and the direction of the city council or city commission, administer the retirement system and the retirement fund created by this chapter. Under and pursuant to the direction of the city council or city commission, the board shall provide for the proper investment of the moneys in the said retirement fund.

(2) The board of administration shall consist of seven members, as follows: Three members appointed by the regular appointing authority of the city, and three employees who are eligible to membership in the retirement system, to be elected by the employees. The above six members shall appoint the seventh member.

(3) The investment of all or any part of the retirement fund shall be subject to ~~((the terms, conditions, limitations and restrictions imposed by the laws of the state of Washington upon the making of investments by savings banks--PROVIDED, HOWEVER, That the board may invest in any of the bonds or warrants issued by the city including local improvement bonds and warrants and utility bonds and warrants))~~ RCW 35.39.040 or as amended or supplemented from time to time.

(4) Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington.

(5) The city treasurer shall be the custodian of the retirement fund. All payments from said fund shall be made by the city treasurer but only upon warrant duly executed by the city comptroller.

(6) Except as herein provided, no member and no employee of the board of administration shall have any interest, direct or indirect, in the making of any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of said board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary pay-

ments as are authorized by said board; nor shall any member or employee of said board become an endorser or surety or become in any manner an obligor for moneys invested by the board.

NEW SECTION. Sec. 3. There is added to chapter 41.28 RCW a new section to read as follows:

In order that the intent of the legislature may be made clear with respect to investments, but without restricting the necessary flexibility that must exist for successful investing of the retirement and pension funds, the legislature makes this declaration of its desire that the investment authority shall give primary consideration to dealing with brokerage firms which maintain offices in the state of Washington so that the investment programs may make a meaningful contribution to the economy of the state. It is further the desire of the legislature that the retirement and pension funds shall be used as much as reasonably possible to benefit and expand the business and economic climate within the state of Washington so long as such use would be consistent with sound investment policy.

Passed the House April 10, 1969.

Passed the Senate April 25, 1969.

Approved by the Governor May 8, 1969.

Filed in office of Secretary of State May 8, 1969.

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CHAPTER 212

[Engrossed Substitute House Bill No. 828]  
DATA PROCESSING--DATA PROCESSING ADVISORY COMMITTEE  
--LEGISLATIVE INFORMATION SYSTEM

AN ACT Relating to state and local government; prescribing powers, duties, and procedures concerning communications and data processing; creating a committee; establishing the legislative information system; adding a new section to chapter 157, Laws of 1951 and to chapter 1.08 RCW; adding new sections to chapter 115, Laws of 1967 ex. sess. and to chapter 43.105 RCW; repealing section 3, chapter 115, Laws of 1967 ex. sess., section 86, chapter ..., Laws of 1969 ex. sess. (Engrossed House Bill No. 637) amendatory thereof, and RCW 43.105.030; and declaring an emergency and an effective date.

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

NEW SECTION. Section 1. There is added to chapter 115, Laws of 1967 ex. sess. and to chapter 43.105 RCW a new section to read as follows:

There is hereby created a data processing advisory committee composed of the following: The lieutenant governor who shall serve as chairman of the committee, the commissioner of public lands, the superintendent of public instruction, the attorney general, the state treasurer, the state auditor, and the budget director who shall serve as executive secretary of the committee; seven members appointed by the governor as follows, three members who are directors or agency supervisors in state government, one member from local government representing cities, one member from local government representing counties, one member representing higher education and community colleges, and one member representing the judicial branch of government; five members representing the legislative branch of government as follows, the chairman of the legislative council or a member thereof appointed by him, the chairman of the legislative budget committee or a member thereof appointed by him, one member of the house of representatives to be appointed by the speaker of the house, one member of the senate to be appointed by the president of the senate, and the state code reviser.

Members of the data processing advisory committee shall not be compensated for committee service: PROVIDED, That the committee by a majority vote of its members, may authorize the reimbursement of such members for subsistence and lodging expenses as provided in RCW 44.04-.120, as now or hereafter amended, and for travel expenses as provided in RCW 44.04.120, as now or hereafter amended.

Sec. 2. Section 4, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.040 are each amended to read as follows:

For the purposes of this chapter the governor, and the budget director as representative of the governor, shall have the following powers to be exercised after consultation with the data processing advisory committee: PROVIDED, That with respect to such powers as they

directly affect the administration of the duties of an agency headed by an elective official such powers shall be exercised only after approval by a two-thirds vote of the membership of the advisory committee:

(1) To study, organize and/or develop automatic data processing systems to serve state-wide needs of state and local government agencies, to provide services of said nature, and encourage the development of functional and regional centralized systems;

(2) To delegate to any state agency, under appropriate standards, authority to purchase or otherwise acquire and maintain automatic data processing equipment: PROVIDED, That in exercising such authority due consideration and effect shall be given to the overall purposes of this chapter and the statutory obligations, total management and other needs of each agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and local government agencies, their facilities, services and personnel in developing and coordinating plans and systems, or other purposes of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency or interstate cooperation in the field of data processing and communications; and

(4) To develop and publish standards to implement the purposes of this chapter including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services; requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments and agencies and local government agencies; and standards and regulations to establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for individual privacy and the protection of private rights in connection with

data processing and communications ((\*));

(5) To provide for the development of a set or sets of common data elements at state, local, and institutional levels including all institutions of higher education and community colleges, which shall be of the greatest practicable flexibility and universality so as to lend themselves to ready utilization by all branches and levels of government to improve the capability of such governmental agencies and institutions to more effectively allocate resources; and

(6) To establish priorities of informational needs and to develop a long range plan for the gradual implementation of the various portions of the management information system in accordance with such priorities.

NEW SECTION. Sec. 3. There is added to chapter 115, Laws of 1967 ex: sess. and to chapter 43.105 RCW a new section to read as follows:

It is the intention of the legislature that this chapter shall form the basis for the orderly and cooperative design and implementation of a state-wide information system to satisfy the requirements of the legislative, executive, and judicial branches of state government. The requirements of each branch should be studied and defined and to avoid duplication in the capture, storage, and processing of data common to all, a single data base should be designed and implemented. Each branch should have full and private access to common data. All agencies of state and local government are encouraged to cooperate with and support the development and implementation of this data base. The legislature, recognizing the nearly infinite nature of state-wide information, encourages that priorities for informational needs be established in order to provide each successive legislative session with an increased amount of verified information in areas of current interest and an expanded data bank of readily accessible information. To implement this intention, the budget director shall have the authority after consultation with the data processing advisory committee to direct and require the submittal of data from all state agencies

including data from the state auditor concerning local government agencies.

NEW SECTION. Sec. 4. There is added to chapter 115, Laws of 1967 ex. sess. and to chapter 43.105 RCW a new section to read as follows:

This chapter shall in no way affect or impair any confidence or privilege imposed by law. Confidential or privileged information shall not be subject to submittal to the common data bank: PROVIDED, That where statistical information can be derived from such classified material without violating any such confidence, the submittal of such statistical material may be required.

NEW SECTION. Sec. 5. There is added to chapter 157, Laws of 1951 and to chapter 1.08 RCW a new section to read as follows:

The code reviser shall be in charge of and shall operate and maintain the legislative information system which shall provide automatic data processing services for the legislature and its various committees and, by agreement, for the judiciary and the legal or law-oriented agencies of the executive branch. All such operations shall be subject to the general supervision of the statute law committee. The statute law committee may employ or engage and fix the compensation for such personnel as may be required to plan, supervise, operate, procure, or supply such services. Pursuant to prior consultation with the data processing advisory committee, the statute law committee may enter into contracts with public or private vendors or purchasers for the sale, exchange, or acquisition of data processing materials, services, and facilities.

NEW SECTION. Sec. 6. Section 3, chapter 115, Laws of 1967 ex. sess., section 86, chapter ..., Laws of 1969 ex. sess. (Engrossed House Bill No. 637) amendatory thereof, and RCW 43.105.030 are each repealed.

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

take effect July 1, 1969: PROVIDED, That section 5 shall take effect immediately.

Passed the House April 28, 1969.  
 Passed the Senate April 25, 1969.  
 Approved by the Governor May 8, 1969.  
 Filed in office of Secretary of State May 8, 1969.

CHAPTER 213  
 [Substitute House Bill No. 90]  
 SUPERIOR COURT JUDGES--NUMBER

AN ACT Relating to superior court judges; amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 84, Laws of 1967 ex. sess. and FCW 2.08.061; amending section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 84, Laws of 1967 ex. sess. and RCW 2.08.064; and amending section 7, chapter 125, Laws of 1951 as amended by section 1, chapter 159, Laws of 1955 and RCW 2.08.065.

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 84, Laws of 1967 ex. sess. and RCW 2.08-.061 are each amended to read as follows:

There shall be in the county of King (~~twenty-two~~) twenty-six judges of the superior court; in the county of Spokane seven judges of the superior court; in the county of Pierce (~~eight~~) nine judges of the superior court.

Sec. 2. Section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 84, Laws of 1967 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, (~~two~~) three judges of the superior court; in the counties of Clallam and Jefferson jointly, one judge of the superior court; in the county of Snohomish (~~five~~) six judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 3. Section 7, chapter 125, Laws of 1951 as amended by section 1, chapter 159, Laws of 1955 and RCW 2.08.065 are each amended to read as follows:

There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, ~~((two))~~ three judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Whatcom jointly, two judges of the superior court.

Passed the House March 14, 1969.  
Passed the Senate April 30, 1969.  
Approved by the Governor May 8, 1969.  
Filed in office of Secretary of State May 8, 1969.

CHAPTER 214  
[House Bill No. 362]  
TAX ON CIGARETTES

AN ACT Relating to revenue and taxation; amending section 82.24.040, chapter 15, Laws of 1961 and RCW 82.24.040; and amending section 82.24.050, chapter 15, Laws of 1961 and RCW 82.24.050.

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

Section 1. Section 82.24.040, chapter 15, Laws of 1961 and RCW 82.24.040 are each amended to read as follows:

Every wholesaler in this state shall ~~((immediately))~~, within a reasonable time after receipt of any of the articles taxed herein, cause the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: PROVIDED, That any wholesaler ~~((engaged-in-interstate-business))~~ who furnishes surety bond in ~~((the))~~ a sum satisfactory to the ~~((commission))~~ department, shall be permitted to set aside, without affixing the stamps required by this chapter, such part of his stock as may be necessary for the conduct of ~~((such-interstate))~~ his business ~~((without-affixing-the-stamps-required-by-this-chapter))~~ in making sales to persons in another state or foreign country, to instrumentalities of the federal government, or

to the established governing bodies of any Indian tribe, recognized as such by the United States Department of the Interior. Such ((interstate)) unstamped stock shall be kept separate and apart from stamped stock: PROVIDED FURTHER, That every wholesaler shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, or to a federal instrumentality, or to an Indian tribal organization, make a true duplicate invoice of the same which shall show full and complete details of the ((interstate)) sale or delivery, whether or not stamps were affixed thereto, and shall transmit such true duplicate invoice to the main office of the ((commission)) department, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this ((provisoe)) section the ((commission)) department may revoke the permission granted to the taxpayer to maintain ((an-interstate)) a stock of goods to which the stamps required by this chapter have not been affixed. The department may also revoke this permission to maintain a stock of unstamped goods for sale to a specific Indian tribal organization when it appears that sales of unstamped cigarettes to persons who are not enrolled members of a recognized Indian tribe are taking place, or have taken place, within the exterior boundaries of the reservation occupied by that tribe.

Sec. 2. Section 82.24.050, chapter 15, Laws of 1961 and RCW 82.24.050 are each amended to read as follows:

Every retailer shall, ~~((except-as-to-these-articles-on-which-the-tax-has-been-paid-by-the-proper-affixing-of-stamps-by-a-wholesaler,-as-herein-provided,-affix-the-stamps-for))~~ within a reasonable time after receipt of any of the articles taxed herein, cause the same to have the requisite denomination and amount ((necessary)) of stamps affixed to represent the tax ((on-each-individual-package-or-container,-the-same-to-be-done,-in-all-cases,-immediately-upon-receipt-by-the-retailer-of-the-unstamped-articles)) imposed herein: PROVIDED, That ((any-retailer-engaged-in-interstate-business,-who-furnishes-surety-bond-in-a-sum-satisfactory-to-the-commission,-shall-be-permitted-to

~~set-aside-such-part-of-his-stock-as-may-be-necessary-for-the-conduct  
of-such-interstate-business)) those articles to which stamps have been  
properly affixed by a wholesaler or another retailer may be retained  
by any retailer, and that those articles intended for sale to quali-  
fied purchasers may be retained by federal instrumentalities and Ind-  
ian tribal organizations, without affixing the stamps required by this  
chapter. ((Such-interstate-stock-shall-be-kept-separate-and-apart  
from-stamped-stock,--PROVIDED-FURTHER,--That-every-retailer-shall,--at-  
the-time-of-shipping-or-delivering-any-of-the-articles-taxed-herein  
to-a-point-outside-of-this-state,--make-a-true-duplicate-invoice-of  
the-same-which-shall-show-full-and-complete-details-of-the-interstate  
sale-or-delivery,--and-shall-transmit-said-true-duplicate-invoice-to  
the-main-office-of-the-commission,--at-Olympia,--not-later-than-the-fif-  
teenth-day-of-the-following-calendar-month,--and-for-failure-to-comply  
with-the-requirements-of-this-proviso-the-commission-may-revoke-the  
permission-granted-to-the-taxpayer-to-maintain-an-interstate-stock-of  
goods-to-which-the-stamps-required-by-this-chapter-have-not-been-af-  
fixed-))~~

Passed the House March 14, 1969.

Passed the Senate April 30, 1969.

Approved by the Governor May 8, 1969.

Filed in office of Secretary of State May 8, 1969.

CHAPTER 215

[Engrossed House Bill No. 486]

PUBLIC EMPLOYEES COLLECTIVE BARGAINING--  
UNFAIR LABOR PRACTICES--INTERIM COMMITTEE

AN ACT Relating to public employees collective bargaining, and unfair labor practices; adding new sections to chapter 108, Laws of 1967 ex. sess., and to chapter 41.56 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding a new section to chapter ..., Laws of 1969 (HB 239); and making an appropriation.

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

NEW SECTION. Section 1. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

It shall be an unfair labor practice for a public employer:

- (1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter;
- (2) To control, dominate or interfere with a bargaining representative;
- (3) To discriminate against a public employee who has filed an unfair labor practice charge;
- (4) To refuse to engage in collective bargaining.

NEW SECTION. Sec. 2. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

It shall be an unfair labor practice for a bargaining representative:

- (1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter;
- (2) To induce the public employer to commit an unfair labor practice;
- (3) To discriminate against a public employee who has filed an unfair labor practice charge;
- (4) To refuse to engage in collective bargaining.

NEW SECTION. Sec. 3. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

The department is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

NEW SECTION. Sec. 4. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

Whenever a charge has been made concerning any unfair labor practice, the department shall have power to issue and cause to be served a complaint stating the charges in that respect, and contain-

ing a notice of hearing before the department at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the department any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the department, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the department shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

NEW SECTION. Sec. 5. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

For the purpose of all hearings and investigations, which, in the opinion of the department, are necessary and proper for the exercise of the powers vested in it by this act, the department shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The department shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the department. The department, or any agent, or agency designated by the department for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence.

NEW SECTION. Sec. 6. There is added to chapter 108, Laws of 1967 ex. sess. and to chapter 41.56 RCW a new section to read as follows:

The department, or any party to the department proceedings, thirty days after the department has entered its findings of fact,

shall have power to petition the superior court of the state within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the department. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the department.

NEW SECTION. Sec. 7. There is hereby created a committee to study the public employees collective bargaining act as provided in chapter 41.56 RCW. As used in this act unless the context indicates otherwise the term "committee" shall mean the interim committee on public employees collective bargaining.

NEW SECTION. Sec. 8. The committee shall have the following membership:

(1) Two senators to be appointed by the president of the senate, not more than one from the same political party, and two representatives to be appointed by the speaker of the house, not more than one from the same political party;

(2) Three representatives of public employees as "public employees" is defined in RCW 41.56.030 to be appointed by the

governor; and.

(3). Three representatives of public employers as "public employers" is defined in RCW 41.56.030 to be appointed by the governor

In addition, the department of labor and industries shall cooperate with the committee and maintain a liaison representative, who shall be a nonvoting member.

NEW SECTION. Sec. 9. The committee, by majority vote, shall select from among the members a chairman and such other officers as the committee shall deem appropriate. The committee, by majority vote, may prescribe rules of procedure for itself, may from time to time establish ad hoc committees, and may take such other action as it shall deem appropriate to accomplish its purposes.

The legislative members of the committee shall serve as liaison members to the legislative council. The staff of the legislative council shall serve as the staff of the committee and shall provide such clerical, research and other assistance as the committee shall deem appropriate to accomplish its purposes.

NEW SECTION. Sec. 10. The members of the committee shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the committee in the same manner as legislators engaged in interim committee business as in RCW 44.04.120. Payment of expenses shall be made by vouchers approved in the same manner as other expenses of the legislative council.

NEW SECTION. Sec. 11. The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, and review the efficacy of this act or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of any regular session of the legislature, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law,

and shall also include any proposed legislation necessary to implement the recommendations of the committee.

NEW SECTION. Sec. 12. There is hereby appropriated out of the general fund to the legislative council for the biennium ending June 30, 1971, to carry out the purposes of sections 7, 8, 9, 10 and 11 of this act the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

NEW SECTION. Sec. 13. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

Each and every provision of sections 1 through 6 of this act shall be applicable to this chapter as it relates to state civil service employees and the state personnel board, or its designee, whose final decision shall be appealable to the state personnel board, which is granted all powers and authority granted to the department of labor and industries by sections 1 through 6 of this act.

NEW SECTION. Sec. 14. There is added to chapter ..., Laws of 1969 (HB 239) a new section to read as follows:

Each and every provision of sections 1 through 6 of this act shall be applicable to the state higher education personnel law if the same becomes law and the higher education personnel board, or its designee, whose final decision shall be appealable to the higher education personnel board, which is granted all powers and authority granted to the department of labor and industries by sections 1 through 6 of this act.

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 institutions, and shall take effect immediately.

Passed the House April 10, 1969.

Passed the Senate April 30, 1969.

Approved by the Governor May 8, 1969.

Filed in office of Secretary of State May 8, 1969.

CHAPTER 216  
[House Bill No. 710]  
TAXATION OF PROPERTY

AN ACT Relating to revenue and taxation; amending section 84.52.050, chapter 15, Laws of 1961, as last amended by section 3, chapter 133, Laws of 1967 ex. sess., and RCW 84.52.050; amending section 1, chapter 133, Laws of 1967 ex. sess. and RCW 84.52.065; and amending section 84.56.020, chapter 15, Laws of 1961 and RCW 84.56.020; and declaring an emergency.

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

Section 1. Section 84.52.050, chapter 15, Laws of 1961, as last amended by section 3, chapter 133, Laws of 1967 ex. sess., and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state; the levy by any county shall not exceed eight mills; the levy by or for any school district shall not exceed fourteen mills: PROVIDED, That, in each of the years 1967 and 1968 and 1969 and 1970 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed twelve mills: PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union

high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from eight to eleven mills for general county purposes and from seven to ten mills for county road purposes if the total levy for both purposes does not exceed eighteen mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy nine mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rate provided by existing law by or for any port or power district.

Sec. 2. Section 1, chapter 133, Laws of 1967 ex. sess. and RCW 84.52.065 are each amended to read as follows:

In each of the years 1967 and 1968 and 1969 and 1970 the state shall levy for collection in 1968 and 1969 and 1970 and 1971 respectively for the support of common schools of the state a tax of two mills upon the assessed valuation of all taxable property within the state adjusted to fifty percent of true and fair value of such property in money in accordance with the ratio fixed by the state department of revenue. Such levy shall be in addition to the levy of two mills for public assistance purposes as provided in RCW 74.04.150.

Sec. 3. Section 84.56.020, chapter 15, Laws of 1961 and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and

also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April in each year, after which date they shall become delinquent, and interest at the rate of (~~eight~~) ten percent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid: PROVIDED, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of (~~eight~~) ten percent per annum shall be charged upon said remainder from the date of delinquency until paid: PROVIDED, FURTHER, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of (~~eight~~) ten percent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

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

Passed the House May 1, 1969.  
Passed the Senate April 29, 1969.  
Approved by the Governor May 8, 1969.  
Filed in office of Secretary of State May 8, 1969.

CHAPTER 217  
[Engrossed House Bill No. 257]  
EDUCATION--SUPPORT--PART TIME STUDENTS

AN ACT Relating to education; amending section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140; amending section 28A.41.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.140; adding a new section to chapter 28.41 RCW; and adding a new section to chapter 28A.41 RCW of the proposed 1969 education code; providing sections to correlative and pari materia construction of this act with the provisions of Title 28 RCW or of Titles 28A and 28B RCW if such titles shall be enacted; making an appropriation; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140 are each amended to read as follows:

To determine a "weighted student enrolled," as that term is used in this act a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:

(1) Costs attributable to staff experience and professional preparation; and

(2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a

high degree of transient enrollment; and

(3) Costs resulting from the operation of small districts judged by the state board of education as remote and necessary; and

(4) Costs differentials attributable to the operation of approved elementary and secondary programs; and

(5) Costs which must be incurred to operate an approved vocational program; and

(6) Costs which must be incurred and are appropriated to operate an approved program for handicapped children.

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time and part time students as provided in section 2 (2) of this 1969 amendatory act enrolled on the first day of each month.

NEW SECTION. Sec. 2. There is added to chapter 28.41 RCW a new section to read as follows:

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

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

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

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

(d) "part time student" shall mean and include any student enrolled in a course of instruction in a private or private sectarian school and taking courses at any public school not available in such private or private sectarian school and any student involved in any

work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

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

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of part time students authorized by subsection (2) and shall include such costs in the "weighting schedule" established pursuant to RCW 28.41-.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of part time students on a part time basis, by the superintendent of public instruction, according to law.

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

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of this 1969 amendatory act.

Part II. Sections affecting proposed 1969 education code.

Sec. 3. Section 28A.41.140, chapter ..., Laws of 1969 (HB 58)

and RCW 28A.41.140 are each amended to read as follows:

To determine a "weighted student enrolled," as that term is used in this chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:

- (1) Costs attributable to staff experience and professional preparation; and
- (2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment; and
- (3) Costs resulting from the operation of small districts judged by the state board of education as remote and necessary; and
- (4) Costs differentials attributable to the operation of approved elementary and secondary programs; and
- (5) Costs which must be incurred to operate an approved vocational program; and
- (6) Costs which must be incurred and are appropriated to operate an approved program for handicapped children.

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time and part time students as provided in section 2 (2) of this 1969 amendatory act, enrolled on the first school day of each month.

NEW SECTION. Sec. 4. There is added to chapter 28A.41 RCW a  
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new section to read as follows:

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

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

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

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

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

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

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of part time students authorized by subsection (2) and shall include such costs in the "weighting schedule" established pursuant to RCW 28.41-

.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of part time students on a part time basis, by the superintendent of public instruction, according to law.

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

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of this 1969 amendatory act.

NEW SECTION. Sec. 5. There is hereby appropriated an amount not to exceed five hundred thousand dollars from the general fund appropriation for general apportionment to the superintendent of public instruction contained in chapter ..., Laws of 1969, extraordinary session for the support of the purposes contained in this act during the 1969-71 biennium.

#### Part III. Construction.

NEW SECTION. Sec. 6. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB...). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be con-

strued 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. 7. 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 House April 4, 1969.

Passed the Senate April 25, 1969.

Approved by the Governor May 8, 1969.

Filed in office of Secretary of State May 8, 1969.

CHAPTER 218  
[Engrossed House Bill No. 314]  
TRAFFIC SAFETY EDUCATION

AN ACT Relating to the education of motor vehicle drivers; prescribing certain penalty assessments for the financing thereof; renaming the driver education account of the general fund as the traffic safety education account of the general fund in the state treasury; amending section 2, chapter 39, Laws of 1963 and RCW 46.81.010; amending section 3, chapter 39, Laws of 1963 and RCW 46.81.020; amending section 4, chapter 39, Laws of 1963, as amended by section 11 chapter 167, Laws of 1967, and RCW 46.81.030; amending section 6, chapter 39, Laws of 1963 and RCW 46.81.050; amending section 7, chapter 39, Laws of 1963 and RCW 46.81.060; amending section 8, chapter 39, Laws of 1963, as amended by section 5, chapter 147, Laws of 1967 ex. sess., and RCW 46.81.070; amending section 1, chapter 39, Laws of 1963, and RCW 46.81.900; amending section 7, chapter 121, Laws of 1965 ex. sess., and RCW 46.20.055; amending section 46.20.070, chapter 12, Laws of 1961, as last amended by section 27, chapter 32, Laws of 1967, and RCW 46.20.070; amending section 46.20.100, chapter 12, Laws of 1961, as last amended by section 1, chapter 167, Laws of 1967, and RCW 46.20.100; amending section 4, chapter 25, Laws of 1965, as amended by section 3, chapter 174, Laws of 1967, and RCW 46.68.041; and

declaring an emergency.

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

Section 1. Section 2, chapter 39, Laws of 1963, and RCW 46-.81.010 are each amended to read as follows:

The following words and phrases whenever used in ~~((this-act))~~ chapter 46.81 RCW shall have the following meaning:

- (1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.
- (2) "~~((Driver))~~ Traffic safety education course" shall mean an accredited course of instruction in ~~((driver))~~ traffic safety education which shall consist of three parts: Classroom instruction, ~~((behind the-wheel-instruction-or-equivalent))~~ laboratory experience, and observation time. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each of said parts shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of ~~((driver))~~ traffic safety education. Any ~~((ex-all))~~ portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

- (3) "Qualified teacher of ~~((driver))~~ traffic safety education" shall mean an instructor certificated under the provisions of chapter 28.70 RCW and certificated by the superintendent of public instruction to teach either the classroom part or the ~~((behind-the-wheel))~~ laboratory part of the ~~((driver))~~ traffic safety education course, or both, under regulations promulgated by the superintendent ~~((but-such-teacher need-not-be-certificated-under-the-provisions-of-chapter-28.70-RCW))~~.

Sec. 2. Section 3, chapter 39, Laws of 1963, and RCW 46.81.020 are each amended to read as follows:

- (1) The superintendent of public instruction is authorized to establish a section of ~~((driver))~~ traffic safety education, under the division of curriculum and instruction and through such section shall

administer, supervise, and develop the ((~~driver~~)) traffic safety education program and shall assist local school districts in the conduct of their ((~~driver~~)) traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the ((~~driver~~)) traffic safety education program; and each school district shall submit an annual report to the superintendent on the financial condition of its traffic safety education program: PROVIDED, That the superintendent shall conduct audits or such other examination of the records and accounts of said school districts and shall require their reporting of such information as the superintendent deems necessary to adequately monitor the quality of the program and to carry out the purposes of this 1969 amendatory act, and in order to make regular reports to the legislature.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a ((~~driver~~)) traffic safety education course. If a school district elects to offer a ((~~driver~~)) traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in ((~~driver~~)) traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) Subject to the rules and regulations adopted by the superintendent of public instruction, the board of directors of a school district may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the ((~~behind-the-wheel~~)) laboratory part of the ((~~driver~~)) traffic safety education program. Instructors provided by any such contracting drivers' school must be certificated as qualified teachers of ((~~driver~~)) traffic safety education.

Sec. 3. Section 4, chapter 39, Laws of 1963, as amended by section 11, chapter 167, Laws of 1967, and RCW 46.81.030 are each

amended to read as follows:

There shall be levied and paid into the ((~~driver~~)) traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine is imposed, ((~~three~~)) five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, ((~~three~~)) five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total fine or bail forfeited for all offenses.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine actually imposed.

Sec. 4. Section 6, chapter 39, Laws of 1963 and RCW 46.81.050 are each amended to read as follows:

The gross proceeds of the penalty assessments provided for in RCW 46.81.030 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the((~~driver~~)) traffic safety education account in the general fund.

Sec. 5. Section 7, chapter 39, Laws of 1963 and RCW 46.81-.060 are each amended to read as follows:

There is hereby created the ((~~driver~~)) traffic safety education account in the general fund of the state treasury (formerly named the driver education account) to the credit of which shall be

deposited all moneys directed by law to be credited thereto. All expenses incurred by the superintendent of public instruction in administering this chapter and all payments by the superintendent of public instruction to school districts as authorized by this chapter shall be borne by appropriations from this account.

Sec. 6. Section 8, chapter 39, Laws of 1963, as amended by section 5, chapter 147, Laws of 1967 ex. sess., and RCW 46.81.070 are each amended to read as follows:

(1) Each school district offering a course in ~~((driver))~~ traffic safety education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof. Subject to RCW 46.81.060 each school district shall be reimbursed from the ~~((driver))~~ traffic safety education account: PROVIDED, That the state superintendent shall determine the approximate per pupil cost of ~~((driver))~~ traffic safety education and may reimburse up to seventy-five percent of the estimated per pupil cost of ~~((driver))~~ traffic safety education. Per pupil cost of ~~((driver))~~ traffic safety education shall include the per pupil cost of vehicles used exclusively in ~~((driver))~~ traffic safety education programs and simulators used in such programs amortized by school districts over a sixty-month period.

A simulator is any automobile driver training device approved by the superintendent of public instruction to be used for purposes of ~~((driver))~~ traffic safety education instruction under simulated driving conditions.

(2) The directors of any school district or combination of school districts shall establish a ~~((driver))~~ traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in such school district prior to the enrollment in a ~~((driver))~~ traffic safety education course. ~~((Driver))~~ Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the ~~((driver))~~ traffic safety education

course.

Sec. 7. Section 1, chapter 39, Laws of 1963 and RCW 46.81.900 are each amended to read as follows:

It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in (~~driver~~) traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents. The course in (~~driver~~) traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles.

Sec. 8. Section 7, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed driver who has had at least five years of driving experience and is licensed in the state of Washington and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Only one additional instruction permit may be issued within a period of twenty-four months after the issuance of the first such permit. The department after investigation may in its discretion issue a third instruction permit within a twenty-four month period where it finds that the permittee is diligently seeking to improve his driving proficiency.

(2) The department upon receiving proper application may in its discretion issue an instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is enrolled in a (~~driver~~) traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to drive a motor vehicle only when an approved instructor or other driver licensed in Washington with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting him to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his immediate possession while driving a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

Sec. 9. Section 46.20.070, chapter 12, Laws of 1961, as last amended by section 27, chapter 32, Laws of 1967, and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director for permission for a person under the age of sixteen years to operate a motor vehicle under twenty thousand pounds gross weight over and upon the public highways of this state in connection with farm work, the director is hereby authorized to issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the

issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit shall authorize the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of sixteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the ((driver)) traffic safety education account in the general fund.

The director shall have authority to transfer this permit from one farming locality to another but this does not constitute a renewal of the permit.

The director shall have authority to deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated.

Sec. 10. Section 46.20.100, chapter 12, Laws of 1961, as last [1640]

amended by section 1, chapter 167, Laws of 1967, and RCW 46.20.100 are each amended to read as follows:

The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father of the applicant if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a ~~((driver))~~ traffic safety education course as defined in section 1 of this 1969 amendatory act, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a ~~((driver))~~ traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That until July 1, 1969 the director may upon a showing that a ~~((driver))~~ traffic safety education course was not available to the minor waive said requirement if the minor shows to the satisfaction of the department that he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

Sec. 11. Section 4, chapter 25, Laws of 1965, as amended by section 3, chapter 174, Laws of 1967, and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.21 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided

in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the (~~(driver)~~) traffic safety education account in the general fund.

(3) Out of each fee of four dollars collected for a driver's license, the sum of two dollars and twenty cents shall be deposited in the parks and parkways account in the general fund to be used for carrying out the provisions of chapter 43.51 RCW except that not to exceed fifty thousand dollars in a biennium as by appropriation provided shall be paid from the parks and parkways account for use in carrying out the provisions of law relating to drivers' licenses.

(4) Out of each fee of four dollars collected for a driver's license, the sum of one dollar and twenty cents shall be deposited in the highway safety fund, and sixty cents shall be deposited in the state patrol highway account.

NEW SECTION. Sec. 12. Whenever the term "driver education" is used in the code, it shall be defined to mean "traffic safety education."

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 House March 14, 1969.

Passed the Senate April 22, 1969.

Approved by the Governor May 3, 1969, with the exception of Section 11, which is vetoed.

Filed in office of Secretary of State May 9, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
 "...Under RCW 46.68.041, one dollar of the driver's license fee is transferred to the driver education account. Section 11 of Engrossed House Bill No. 314 changes the name of the account to which this dollar is allocated from the driver education account to the traffic safety education account.

Senate Bill No. 287, adopted by the first session of the 41st Legislature raised the driver's license fee to \$5.00. This bill is now Chapter 99, Laws of 1969. Section 9 of Chapter 99 provided for the allocation of the new \$5.00 driver's license fee.

Section 11 of Engrossed House Bill No. 314 neither mentions the amendment to RCW 46.68.041 by Chapter 99 nor provides for the allocation of the increased driver's license fee.

In order to avoid the confusion resulting from both these amendments to the same section from becoming effective and the danger that section 9 of Chapter 99, Laws of 1969, would thereby be repealed by implication, I have vetoed section 11 of Engrossed House Bill No. 314. Since section 5 of Engrossed House Bill No. 314 specifically changes the name of the "driver education account" to the "traffic safety education account", my veto will not affect the practical operation of the bill.

With the exception of Section 11 which I have vetoed, the remainder of Engrossed House Bill No. 314 is approved."

CHAPTER 219

[Engrossed Substitute Senate Bill No. 468]  
POLICEMEN'S AND FIREMEN'S BENEFITS

AN ACT Relating to public employment; amending section 1, chapter 6, Laws of 1959 as last amended by section 36, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 37, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.060; amending section 11, chapter ..., Laws of 1969 (Engrossed Substitute SB 74); amending section 15, chapter ..., Laws of 1969 (Engrossed Substitute SB 74); and declaring an emergency.

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

Section 1. Section 1, chapter 6, Laws of 1959 as last amended by section 36, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund

during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That, except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement, no such pension shall exceed the amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary at any time hereafter attached to the position held by such retired member for the year preceding his date of retirement: PROVIDED, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130; (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the

time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

Sec. 2. Section 5, chapter 39, Laws of 1909 as last amended by section 37, chapter ..., Laws of 1969 (Engrossed Substitute SB 74) and RCW 41.20.060 are each amended to read as follows:

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain ((~~7~~)) except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of section 1 of this 1969 amendatory act shall apply, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957 (~~((7-except-as-to-a-position-higher-than-that-of-captain-held-for-at-least-three-calendar-years-prior-to-the-date-of-retirement-in-which-case-as-to-such-position-the-provisions-of-section-36-of-this-1969-amendatory-act-shall-apply))~~): PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than

twenty-five years as a member, in any capacity of the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

.Sec. 3. Section 11, chapter ..., Laws of 1969 (Engrossed Substitute SB 74) is amended to read as follows:

(1) All claims for disability made against the retirement system as defined in section 3(1) of this 1969 amendatory act (SSB 74) shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city and one member from the public at large who resides within the city to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing firemen's pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant

to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by fire fighters' or law enforcement officers' as appropriate under the Washington Law Enforcement officers' and Fire Fighters' Retirement System Act.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not residing within a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters subject to the jurisdiction of the county disability board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed for all travel expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this 1969 amendatory act (SSB 74) and subsequent legislative acts.

Sec. 4. Section 15, chapter ..., Laws of 1969 (Engrossed Substitute SB 74) is amended to read as follows:

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(1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires nursing, care, or attention, the employer shall pay for such active member and such member retired for disability the necessary hospital, care, and nursing expenses of such member; and the employer shall pay for such (~~disability-retired-member~~) member retired on account of service, hospital, care, and nursing expenses as are reasonable, in the disability board discretion. The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the disability board, for a period not exceeding six months; after which period the other provisions of this chapter shall apply: PROVIDED, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: PROVIDED FURTHER, That the disability board shall designate the hospital and medical services available to such sick or disabled member.

(2) The medical benefits payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling col-

lection of charges under the provisions of this 1969 amendatory act (SSB 74).

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries to the extent necessary to recover the amount of payments made by the employer.

NEW SECTION. Sec. 5. If any provision of this 1969 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 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 July 1, 1969.

Passed the Senate May 1, 1969.  
Passed the House April 22, 1969.  
Approved by the Governor May 10, 1969.  
Filed in office of Secretary of State May 10, 1969.

CHAPTER 220  
[Engrossed Senate Bill No. 477]  
WASHINGTON LAW ENFORCEMENT OFFICERS'  
TRAINING COMMISSION

AN ACT Relating to state government; amending section 3, chapter 158, Laws of 1965 and RCW 43.100.030; amending section 8, chapter 158, Laws of 1965, and RCW 43.100.080; and making an appropriation.

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

Section 1. Section 3, chapter 158, Laws of 1965 and RCW 43-100.030 are hereby amended to read as follows:

(1) The commission shall consist of ~~((nine))~~ eleven members.  
~~((Six))~~ Eight members shall be selected as follows:

(a) ~~((Two-shall-be-appointed-by))~~ The governor shall appoint

two members who shall be incumbent sheriffs; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from incumbent sheriffs;

(b) ~~((Two-shall-be-appointed-by))~~ The governor shall appoint two members who shall be incumbent chiefs of police; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from incumbent chiefs of police;

(c) ~~((One-shall-be-appointed-by))~~ The governor shall appoint one member from incumbent county commissioners; a vacancy caused by expiration of a term or otherwise of the member shall be filled in the same manner as the original appointment;

(d) ~~((one-shall-be-appointed-by))~~ The governor shall appoint one member from incumbent executive officers of cities within the state; a vacancy caused by expiration of a term or otherwise of this member shall be filled in the same manner as the original appointment.

(e) The governor shall appoint two members from institutions of higher learning involved in the field of law enforcement: PROVIDED That at least one represents community colleges.

(2) Three members shall be:

(a) The attorney general, or his duly designated representative;

(b) The chief of the Washington state patrol, or his duly designated representative; and

(c) The special agent in charge of the Seattle office of the federal bureau of investigation, or his duly designated representative.

Sec. 2. Section 8, chapter 158, Laws of 1965, and RCW 43.100-.080 are each amended to read as follows:

The commission shall have all of the following powers:

(1) (a) To meet at such times and places as it may deem

proper;

(b) To employ an executive secretary and such clerical and technical assistants as may be necessary;

(c) To contract with such other agencies, public or private, or persons as it deems necessary for the rendition and affording of such services, facilities, studies, and reports as will best assist it to carry out its duties and responsibilities;

(d) To cooperate with and secure the cooperation of every department, agency, or instrumentality in state government;

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions; ((and))

(f) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

(2) All rules adopted by the commission shall be adopted and amended pursuant to the "Administrative Procedure Act".

(3) In exercising its functions the commission shall endeavor to minimize costs of administration, so that the greatest possible proportion of the funds available to it shall be expended for the purpose of providing training for local law enforcement officers. All expenses for the operation of the commission shall be a proper charge against the revenue accruing under the provisions of this chapter.

NEW SECTION. Sec. 3. In addition to the powers set forth in RCW 43.100.080, the commission is authorized and directed to plan for and approve statewide police training facilities for training of law enforcement officers. The commission shall study and report to the forty-first legislature by January 1, 1970, its recommendation. Such study shall include, but not be limited to, consideration of:

- (1) Construction of a new facility;
- (2) Expansion of the Washington state patrol academy;
- (3) Organization, use, and development of any existing

community college facility;

(4) Acquisition, use and development of facilities at Fort Lewis or other suitable sites.

NEW SECTION. Sec. 4. There is hereby appropriated to the Washington law enforcement officers' training commission from the state general fund the sum of five hundred dollars, and such other funds as the agency may authorize as may be necessary to carry out the provisions of section 3 of this act.

Passed the Senate May 1, 1969.

Passed the House April 23, 1969.

Approved by the Governor May 10, 1969.

Filed in office of Secretary of State May 10, 1969.

CHAPTER 221  
[Engrossed House Bill No. 183]  
COURT OF APPEALS

AN ACT Providing for a court of appeals; for the election, composition, terms of office and retirement of its judges; and amending section 29.21.150, chapter 9, Laws of 1965 and RCW 29.21.150; making an appropriation; and declaring an emergency with effective date.

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

NEW SECTION. Section 1. There is hereby established a court of appeals as a court of record. For the purpose of sections 1 through 10 of this act the following terms shall have the following meanings:

- (1) "Rules" means rules of the supreme court.
- (2) "Chief justice" means chief justice of the supreme court.
- (3) "Court" means court of appeals.
- (4) "Judge" means judge of the court of appeals.
- (5) "Division" means a division of the court of appeals.
- (6) "District" means a geographic subdivision of a division from which judges of the court of appeals are elected.
- (7) "General election" means the biennial election at which members of the house of representatives are elected.

NEW SECTION. Sec. 2. The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have six judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have four judges;

(b) District 2 shall consist of Snohomish county and shall have one judge; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have one judge.

(2) The second division shall have three judges, one from each of the following districts:

(a) District 1 shall consist of Pierce county.

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston counties.

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum counties.

(3) The third division shall have three judges, one from each of the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Perce, Oreille, Spokane and Stevens counties.

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman counties.

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties.

NEW SECTION. Sec. 3. The administration and procedures of the court shall be as provided by rules of the supreme court. The court shall be vested with all power and authority, not inconsistent with said rules, necessary to carry into complete execution all of its

judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law and the Constitution and laws of this state.

For the prompt and orderly administration of justice, the supreme court may (1) transfer to the appropriate division of the court for decision a case or appeal pending before the supreme court; or (2) transfer to the supreme court for decision a case or appeal pending in a division of the court.

Subject to the provisions of this section, the court shall have exclusive appellate jurisdiction in all cases except:

- (a) cases of quo warranto, prohibition, injunction or mandamus directed to state officials;
- (b) criminal cases where the death penalty has been decreed;
- (c) cases where the validity of all or any portion of a statute, ordinance, tax, impost, assessment or toll is drawn into question on the grounds of repugnancy to the Constitution of the United States or of the state of Washington, or to a statute or treaty of the United States, and the superior court has held against its validity;
- (d) cases involving fundamental and urgent issues of broad public import requiring prompt and ultimate determination; and
- (e) cases involving substantive issues on which there is a direct conflict among prevailing decisions of panels of the court or between decisions of the supreme court;

all of which shall be appealed directly to the supreme court: PROVIDED, That whenever a majority of the court before which an appeal is pending, but before a hearing thereon, is in doubt as to whether such appeal is within the categories set forth in subsection (d) or (e) of this section, the cause shall be certified to the supreme court for such determination.

When the court acquires jurisdiction of any cause and makes a disposition thereof, there shall be a right of appeal to the supreme court when the court reverses a judgment or order of the superior

court by less than a unanimous decision. In all other cases, appeals from the court to the supreme court shall be only at the discretion of the supreme court upon the filing of a petition for review. No case, appeal or petition for a writ filed in the supreme court or the court shall be dismissed for the reason that it was not filed in the proper court, but it shall be transferred to the proper court.

NEW SECTION. Sec. 4. The court shall sit in panels of three judges and decisions shall be rendered by not less than a majority of the panel. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decisions shall be stated. All opinions of the court shall be published. Panels in the first division shall be comprised of such judges as the chief judge thereof shall from time to time direct. Judges of the respective divisions may sit in other divisions and causes may be transferred between divisions, as directed by written order of the chief justice. The court may hold sessions in such of the following cities as may be designated by rule: Seattle, Everett, Bellingham, Tacoma, Vancouver, Spokane, Yakima, Richland and Walla Walla.

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

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

NEW SECTION. Sec. 5. A judge of the court shall be:

(1) Admitted to the practice of law in the courts of this state not less than five years prior to taking office.

(2) A resident for not less than one year at the time of appointment or initial election in the district for which his position was created.

NEW SECTION. Sec. 6. Each judge of the court shall receive an annual salary of twenty-five thousand dollars until subsequently increased by the legislature, but no salary warrant shall be issued to any judge until he shall have made and filed with the state auditor

an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

NEW SECTION. Sec. 7. Upon the taking effect of sections 1 through 10 of this act, the governor shall appoint the judges of the court of appeals for each district in the numbers provided in section 2 of this act, who shall hold office until the second Monday in January of the year following the first state general election following the effective date of this act. In making the original appointments the governor shall take into consideration such factors as: Personal character; intellect; ability; diversity of background of experience in the practice of the law; diversity of political philosophy; diversity of educational experience; and diversity of affiliation with social and economic groups, for the purpose of establishing a balanced appellate court with the highest quality of personnel. At the first state general election after the effective date of this act there shall be elected from each district the number of judges provided for in section 2 of this act. Upon taking office the judges of each division elected shall come together at the direction of the chief justice and be divided by lot into three equal groups; those of the first group shall hold office until the second Monday in January of 1973, those of the second group shall hold office until the second Monday in January of 1975, and those of the third group shall hold office until the second Monday in January of 1977, and until their successors are elected and qualified. Thereafter, judges shall be elected for the full term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election: PROVIDED, HOWEVER, That if the governor shall make appointments to the appellate court from membership of the superior court, the governor shall, in making appointments filling vacancies created in the superior courts by such action, take into consideration such factors as: Personal character; intellect; ability; diversity of background of experience in the practice of the law; diversity of political philosophy; diversity of educational experience; and

diversity of affiliation with social and economic groups, for the purpose of maintaining a balanced superior court with the highest quality of personnel.

NEW SECTION. Sec. 8. If a vacancy occurs in the office of a judge of the 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 take place at the next succeeding general election and the judge so elected shall hold the office for the remainder of the unexpired term.

NEW SECTION. Sec. 9. No judge, while in office, shall engage in the practice of law. No judge shall run for elective office other than a judicial office during the term for which he was elected.

NEW SECTION. Sec. 10. Judges shall retire at the age, and under the conditions and with the same retirement benefits as specified by law for the retirement of justices of the supreme court.

Sec. 11. Section 29.21.150, chapter 9, Laws of 1965 and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for ~~((judges))~~ justices of the supreme court, judges of the court of appeals and judges of the superior court, for justices of the peace, for state superintendent of public instruction, and for county superintendent of schools, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter: PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals.

NEW SECTION. Sec. 12. There is hereby appropriated from the general fund to the court of appeals to carry out the provisions of this act the sum of one million dollars.

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 House May 2, 1969.

Passed the Senate April 25, 1969.

Approved by the Governor May 8, 1969, with the exception of section 12, which is vetoed.

Filed in office of Secretary of State May 12, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...Section 12 of this bill contains a \$1,000,000 appropriation. Section 2 of the conference version of the budget also contains a \$1,000,000 appropriation for the appellate court. In order to bring Engrossed House Bill No. 183 into conformity with the action of the conference committee on the budget, I have vetoed section 12. The remainder of Engrossed House Bill No. 183 is approved."

CHAPTER 222  
[Engrossed House Bill No. 635]  
HIGHER EDUCATION--STUDENT FINANCIAL AID

AN ACT Relating to education; amending section 1, chapter 191, Laws of 1959 and RCW 28.76.420; amending section 28B.10.280, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.280; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; providing for financial assistance to needy or disadvantaged students attending institutions of higher education within the state; making an appropriation; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 1, chapter 191, Laws of 1959 and RCW 28-.76.420 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University and the boards of trustees of the state col-

leges and community college districts may each create ((a)) student loan funds, and qualify and participate in the National Defense Education Act of 1958 and such other similar federal student aid programs as are or may be enacted from time to time, and to that end may comply with all of the laws of the United States, and all of the rules, regulations and requirements promulgated pursuant thereto.

Part II. Sections affecting proposed 1969 education code.

Sec. 2. Section 28B.10.280, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.280 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of the state colleges may each create ((a)) student loan funds, and qualify and participate in the National Defense Education Act of 1958 and such other similar federal student aid programs as are or may be enacted from time to time, and to that end may comply with all of the laws of the United States, and all of the rules, regulations and requirements promulgated pursuant thereto.

NEW SECTION. Sec. 3. Any student who organizes and/or participates in any demonstration, riot or other activity of which the effect is to interfere with or disrupt the normal educational process at such institution shall not be eligible for such aid.

Part III. Construction.

NEW SECTION. Sec. 4. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if

such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall 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. 5. 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.

#### PART IV

NEW SECTION. Sec. 6. The legislature hereby declares that it regards the higher education of its qualified domiciliaries to be a public purpose of great importance to the welfare and security of this state and nation; and further declares that the establishment of a student financial aid program, assisting financially needy or disadvantaged students in this state to be a desirable and economical method of furthering this purpose. The legislature has concluded that the benefit to the state in assuring the development of the talents of its qualified domiciliaries will bring tangible benefits to the state in the future.

The legislature further declares that there is an urgent need at present for the establishment of a state of Washington student financial aid program, and that the most efficient and economical way to meet this need is through the plan prescribed in this act.

NEW SECTION. Sec. 7. The sole purpose of this act is to establish a state of Washington student financial aid program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in section 8 (1) of this act.

NEW SECTION. Sec. 8. As used in Part IV of this act:

(1) "Institutions of higher education" shall mean 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.

(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 "commission" shall mean the Washington state student financial aid commission. - V

(4) 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 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.

(5) 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.

NEW SECTION. Sec. 9. This program shall be administered by the Washington state student financial aid commission, hereinafter referred to as the "commission". The commission shall be composed of seven members appointed by the governor. The length of term of members initially appointed to the commission shall be decided by lot. Three members shall serve for three years, two members shall serve for two years, and the remaining two members shall serve for one year. Thereafter all terms shall be for the period of three years. Vacan- - V

cies shall be filled for unexpired terms in the same manner as for original appointments.

V - The commission shall elect from its own members each year a chairman and secretary who shall serve for terms of one year.

The members of the commission shall receive no compensation for their services, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

NEW SECTION. Sec. 10. The commission shall be cognizant of the following guidelines in the performance of its duties:

(1) The commission shall be research oriented, not only at its inception but continually through its existence.

(2) The commission shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The commission shall take the initiative and responsibility for coordinating all federal student financial aid programs to insure that the state recognizes the maximum potential effect of these programs, and shall design the state program which complements existing federal, state and institutional programs.

(4) Counseling is a paramount function of student financial aid, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the commission, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) In the development of any new program, the commission shall seek advice from and consultation with the institutions of higher learning, state agencies, industry, labor, and such other interested groups as may be able to contribute to the effectiveness of program development and implementation.

(6) The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element

of the state's involvement.

NEW SECTION. Sec. 11. The commission shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of;

(a) Fulfilling educational aspirations of students of the state of Washington, and

(b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The commission will disseminate the information yielded by their analyses to all appropriate individuals and agents.

(c) This study should include information on the following:

(1) all programs and sources of available student financial aid,

(ii) distribution of Washington citizens by socio-economic class,

(iii) data from federal and state studies useful in identifying;

(A) demands of students for specific educational goals in colleges, and

(B) the discrepancy between high school students' preferences and the colleges they actually selected.

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state program will supplement available federal and local aid programs. The state program of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher learning and the student's total resources, including family support, per-

sonal savings, employment, and federal and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the commission shall consider the following:

(a) Assets and income of the student.

(b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.

(c) The cost of attending the institution the student is attending or planning to attend.

(d) Any other criteria deemed relevant to the commission.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to full time needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

NEW SECTION. Sec. 12. In awarding grants, the commission shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the commission, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The commission shall annually select the financial aid award winners from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the commission's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) A grant may be renewed until the course of study is completed, but not for more than an additional three academic years beyond the first year of the award. These shall not be required to be consecutive years. Qualifications for renewal will include maintaining satisfactory academic standing toward completion of the course of study, and continued eligibility as determined by the commission. Should the recipient terminate his enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds.

(4) In computing financial need the commission shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

NEW SECTION. Sec. 13. For a student to be eligible for financial aid he must:

(1) Be a "needy student" or "disadvantaged student" as determined by the commission in accordance with section 8(4) and (5) of this act.

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment as a full time student or as a student under an established program designed to qualify him for enrollment as a full time student at an institution of higher education in Washington.

(4) Have complied with all the rules and regulations adopted by the commission for the administration of Part IV of this act.

NEW SECTION. Sec. 14. All student financial aid shall be granted by the commission without regard to the applicant's race, creed, color, religion, sex, or ancestry.

NEW SECTION. Sec. 15. No aid shall be awarded to any student who is pursuing a degree in theology.

NEW SECTION. Sec. 16. A state financial aid recipient under Part IV of this act shall apply the award toward the cost of tuition, room, board, books and fees at the institution of higher education attended.

NEW SECTION. Sec. 17. Funds appropriated for student financial assistance to be granted pursuant to Part IV of this act shall be disbursed as determined by the commission.

NEW SECTION. Sec. 18. The commission shall be authorized to accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of granting financial aid in addition to that funded by the state.

NEW SECTION. Sec. 19. The commission shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of Part IV of this act, and not in conflict with Part IV of this act, in accordance with the provisions of chapter 34.04 RCW, the Administrative Procedure Act.

NEW SECTION. Sec. 20. Subject to the provisions of chapter 41.06 RCW, state civil service law, or the higher education personnel board statute, if enacted by the forty-first legislature as Senate Bill No. 246, the commission shall appoint an executive director as chief administrator of the commission, and such employees as it deems advisable, and shall fix their compensation and prescribe their duties.

NEW SECTION. Sec. 21. The responsibility for administering Title IV-B of the Higher Education Act of 1965 is hereby transferred from the higher education facilities commission to the Washington student financial aid commission effective July 1, 1969.

NEW SECTION. Sec. 22. If this measure is enacted without the provisions of section 9 of this act, then the act shall be administered by the higher education facilities commission until a student financial aid commission is established.

NEW SECTION. Sec. 23. There is hereby appropriated from the state general fund to the Washington state student financial aid commission for the biennium ending June 30, 1971, the sum of six hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of Part IV of this act:

PROVIDED, That if this measure is enacted without the provisions of section 9 of this act then such appropriation shall be administered by the higher education facilities commission until a student financial aid commission is established.

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. Part IV 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.

Passed the House April 28, 1969.

Passed the Senate April 8, 1969.

Approved by the Governor May 8, 1969, with the exception of subsection (3) of section 8, section 9, section 21, section 22, a certain item in section 23, and section 25, which are vetoed.

Filed in office of Secretary of State May 12, 1969.

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

"...Part IV of this bill enacts a State of Washington Student Financial Aid program to assist needy and disadvantaged students domiciled in Washington. The bill provides that grants may be made available in order to permit qualifying students to attend the public or private accredited colleges, universities, community colleges or vocational technical institutes of their choice.

I endorse the basic objectives of this bill to create a well designed program which will provide financial aid to needy students in order to make available adequate educational opportunity to all of our citizens. Because of the relationship of Engrossed House Bill No. 635 to the provisions of the budget and other pending legislation certain technical item vetoes are required in order to perfect this bill.

Engrossed Senate Bill No. 243 has passed the Legislature. It creates a Council on Higher Education and is charged with the responsibility of overall planning for higher education in the state. Engrossed House Bill No. 132 has passed the House and is presently pending in the Senate. By the terms of that bill the functions of the Higher Education Facilities Commission and the administration of the student financial aid program are assigned to the nine citizen members of the Council on Higher Education who for such purposes are designated as the Commission on Higher Education. The Conference Committee report on the budget also assumes that the functions of the Higher Education Facilities Commission will be transferred to the Commission on Higher Education within the Council on Higher Education.

For these reasons and on the assumption of the passage of House Bill No. 132, I have vetoed the following conflicting provisions in Engrossed House Bill No. 635:

Subsection (3) of section 8 and all of section 9 which define and create the Washington State Student Financial Aid Commission, the functions of which under House Bill No. 132 will be assigned to the Commission on Higher Education; and sections 21 and 22 and the proviso to section 23 which will either be superseded by the provisions of House Bill No. 132 or are now not relevant because of the veto of section 9 of this act. I have also vetoed section 25 which declares an emergency. Since House Bill No. 132 does not contain an emergency clause and these two bills must be considered together it is desirable that their effective dates be as nearly as possible the same date.

With the exception of the vetoed items the remainder of the bill is approved.