

their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

NEW SECTION. Sec. 3. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That qualified applicants under sections 1 and 2 of this 1973 amendatory act shall be admitted to such institutions free of tuition and such fees commencing not later than the next succeeding quarter, semester or like educational period beginning after the effective date of this 1973 amendatory act.

Passed the House February 9, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 64

[House Bill No. 249]

WEATHER MODIFICATION BOARD REVOLVING ACCOUNT--
ABOLISHED--FUNDS TRANSFERRED

AN ACT Relating to the department of ecology; amending section 43.37.010, chapter 8, Laws of 1965 and RCW 43.37.010; amending section 43.37.030, chapter 8, Laws of 1965 and RCW 43.37.030; amending section 43.37.040, chapter 8, Laws of 1965 and RCW 43.37.040; amending section 43.37.050, chapter 8, Laws of 1965 and RCW 43.37.050; amending section 43.37.060, chapter 8, Laws of 1965 and RCW 43.37.060; amending section 43.37.080, chapter 8, Laws of 1965 and RCW 43.37.080; amending section 43.37.090, chapter 8, Laws of 1965 and RCW 43.37.090; amending section 43.37.100, chapter 8, Laws of 1965 and RCW 43.37.100; amending section 43.37.110, chapter 8, Laws of 1965 and RCW 43.37.110; amending section 43.37.120, chapter 8, Laws of 1965 and RCW 43.37.120; amending section 43.37.140, chapter 8, Laws of 1965 and RCW 43.37.140; amending section 43.37.150, chapter 8, Laws of 1965 and RCW 43.37.150; amending section 43.37.160, chapter 8, Laws of 1965 and RCW 43.37.160; amending section 43.37.170, chapter 8, Laws of 1965 and RCW 43.37.170; amending section 43.37.180, chapter 8, Laws of 1965 and RCW 43.37.180; amending section 43.37.190, chapter 8, Laws of 1965 and RCW 43.37.190;

creating new sections; adding a new section to chapter 8, Laws of 1965 and to chapter 43.37 RCW; repealing section 43.37.020, chapter 8, Laws of 1965 and RCW 43.37.020; repealing section 43.37.070, chapter 8, Laws of 1965 and RCW 43.37.070; and providing an effective date.

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

Section 1. Section 43.37.010, chapter 8, Laws of 1965 and RCW 43.37.010 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) ("Board") "Department" means the ((weather modification board)) department of ecology;

(2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;

(3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;

(4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 2. Section 43.37.030, chapter 8, Laws of 1965 and RCW 43.37.030 are each amended to read as follows:

In the performance of its functions the ((board)) department may, in addition to any other acts authorized by law:

(1) Establish advisory committees to advise with and make recommendations to the ((board)) department concerning legislation, policies, administration, research, and other matters;

(2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the ((board)) department may deem necessary or desirable to minimize danger to health or property; and

make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information, and hold such hearings as the ((board)) department may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this chapter or any regulations or orders issued thereunder;

(4) ((Subject to REW 43.37.070)) Appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment, and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the ((board's)) department's functions or duties and in furtherance of the purposes of this chapter;

(7) Represent the state in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts relating to weather modification and control.

Sec. 3. Section 43.37.040, chapter 8, Laws of 1965 and RCW 43.37.040 are each amended to read as follows:

The ((board)) department shall exercise its powers in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the ((board)) department may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials, and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial, and other purposes;

(3) The protection of life and property during research and operational activities.

Sec. 4. Section 43.37.050, chapter 8, Laws of 1965 and RCW 43.37.050 are each amended to read as follows:

In the case of hearings pursuant to RCW 43.37.180 the ((board)) department shall, and in other cases may, cause a record of the proceedings to be taken and filed with the ((board)) department, together with its findings and conclusions. For any hearing, ((any member of the board)) the director of the department or a representative designated by ((the board)) him is authorized to administer oaths and affirmations, examine witnesses, and issue, in

the name of the ((board)) department, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place.

Sec. 5. Section 43.37.060, chapter 8, Laws of 1965 and RCW 43.37.060 are each amended to read as follows:

(1) The ((board)) department may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, or bequests, or any other source, and may expend such funds, ((unless their use is restricted and)) subject to any limitations otherwise provided by law ((for the administration of this chapter and)), for the encouragement of research and development by a state, public, or private agency, either by direct grant, by contract or other cooperative means.

(2) ((There is established an account in the general fund to be known as the "weather modification board revolving account.")) All license and permit fees paid to the ((board)) department shall be deposited in ((such account: any accumulation in this account in excess of five thousand dollars shall revert to)) the state((+s)) general fund.

Sec. 6. Section 43.37.080, chapter 8, Laws of 1965 and RCW 43.37.080 are each amended to read as follows:

Except as provided in RCW 43.37.090, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the ((board)) department authorizing such activities.

Sec. 7. Section 43.37.090, chapter 8, Laws of 1965 and RCW 43.37.090 are each amended to read as follows:

The ((board)) department, to the extent it deems practical, shall provide by regulation for exempting from ((the)) license, permit, and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet, or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail.

Sec. 8. Section 43.37.100, chapter 8, Laws 1965 and RCW 43.37.100 are each amended to read as follows:

(1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate competence in the field of meteorology to the satisfaction of the ((board)) department,

reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The ((board)) department shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or renewed only upon the payment to the ((board)) department of one hundred dollars for the license or renewal thereof.

Sec. 9. Section 43.37.110, chapter 8, Laws of 1965 and RCW 43.37.110 are each amended to read as follows:

The ((board)) department shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

- (1) If the applicant is licensed pursuant to this chapter;
- (2) If a sufficient notice of intention is published and proof of publication is filed as required by RCW 43.37.140;
- (3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the ((board)) department but not to exceed twenty thousand dollars;
- (4) If the fee for a permit is paid as required by RCW 43.37.160;
- (5) If the weather modification and control activities to be conducted under authority of the permit are determined by the ((board)) department to be for the general welfare and public good((+));
- (6) If the ((board)) department has held an open public hearing in Olympia as to such issuance.

Sec. 10. Section 43.37.120, chapter 8, Laws of 1965 and RCW 43.37.120 are each amended to read as follows:

A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the ((board)) department and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the ((board)) department; and his activities shall also conform to any conditions imposed by the ((board)) department

upon the issuance of the permit or to the terms of the permit as modified after issuance.

Sec. 11. Section 43.37.140, chapter 8, Laws of 1965 and RCW 43.37.140 are each amended to read as follows:

(1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a ((daily)) legal newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a ((daily)) legal newspaper having a general circulation and published within each of such counties. In case there is no ((daily)) legal newspaper published within the appropriate county, publication shall be made in a ((daily)) legal newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the ((board)) department within fifteen days from the date of the last publication of the notice.

Sec. 12. Section 43.37.150, chapter 8, Laws 1965 and RCW 43.37.150 are each amended to read as follows:

Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the ((board)) department, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit.

Sec. 13. Section 43.37.160, chapter 8, Laws of 1965 and RCW 43.37.160 are each amended to read as follows:

The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the ((board)) department from the evidence available to it. The fee is due and payable to the ((board)) department as of the date of the issuance of the permit; however, if the applicant is able to give to the ((board)) department satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew his license

or to issue any further permits to such person.

Sec. 14. Section 43.37.170, chapter 8, Laws of 1965 and RCW 43.37.170 are each amended to read as follows:

(1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee, and such other general information as may be required by the ((board)) department and shall report the same to the ((board)) department at the time and in the manner required.

(2) The ((board)) department shall require written reports in such manner as it provides but not inconsistent with the provisions of this chapter, covering each operation for which a permit is issued. Further, the ((board)) department shall require written reports from such organizations as are exempted from license, permit, and liability requirements as provided in RCW 43.37.090.

(3) The reports and records in the custody of the ((board)) department shall be open for public examination.

Sec. 15. Section 43.37.180, chapter 8, Laws of 1965 and RCW 43.37.180 are each amended to read as follows:

(1) The ((board)) department may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The ((board)) department may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this chapter. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds of the proposed suspension or revocation. The ((board)) department may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter.

(2) The ((board)) department may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the ((board)) department that it is necessary for the protection of the health or the property of any person to make the modification proposed.

Sec. 16. Section 43.37.190, chapter 8, Laws of 1965 and RCW 43.37.190 are each amended to read as follows:

Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the ((board)) department, or any state officials or employees for any

weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious, or other legal rights, duties, or liabilities between any private persons or groups.

NEW SECTION. Sec. 17. There is added to chapter 8, Laws of 1965 and to chapter 43.37 RCW a new section to read as follows:

The weather modification board revolving account is hereby abolished. Any funds remaining in such account shall be transferred to the general fund.

NEW SECTION. Sec. 18. The effective date of this 1973 amendatory act shall be July 1, 1973.

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

(1) Section 43.37.020, chapter 8, Laws of 1965 and RCW 43.37.020; and

(2) Section 43.37.070, chapter 8, Laws of 1965 and RCW 43.37.070.

Passed the House February 10, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 65

[House Bill No. 257]

COUNTY PARK AND RECREATION SERVICE AREAS-- CITY AREA INCLUSION--ENLARGEMENT PROCEDURE

AN ACT Relating to counties; adding new sections to chapter 218, Laws of 1963 and to chapter 36.68 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 218, Laws of 1963 and to chapter 36.68 RCW a new section to read as follows:

A park and recreation service area 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 resolution or 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.

NEW SECTION. Sec. 2. There is added to chapter 218, Laws of 1963 and to chapter 36.68 RCW a new section to read as follows:

After a park and recreation service area has been organized, an additional area may be added by the same procedure within the