

administration of the department.

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CHAPTER 154

[Engrossed Senate Bill No. 2502]

EQUAL RIGHTS

AN ACT Relating to equal rights; amending section 3, chapter 229, Laws of 1937 as last amended by section 5, chapter 30, Laws of 1971 and RCW 2.12.030; amending section 2, chapter 123, Laws of 1917 and RCW 4.20.020; amending section 495, page 220, Laws of 1854 as last amended by section 1, chapter 156, Laws of 1927 and RCW 4.20.060; amending section 9, page 4, Laws of 1869 as last amended by section 1, chapter 81, Laws of 1967 ex. sess. and RCW 4.24.010; amending section 10, page 4, Laws of 1869 as last amended by section 10, Code of 1881 and RCW 4.24.020; amending section 2, chapter 64, Laws of 1895 and RCW 6.12.020; amending section 3, chapter 64, Laws of 1895 and RCW 6.12.030; amending section 30, chapter 64, Laws of 1895 and RCW 6.12.040; amending section 31, chapter 64, Laws of 1895 and RCW 6.12.060; amending section 21, chapter 64, Laws of 1895 and RCW 6.12.260; amending section 25, chapter 64, Laws of 1895 as last amended by section 5, chapter 292, Laws of 1971 ex. sess. and RCW 6.12.290; amending section 2, chapter 57, Laws of 1897 as amended by section 6, chapter 292, Laws of 1971 ex. sess. and RCW 6.16.010; amending section 253, page 178, Laws of 1854 as last amended by section 1, chapter 89, Laws of 1965 and RCW 6.16.020; amending section 252, page 178, Laws of 1854 as last amended by section 341, Code of 1881 and RCW 6.16.070; amending section 346, page 88, Laws of 1869 as last amended by section 349, Code of 1881 and RCW 6.16.090; amending section 2, page 39, Laws of 1886 as amended by section 1, chapter 159, Laws of 1923 and RCW 7.12.020; amending section 456, page 214, Laws of 1854 as last amended by section 688, Code of 1881 and RCW 7.36.020; amending section 13, page 81, Laws of 1875 as amended by section 1247, Code of 1881 and RCW 7.48.240; amending section 38, page 108, Laws of 1854 as last amended by section 1931, Code of 1881 and RCW 10.16.150; amending section 33, page 80, Laws of 1854 as last amended by section 183, chapter 249, Laws of 1909 and RCW

9.79.010; amending section 33, page 80, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1943 and RCW 9.79.020; amending section 37, page 187, Laws of 1873 as amended by section 185, chapter 249, Laws of 1909 and RCW 9.79.030; amending section 813, Code of 1881 as amended by section 186, chapter 249, Laws of 1909 and RCW 9.79.040; amending section 815, Code of 1881 as amended by section 187, chapter 249, Laws of 1909 and RCW 9.79.050; amending section 188, chapter 249, Laws of 1909 as amended by section 1, chapter 186, Laws of 1927 and RCW 9.79.060; amending section 816, Code of 1881 as last amended by section 189, chapter 249, Laws of 1909 and RCW 9.79.070; amending section 2, chapter 74, Laws of 1937 as last amended by section 1, chapter 127, Laws of 1955 and RCW 9.79.080; amending section 15.24.086, chapter 11, Laws of 1961 and RCW 15.24.086; amending section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.010; amending section 2, chapter 162, Laws of 1927 and RCW 19.72.030; amending section 34, chapter 53, Laws of 1965 and RCW 23A.08.310; amending section 25.04.070, chapter 15, Laws of 1955 and RCW 25.04.070; amending section 25.04.250, chapter 15, Laws of 1955 and RCW 25.04.250; amending sections 1 and 5, page 404, Laws of 1854 as last amended by section 2, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.010; amending section 1, chapter 174, Laws of 1909 as last amended by section 1, chapter 149, Laws of 1959 and RCW 26.04.030; amending section 2, chapter 174, Laws of 1909 as last amended by section 2, chapter 149, Laws of 1959 and RCW 26.04.040; amending sections 13 and 14, page 83, Laws of 1866 as last amended by section 5, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.210; amending section 2, chapter 215, Laws of 1949 as amended by section 1, chapter 15, Laws of 1965 ex. sess. and RCW 26.08.020; amending section 9, chapter 215, Laws of 1949 as amended by section 70, chapter 81, Laws of 1971 and RCW 26.08.090; amending section 12, chapter 215, Laws of 1949 and RCW 26.08.120; amending section 13, chapter 215, Laws of 1949 and RCW 26.08.130; amending section 1, chapter 28, Laws of 1913 as last amended by section 2, chapter 207, Laws of 1969 ex. sess. and RCW 26.20.030; amending section 2, chapter 28, Laws of 1913 as amended by section 1, chapter 297, Laws of 1927 and RCW 26.20.050; amending section 3, chapter 28, Laws of 1913 and RCW 26.20.080; amending section 19, chapter 203, Laws of 1919 and RCW 26.24.190; amending section 2, page 407, Laws of 1854 as last amended by section 2364, Code of 1881 and RCW 26.28.020; amending section 195, chapter 249, Laws of 1909 and

RCW 26.28.060; amending section 3, chapter 291, Laws of 1955 and RCW 26.32.030; amending section 4, chapter 291, Laws of 1955 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 and RCW 26.32.050; amending section 8, chapter 291, Laws of 1955 and RCW 26.32.080; amending section 2, chapter 49, Laws of 1903 and RCW 26.37.020; amending section 28A.34.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.050; amending section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as amended by section 37, chapter 48, Laws of 1971 and RCW 28A.60.210; amending section 28B.30.150, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.150; amending section 30.08.150, chapter 33, Laws of 1955 and RCW 30.08.150; amending section 30.20.030, chapter 33, Laws of 1955 and RCW 30.20.030; amending section 43, chapter 235, Laws of 1945 and RCW 33.20.050; amending section 35.24.370, chapter 7, Laws of 1965 as amended by section 61, chapter 292, Laws of 1971 ex. sess. and RCW 35.24.370; amending section 35.27.500, chapter 7, Laws of 1965 as amended by section 62, chapter 292, Laws of 1971 ex. sess. and RCW 35.27.500; amending section 35.66.050, chapter 7, Laws of 1965 and RCW 35.66.050; amending section 36.28.100, chapter 4, Laws of 1963 and RCW 36.28.100; amending section 2, chapter 130, Laws of 1943 as amended by section 1, chapter 74, Laws of 1963 and RCW 38.04.030; amending section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 149, Laws of 1963 and RCW 38.20.010; amending section 4, chapter 108, Laws of 1895 as amended by section 4, chapter 134, Laws of 1909 and RCW 38.44.010; amending section 4, chapter 178, Laws of 1951 as amended by section 3, chapter 203, Laws of 1967 and RCW 38.52.030; amending section 14, chapter 223, Laws of 1953 and RCW 38.52.300; amending section 15, chapter 31, Laws of 1935 and RCW 41.08.140; amending section 1, chapter 91, Laws of 1947 and RCW 41.16.010; amending section 4, chapter 82, Laws of 1957 as amended by section 4, chapter 5, Laws of 1959 and RCW 41.16.100; amending section 6, chapter 82, Laws of 1957 as amended by section 6, chapter 5, Laws of 1959 and RCW 41.16.120; amending section 8, chapter 82, Laws of 1957 as amended by section 8, chapter 5, Laws of 1959 and RCW 41.16.140; amending section 9, chapter 82, Laws of 1957 as amended by section 9, chapter 5, Laws of 1959 and RCW 41.16.150; amending section 10, chapter 82, Laws of 1957 as amended by section 10, chapter 5, Laws of 1959 and RCW 41.16.160; amending section 11, chapter 82, Laws of 1957 as amended by section 11, chapter 5, Laws of 1959 and RCW 41.16.170; amending section 12, chapter 91, Laws of 1947 and RCW 41.16.230; amending section 1, chapter 382, Laws of 1955

as last amended by section 40, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.010; amending section 4, chapter 382, Laws of 1955 as last amended by section 29, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.040; amending section 25, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.045; amending section 9, chapter 382, Laws of 1955 as last amended by section 1, chapter 109, Laws of 1965 and RCW 41.18.080; amending section 8, chapter 382, Laws of 1955 as last amended by section 28, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.100; amending section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 86, Laws of 1965 and RCW 41.24.160; amending section 18, chapter 261, Laws of 1945 as amended by section 3, chapter 57, Laws of 1961 and RCW 41.24.180; amending section 52, chapter 80, Laws of 1947 as last amended by section 7, chapter 50, Laws of 1967 and RCW 41.32.520; amending section 2, chapter 183, Laws of 1957 and RCW 41.33.020; amending section 17, chapter 71, Laws of 1947 as last amended by section 7, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.170; amending section 21, chapter 71, Laws of 1947 as last amended by section 10, chapter 227, Laws of 1961 and RCW 41.44.210; amending section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160; amending section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170; amending section 43.22.260, chapter 8, Laws of 1965 and RCW 43.22.260; amending section 43.22.270, chapter 8, Laws of 1965 and RCW 43.22.270; amending section 43.22.280, chapter 8, Laws of 1965 and RCW 43.22.280; amending section 43.51.570, chapter 8, Laws of 1965 and RCW 43.51.570; amending section 43.78.150, chapter 8, Laws of 1965 and RCW 43.78.150; amending section 46.20.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 71, Laws of 1972 ex. sess. and RCW 46.20.100; amending section 29, chapter 121, Laws of 1965 ex. sess. as amended by section 6, chapter 167, Laws of 1967 and RCW 46.20.322; amending section 1, chapter 194, Laws of 1941 as amended by section 1, chapter 144, Laws of 1965 and RCW 49.24.080; amending section 4, chapter 194, Laws of 1941 and RCW 49.24.110; amending section 51.08.020, chapter 23, Laws of 1961 and RCW 51.08.020; amending section 51.12.080, chapter 23, Laws of 1961 as amended by section 9, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.080; amending section 51.24.010, chapter 23, Laws of 1961 as last amended by section 37, chapter 289, Laws of 1971 ex. sess. and RCW 51.24.010; amending section 51.24.020, chapter 23, Laws of 1961 and RCW 51.24.020; amending section 51.32.040, chapter 23, Laws of 1961 as last amended by section 18, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.040;

amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 19, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.050; amending section 51.32.070, chapter 289, Laws of 1961 as last amended by section 9, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.070; amending section 51.32.135, chapter 23, Laws of 1961 and RCW 51.32.135; amending section 1, chapter 137, Laws of 1957 and RCW 54.36.010; amending section 4, page 26, Code 1881, Bagley's Supp. as last amended by section 1, page 124, Laws of 1875 and RCW 67.14.040; amending section 72.33.020, chapter 28, Laws of 1959 and RCW 72.33.020; amending section 72.36.040, chapter 28, Laws of 1959 as amended by section 1, chapter 235, Laws of 1959 and RCW 72.36.040; amending section 72.36.050, chapter 28, Laws of 1959 as amended by section 1, chapter 112, Laws of 1967 and RCW 72.36.050; amending section 72.36.080, chapter 28, Laws of 1959 and RCW 72.36.080; amending section 72.64.040, chapter 28, Laws of 1959 and RCW 72.64.040; amending section 1, chapter 14, Laws of 1891 and RCW 73.04.010; amending section 1, chapter 84, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1951 and RCW 73.16.010; amending section 1, chapter 180, Laws of 1949 as amended by section 1, chapter 13, Laws of 1950 ex. sess. and RCW 73.32.020; amending section 1, chapter 292, Laws of 1955 and RCW 73.33.010; amending section 2, chapter 292, Laws of 1955 and RCW 73.33.020; amending section 30, chapter 228, Laws of 1963 and RCW 74.12.340; amending section 8 *[7], chapter 206, Laws of 1963 as amended by section 15, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.220; amending section 8, chapter 206, Laws of 1963 and RCW 74.20.230; amending section 165, chapter 36, Laws of 1917 as amended by section 11, chapter 211, Laws of 1943 and RCW 78.40.608; amending section 12, chapter 152, Laws of 1903 as amended by section 55, chapter 292, Laws of 1971 ex. sess. and RCW 79.48.130; amending section 80.28.080, chapter 14, Laws of 1961 and RCW 80.28.080; amending section 81.28.080, chapter 14, Laws of 1961 and RCW 81.28.080; amending section 81.94.060, chapter 14, Laws of 1961 and RCW 81.94.060; amending section 84.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 245, Laws of 1969 ex. sess. and RCW 84.36.040; amending section 84.36.120, chapter 15, Laws of 1961 as amended by section 72, chapter 299, Laws of 1971 ex. sess. and RCW 84.36.120; repealing section 497, page 220, Laws of 1854, section 11, page 5, Laws of 1869, section 11, page 5, Laws of 1877, section 11, Code of 1881, section 60, chapter 292, Laws of 1971 ex. sess. and RCW 4.24.030; repealing section 487, page 219, Laws of 1854,

section 752, page 152, Laws of 1877, section 747, Code of 1881 and RCW 4.24.120; repealing section 2406, Code of 1881 and RCW 26.16.170; repealing section 1, chapter 84, Laws of 1951, section 1, chapter 41, Laws of 1965 and RCW 49.28.070; and defining crimes and prescribing penalties.

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

Section 1. Section 3, chapter 229, Laws of 1937 as last amended by section 5, chapter 30, Laws of 1971 and RCW 2.12.030 are each amended to read as follows:

(Every judge of the) Supreme court, court of appeals, or superior court judges of the state who retire((s)) from office under the provisions of this chapter other than as provided in RCW 2.12.012 shall be entitled to receive monthly during the period of ((his)) their natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary ((he was)) they were receiving as a judge at the time of ((his)) their retirement, or at the end of the term immediately prior to ((his)) their retirement if ((his)) their retirement is made after expiration of ((his)) their term. The ((widow)) surviving spouse of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of ((his)) death, if ((she)) the surviving spouse had been married to ((him)) the judge for three years, if ((she)) the surviving spouse had been ((his wife)) married to the judge prior to ((his)) retirement, shall be paid an amount equal to one-half of the retirement pay ((for her husband)) of the judge, as long as ((she)) such surviving spouse remains unmarried. The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the ((widow)) the surviving spouse of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of ((his)) death had served ten or more years in the aggregate as a judge of the supreme court, court of appeals, or superior court or any of such courts, or had served an aggregate of twelve years in the supreme court, court of appeals, or superior court if such pension rights are based upon RCW 2.12.012.

Sec. 2. Section 2, chapter 123, Laws of 1917 and RCW 4.20.020 are each amended to read as follows:

Every such action shall be for the benefit of the wife, husband, child or children of the person whose death shall have been so caused. If there be no wife or husband or child or children, such action may be maintained for the benefit of the parents, sisters or ((minor)) brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his death.

In every such action the jury may give such damages as, under all circumstances of the case, may to them seem just.

Sec. 3. Section 495, page 220, Laws of 1854 as last amended by section 1, chapter 156, Laws of 1927 and RCW 4.20.060 are each amended to read as follows:

No action for a personal injury to any person occasioning ((his)) death shall abate, nor shall such right of action determine, by reason of such death, if ((he have a wife)) such person has a surviving spouse or child living, or leaving no ((wife)) surviving spouse or issue, if ((he have)) there is dependent upon ((him)) the deceased for support and resident within the United States at the time of ((his)) decedent's death, parents, sisters or ((minor)) brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator of the deceased, in favor of such ((wife)) surviving spouse, or in favor of the ((wife)) surviving spouse and children, or if no ((wife)) surviving spouse, in favor of such child or children, or if no ((wife)) surviving spouse or child or children, then in favor of ((his)) the decedent's parents, sisters or ((minor)) brothers who may be dependent upon ((him)) such person for support, and resident in the United States at the time of ((his)) decedent's death.

Sec. 4. Section 9, page 4, Laws of 1869 as last amended by section 1, chapter 81, Laws of 1967 ex. sess. and RCW 4.24.010 are each amended to read as follows:

((A father; or in case of his death or desertion of his family;)) The mother or father or both may maintain an action as plaintiff for the injury or death of a minor child, or a child on whom either ((is)), or both, are dependent for support ((and the mother for the injury or death of an illegitimate minor child; or an illegitimate child on whom she is dependent for support)): PROVIDED, That in the case of an illegitimate child the father cannot maintain or join as a party an action unless paternity has been duly established and the father has regularly contributed to the child's support.

This section creates only one cause of action, but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the court finds just and equitable.

If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That when the mother of an illegitimate child initiates an action, notice shall be required only if paternity has been duly established and the father has regularly contributed to the child's support.

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

In such an action, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just.

Sec. 5. Section 10, page 4, Laws of 1869 as last amended by section 10, Code of 1881 and RCW 4.24.020 are each amended to read as follows:

A father (~~(or in case of his death or desertion of his family, the)~~) or mother, may maintain an action as plaintiff for the seduction of a (~~(daughter)~~) child, and the guardian for the seduction of a ward, though the (~~(daughter)~~) child or the ward be not living with or in the service of the plaintiff at the time of the seduction or afterwards, and there be no loss of service.

Sec. 6. Section 2, chapter 64, Laws of 1895 and RCW 6.12.020 are each amended to read as follows:

If the claimant be married the homestead may be selected from the community property, or (~~(the)~~), with the consent of the husband, from his separate property (~~(of the husband)~~), or, with the consent of the wife, from her separate property. When the claimant is not married, but is the head of a family within the meaning of RCW 6.12.290 as now or hereafter amended, the homestead may be selected from any of his or her property.

Sec. 7. Section 3, chapter 64, Laws of 1895 and RCW 6.12.030 are each amended to read as follows:

The homestead cannot be selected from the separate property of the wife without her consent or from the separate property of the husband without his consent, shown by his or her making the declaration of homestead.

Sec. 8. Section 30, chapter 64, Laws of 1895 and RCW 6.12.040 are each amended to read as follows:

In order to select a homestead the husband, wife, or other head of a family (~~(or in case the husband has not made such selection, the wife)~~) must execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of homestead, and file the same for record.

Sec. 9. Section 31, chapter 64, Laws of 1895 and RCW 6.12.060

are each amended to read as follows:

The declaration of homestead must contain--

(1) A statement showing that the person making it is the head of a family (or when the declaration is made by the wife, showing that her husband has not made such declaration, and that she therefore makes the declaration for their joint benefit).

(2) A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead.

(3) A description of the premises.

(4) An estimate of their actual cash value.

Sec. 10. Section 21, chapter 64, Laws of 1895 and RCW 6.12.260 are each amended to read as follows:

The money paid to the claimant is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 11. Section 25, chapter 64, Laws of 1895 as last amended by section 5, chapter 292, Laws of 1971 ex. sess. and RCW 6.12.290 are each amended to read as follows:

The phrase "head of the family," as used in this chapter, includes within its meaning--

(1) The husband or wife, when the claimant is a married person; or a widow or widower still residing upon the premises occupied by her or him as a home while married.

(2) Every person who has residing on the premises with him or her, and under his or her care and maintenance, either--

(a) When such child or grandchild be under eighteen years of age, his or her child or grandchild or the child or grandchild of his or her deceased wife or husband.

(b) When such brother or sister or child be under eighteen years of age, a brother or sister, or the child of a deceased brother or sister.

(c) A father, mother, grandmother or grandfather.

(d) The father, mother, grandfather or grandmother of deceased husband or wife.

(e) ((An unmarried sister, or)) Any other of the relatives mentioned in this section who has attained the age of eighteen years, and are unable to take care of or support themselves.

Sec. 12. Section 2, chapter 57, Laws of 1897 as amended by section 6, chapter 292, Laws of 1971 ex. sess. and RCW 6.16.010 are each amended to read as follows:

A householder, as designated in all statutes relating to exemptions, is defined to be:

(1) The husband and wife, or either.

(2) Every person who has residing with him or her, and under

his or her care and maintenance, either:

(a) When such child be under eighteen years of age, his or her child, or the child of his or her deceased wife or husband.

(b) When such brother or sister or child be under eighteen years of age, a brother or sister, or the child of a deceased brother or sister.

(c) A father, mother, grandfather or grandmother.

(d) The father, mother, grandfather or grandmother of deceased husband or wife.

(e) (~~An unmarried sister, or~~) Any other of the relatives mentioned in this section who has attained the age of eighteen years, and are unable to take care of or support themselves.

Sec. 13. Section 253, page 178, Laws of 1854 as last amended by section 1, chapter 89, Laws of 1965 and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed five hundred dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed five hundred dollars in value, and all family pictures and keepsakes.

(3) To each householder, (a) his household goods, appliances, furniture and home and yard equipment, not to exceed one thousand dollars in value;

(b) provisions and fuel for the comfortable maintenance of such household and family for three months; and

(c) other property not to exceed four hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To a person not a householder, other property not to exceed two hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed one thousand five hundred dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional man, his library, office furniture, office equipment and supplies, not to exceed one thousand five hundred dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his trade for the support of himself or family, not to exceed one thousand five hundred dollars in value.

The property referred to in the foregoing subsection (3) shall

be selected by the husband or wife if present, (~~if not present it shall be selected by the wife,~~) and in case neither husband nor wife nor other person entitled to the exemption shall be present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.

Sec. 14. Section 252, page 178, Laws of 1854 as last amended by section 341, Code of 1881 and RCW 6.16.070 are each amended to read as follows:

All real and personal estate belonging to any married (~~woman~~) person at the time of his or her marriage, and all which he or she may have acquired subsequently to such marriage, or to which he or she shall hereafter become entitled in his or her own right, and all his or her personal earnings, and all the issues, rents and profits of such real estate, shall be exempt from attachment and execution upon any liability or judgment against the (~~husband~~) other spouse, so long as he or she or any minor heir of his or her body shall be living: PROVIDED, That (~~her~~) the separate property of each spouse shall be liable for debts owing by him or her at the time of (~~her~~) marriage.

Sec. 15. Section 346, page 88, Laws of 1869 as last amended by section 349, Code of 1881 and RCW 6.16.090 are each amended to read as follows:

As used in this section the masculine shall apply also to the feminine.

When a debtor claims personal property as exempt he shall deliver to the officer making the levy an itemized list of all the personal property owned or claimed by him, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and demands, and shall verify such list by affidavit. He shall also deliver to such officer a list by separate items of the property he claims as exempt. ((If the husband be absent or incapable of acting the claim may be made, the list delivered and verified by the wife.)) If the creditor, his agent or attorney demand an appraisal thereof, two disinterested householders of the neighborhood shall be chosen, one by the debtor and the other by the creditor, his agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fail to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the officer shall appoint one. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or other process and be by him annexed to and made part of his return and the property therein specified shall be exempt from levy and sale, and the other personal estate of the debtor shall remain subject thereto. In case no appraisal be required the officer shall return with the process the list of the property claimed as exempt by the debtor. The appraisers shall each be entitled to one dollar, to be paid by the creditor, if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor.

Sec. 16. Section 2, page 39, Laws of 1886 as amended by section 1, chapter 159, Laws of 1923 and RCW 7.12.020 are each amended to read as follows:

The writ of attachment shall be issued by the clerk of the court in which the action is pending; but before any such writ of attachment shall issue, the plaintiff, or someone in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets), and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant, and either:

- (1) That the defendant is a foreign corporation; or
- (2) That the defendant is not a resident of this state; or

(3) That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or

(4) That the defendant has absconded or absented himself from his usual place of abode in this state, so that the ordinary process of law cannot be served upon him; or

(5) That the defendant has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; or

(6) That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of his property, with intent to delay or defraud his creditors; or

(7) That the defendant is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or

(8) That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or

(9) That the damages for which the action is brought are for injuries arising from the commission of some felony ((7 or for the seduction of some female)); or

(10) That the object for which the action is brought is to recover on a contract, express or implied.

Sec. 17. Section 456, page 214, Laws of 1854 as last amended by section 688, Code of 1881 and RCW 7.36.020 are each amended to read as follows:

Writs of habeas corpus shall be granted in favor of parents, guardians, ((masters and husbands)) spouses, and next of kin, and to enforce the rights, and for the protection of infants and insane persons; and the proceedings shall in all cases conform to the provisions of this chapter.

Sec. 18. Section 13, page 81, Laws of 1875 as amended by section 1247, Code of 1881 and RCW 7.48.240 are each amended to read as follows:

Houses of ill fame, kept for the purpose, ((in which are embraced all squaw dance houses, or squaw brothels, otherwise called mad houses, all houses, rooms, saloons, booths, scows, boats, or other structures used as a place of resort,)) where ((women)) persons are employed ((to draw custom, dance, or)) for purposes of prostitution; all public houses or places of resort where gambling is carried on, or permitted; all houses or places within any city, town, or village, or upon any public road, or highway where drunkenness, gambling, fighting or breaches of the peace are carried on, or permitted; all opium dens, or houses, or places of resort where opium smoking is permitted, are nuisances, and may be abated, and the owners, keepers, or persons in charge thereof, and persons carrying

on such unlawful business shall be punished as provided in this chapter.

Sec. 19. Section 38, page 108, Laws of 1854 as last amended by section 1931, Code of 1881 and RCW 10.16.150 are each amended to read as follows:

When any ((~~married woman or a~~) minor is a material witness, any other person may be allowed to recognize for the appearance of such witness, or the magistrate may, in his discretion, take the recognizance of such ((~~married woman or~~) minor in a sum not exceeding fifty dollars which shall be valid and binding in law, notwithstanding the disability of ((~~coverture or~~) minority.

Sec. 20. Section 15.24.086, chapter 11, Laws of 1961 and RCW 15.24.086 are each amended to read as follows:

All such printing contracts provided for in this section and RCW 15.24.085 shall be executed and performed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale ((~~for women and minors~~)), and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and the violation of such provision of any contract shall be ground for cancellation thereof.

Sec. 21. Section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incident to original retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting ((~~on female persons~~));

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

(3) "Practice of beauty culture" or "beauty culture" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting on ((~~female~~) persons;

(4) "Beauty culturist" means any person, firm, or corporation

who engages in the practice of beauty culture;

(5) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed beauty school, and who does not receive any wage or commission: PROVIDED, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

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

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

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

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

(10) An "instructor operator" is a person who gives instruction in the practice of hairdressing and beauty culture in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a beauty school, beauty culture services for members of the public except for instructional purposes;

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

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

(13) "Board" means the hearing board.

Sec. 22. Section 2, chapter 162, Laws of 1927 and RCW 19.72.030 are each amended to read as follows:

Each of such sureties shall have separate property worth the amount specified in the bond or recognizance, over and above all debts and liabilities, and exclusive of property exempt from execution, unless ((his wife join with him)) the other spouse joins in the execution of the bond, in which case they must have community property of such required value; but in case such bond or recognizance is given in any action or proceeding commenced or pending in any court the judge, or justice of the peace, as the case may be, on justification, may allow more than two sureties to

justify, severally, in amounts less than the amount specified, if the whole justification is equivalent to that of two sufficient sureties.

Sec. 23. Section 34, chapter 53, Laws of 1965 and RCW 23A.08.310 are each amended to read as follows:

Certificates of stock and the shares represented thereby standing in the name of a married ((woman)) person may be transferred by ((her, her)) such person, such person's agent or attorney, without the signature of ((her husband, in the same manner as if such married woman were a femme sole)) such person's spouse. All dividends payable upon any shares of a corporation standing in the name of a married ((woman)) person, shall be paid to such married ((woman, her)) person, such person's agent or attorney, in the same manner as if ((she)) such person were unmarried, and it shall not be necessary for ((her husband)) the other spouse to join in a receipt therefor; and any proxy or power given by a married ((woman)) person, touching any shares of any corporation standing in ((her)) such person's name, shall be valid and binding without the signature of ((her husband, the same as if she were unmarried)) the other spouse.

Sec. 24. Section 25.04.070, chapter 15, Laws of 1955 and RCW 25.04.070 are each amended to read as follows:

In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by RCW 25.04.160 persons who are not partners as to each other, are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payments:

(a) As a debt by installments or otherwise,
(b) As wages of an employee or rent to a landlord,
(c) As an annuity to a ((widow)) surviving spouse or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business,

(e) As the consideration for the sale of a good will of a business or other property by installments or otherwise.

Sec. 25. Section 25.04.250, chapter 15, Laws of 1955 and RCW

25.04.250 are each amended to read as follows:

(1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt, the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner, his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to ~~((widows))~~ a surviving spouse, heirs, or next of kin.

Sec. 26. Sections 1 and 5, page 404, Laws of 1854 as last amended by section 2, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.010 are each amended to read as follows:

Marriage is a civil contract which may be entered into by persons of the age of eighteen years, who are otherwise capable: PROVIDED, That every marriage entered into in which either party shall not have attained the age of seventeen years shall be void except where this section has been waived by a superior court judge of the county in which ~~((the female))~~ one of the parties resides on a showing of necessity.

Sec. 27. Section 1, chapter 174, Laws of 1909 as last amended by section 1, chapter 149, Laws of 1959 and RCW 26.04.030 are each amended to read as follows:

~~((No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom))~~ No marriage shall take place between two persons in which one or both, is a common drunkard, habitual criminal, imbecile,

feeble-minded person, idiot or insane person, or person who has theretofore been afflicted with hereditary insanity, or who is afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, shall hereafter intermarry or marry any other person within this state unless it is established that procreation is not possible by the couple intending to marry.

Sec. 28. Section 2, chapter 174, Laws of 1909 as last amended by section 2, chapter 149, Laws of 1959 and RCW 26.04.040 are each amended to read as follows:

No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter knowingly perform a marriage ceremony uniting persons in matrimony either of whom is an imbecile, feeble-minded person, common drunkard, idiot, insane person, or person who has theretofore been afflicted with hereditary insanity, habitual criminal, or person afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, unless ((the female party to such marriage is over the age of forty-five years)) it is established that procreation is not possible by the couple intending to marry.

Sec. 29. Sections 13 and 14, page 83, Laws of 1866 as last amended by section 5, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.210 are each amended to read as follows:

The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit showing that such applicant is not feeble-minded, an imbecile, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages: PROVIDED, That in addition, the affidavits of ((the male)) both applicants they are for such marriage license shall show that ((such male is)) they are not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and that the applicants are the age of eighteen years or over: PROVIDED, FURTHER, That if the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

Sec. 30. Section 2, chapter 215, Laws of 1949 as amended by

section 1, chapter 15, Laws of 1965 ex. sess. and RCW 26.08.020 are each amended to read as follows:

Divorce may be granted by the superior court on application of the party injured for the following reasons:

(1) When the consent to the marriage of the party applying for the divorce was obtained by force or fraud, and there has been no voluntary cohabitation after the discovery of the fraud, or when either party shall be incapable of consenting thereto, for want of legal age or a sufficient understanding.

(2) For adultery on the part of the wife or of the husband, when unforgiven, and the application is made within one year after it shall have come to the knowledge of the party applying for a divorce.

(3) Impotency.

(4) Abandonment for one year.

(5) Cruel treatment of either party by the other, or personal indignities rendering life burdensome.

(6) Habitual drunkenness of either party.

(7) ~~((The neglect or refusal of the husband to make suitable provision for his family~~

~~(8)))~~ Imprisonment in a state or federal penal institution if complaint is filed during the term of such imprisonment.

~~((9)))~~ (8) A divorce may be granted to either or both parties in all cases where they have heretofore lived or shall hereafter live separate and apart for a period of two consecutive years or more, without regard to fault in the separation.

~~((10)))~~ (9) In all cases where the defendant, at the time of commencement of the action, is suffering from chronic mania or dementia, established by competent medical testimony to have existed for at least two years prior to the filing of the complaint, such insanity shall be the sole and exclusive ground upon which the court may, in its discretion, grant a divorce.

Sec. 31. Section 9, chapter 215, Laws of 1949 as amended by section 70, chapter 81, Laws of 1971 and RCW 26.08.090 are each amended to read as follows:

Pending an action for divorce or annulment the court may make, and by attachment enforce, such orders for the disposition of the persons, property and children of the parties as the court may deem right and proper, and such orders relative to the expenses of such action, including attorneys' fees, as will insure to the ~~((wife))~~ parties an efficient preparation of ~~((her))~~ their case and a fair and impartial trial thereof. Upon the entry of judgment in the superior court, reasonable attorneys' fees may be awarded either party, in addition to statutory costs. Upon any appeal, the supreme court or the court of appeals may in its discretion award reasonable attorneys' fees to either party for services on the appeal, in

addition to statutory costs.

Sec. 32. Section 12, chapter 215, Laws of 1949 and RCW 26.08.120 are each amended to read as follows:

If the court determines after trial that no divorce or annulment shall be granted, it may enter a decree of separate maintenance in favor of the party entitled thereto, and make all necessary orders required for support, attorneys' fees, costs, and for the care, custody, support, and education of minor children; and may set aside property for the benefit of ((the wife)) either of the spouses and children, if any, and impose a lien on community property to compel obedience to the decree. Such decree may be modified, altered or revised by the court from time to time on a showing that the conditions rendering it necessary have changed or no longer exist. Such final order or decree of separate maintenance shall be appealable.

Sec. 33. Section 13, chapter 215, Laws of 1949 and RCW 26.08.130 are each amended to read as follows:

In all actions for a divorce or annulment, the court may, for just and reasonable cause, change the name of ((the woman)) a party, who shall thereafter be known and called by such name as the court shall in its order or decree appoint.

Sec. 34. Section 1, chapter 28, Laws of 1913 as last amended by section 2, chapter 207, Laws of 1969 ex. sess. 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 of such person's spouse or is able to earn the means for ((his wife's)) such person's spouse support and wilfully abandons and leaves ((her)) such person's spouse in a destitute condition; or who refuses or neglects to provide ((his wife)) such person's spouse with necessary food, clothing, shelter, or medical attendance, unless ((by her misconduct he is justified in abandoning her)) the abandonment is justified by misconduct of the abandoned spouse, 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.

Sec. 35. Section 2, chapter 28, Laws of 1913 as amended by section 1, chapter 297, Laws of 1927 and RCW 26.20.050 are each amended to read as follows:

In any case enumerated in RCW 26.20.030 as now or hereafter amended, the court may render one of the following orders:

(1) Should a fine be imposed it may be directed by the court to be paid in whole or in part to ~~((the wife))~~ the appropriate spouse, or to the guardian, or to the custodian of the child or children, or to an individual appointed by the court as trustee.

(2) The court in its discretion having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power, either before or after trial, conviction, or sentence, to make an order, with the consent of the defendant, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly during such time as the court may direct, to the ~~((wife))~~ spouse or to the guardian, or custodian of the minor child or children, or to an individual appointed by the court, and to release the defendant from custody or probation during such time as the court may direct, upon his or her entering into a recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance to be such that if the defendant shall make his or her appearance in court whenever ordered to do so, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise to remain in full force and effect.

If the court be satisfied that at any time the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, information or complaint, or sentence, or under the original conviction, or enforce the original sentence as the case may be, in addition to declaring a forfeiture of the defendant's recognizance. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the ~~((wife))~~ spouse or to the guardian or custodian of the minor child or children upon such terms or conditions as may to the court be just and proper.

(3) Where conviction is had and sentence to imprisonment in the county jail is imposed, the court may direct that the person so

convicted shall be compelled to work upon the public roads or highways or any other public work, in the county where such conviction is had, during the time of such sentence. And it shall be the duty of the ((beard of county commissioners)) legislative authority of the county where such conviction and sentence is had, and where such work is performed by persons under sentence to the county jail, to allow and order the payment, out of the current fund, to the ((wife)) spouse, or to the guardian, or the custodian of the child or children, or to an individual appointed by the court as trustee, at the end of each calendar month, for the support of such ((wife)) spouse, child, or children, ward or wards, a sum not to exceed one and fifty one-hundredths dollars for each day's work of such person.

(4) Whenever, during the pendency of such proceedings, it shall appear to the court that any moneys are due the defendant from any person, firm, or corporation, or that any person, firm, or corporation has funds or property of the defendant in his or its possession, the court may, upon application of the prosecuting attorney, enter an order requiring such person, firm, or corporation, to appear and answer, under oath, as to such moneys or property and if it appear at such hearing that such moneys or property should be applied to the support of said defendant's family, the court may enter judgment against the said person, firm, or corporation for the amount he or it was indebted to said defendant at the time of service of said order. If it appears that said person, firm, or corporation is not indebted to the defendant but at the time of service of said order upon it or at the time of judgment he or it has or had personal effects of the defendant in his or its possession, the court may make an order requiring said person, firm, or corporation to deliver up to the sheriff or director of public safety on demand such personal property or effects or so much as may be required for the support of the defendant's said family or dependents and said property and effects shall thereupon be sold by the sheriff or director of public safety as other chattels on execution and the proceeds of said sale applied to the support of the said dependents of said defendant. The provisions of this subdivision shall be ancillary to and may be invoked in addition to the remedies provided in subdivisions (1), (2) and (3) of this section.

Sec. 36. Section 3, chapter 28, Laws of 1913 and RCW 26.20.080 are each amended to read as follows:

Proof of the abandonment or nonsupport of a ((wife)) spouse, or the desertion of a child or children, ward or wards, or the omission to furnish necessary food, clothing, shelter, or medical attendance for a child or children, ward or wards, is prima facie evidence that such abandonment or nonsupport, or omission to furnish

food, clothing, shelter, or medical attendance is wilful. The provisions of RCW 26.20.030 as now or hereafter amended are applicable whether the parents of such child or children are married or divorced and regardless of any decree made in said divorce action relative to alimony or to the support of the ((wife)) spouse or child or children.

V— Sec. 37. Section 19, chapter 203, Laws of 1919 and RCW 26.24.190 are each amended to read as follows:

((If the mother be a suitable person she shall be awarded the custody and control of said child)) Custody shall be granted to whichever parent is best able to serve the welfare and best interests of the child; if ((she be not)) neither is a suitable person, the court may deliver the care and custody of said child to any reputable person, ((including the accused)) charitable or state institution. Such order and judgment may further provide, in the discretion of the court, that the surname of the accused shall henceforth be the lawful surname of such child.

Sec. 38. Section 2, page 407, Laws of 1854 as last amended by section 2364, Code of 1881 and RCW 26.28.020 are each amended to read as follows:

All ((females)) minor persons married to a person of full age shall be deemed and taken to be of full age.

Sec. 39. Section 195, chapter 249, Laws of 1909 and RCW 26.28.060 are each amended to read as follows:

Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any ((male child under the age of fourteen years or any female)) child under the age of ((sixteen)) fourteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

7— Sec. 40. Section 3, chapter 291, Laws of 1955 and RCW 26.32.030 are each amended to read as follows:

Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is of legitimate birth or legitimized thereafter, and a minor, then by each of his living parents, except as hereinafter provided;

(3) If the person to be adopted is illegitimate and a minor, then by his mother, if living, and his father, if living, if the

father's identity has been adjudicated by the court, except as hereinafter provided;

(4) If a legal guardian has been appointed for the person of the child, then by such guardian;

(5) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: PROVIDED, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Sec. 41. Section 4, chapter 291, Laws of 1955 and RCW 26.32.040 are each amended to read as follows:

No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in RCW 26.32.050, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of competent jurisdiction, after notice: PROVIDED, That a decree in an action for divorce, separate maintenance, or annulment, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in RCW 26.32.050, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a father of an illegitimate child unless he has been adjudicated as the father by the court.

Sec. 42. Section 5, chapter 291, Laws of 1955 and RCW 26.32.050 are each amended to read as follows:

If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in RCW

v- 26.32.040 as now or hereafter amended to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption: PROVIDED, That the father of an illegitimate child shall not be entitled to notice of such hearing unless he has been adjudicated as father by the court.

Sec. 43. Section 8, chapter 291, Laws of 1955 and RCW 26.32.080 are each amended to read as follows:

(1) The court shall direct notice of any hearing under RCW 26.32.050 as now or hereafter amended to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: PROVIDED, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction, after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived, and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

(5) If the court is satisfied of the illegitimacy of the child to be adopted, ~~((and so finds,))~~ no notice to the father of such

child shall be made unless the court has adjudicated the father's parenthood.

(6) A notice in substantially following form will be deemed sufficient:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF.....

In the Matter of the Adoption of) No.....

Jane Doe) Notice

To John Doe (nonconsenting parent) and to all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of John Doe to such adoption is not required by law.

A hearing for such purpose will be had on theday of....., 19....., at the hour of 9:30 a.m., at the courtroom of said superior court, at....., or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable....., Judge of said Superior court, and the seal of said court hereunto affixed this.....day of....., 19....

.....
Clerk

(SEAL)

.....
Deputy Clerk

Sec. 44. Section 2, chapter 49, Laws of 1903 and RCW 26.37.020 are each amended to read as follows:

Upon complaint of any person in writing other than an officer or agent of such society or corporation to any judge of the superior court giving the names and residences of the parents, guardian (if any) or next of kin of such child, so far as known, and alleging that the father of such minor child is dead, or has abandoned his family or is an habitual drunkard or is a man of notoriously bad character, or is imprisoned for crime, or has grossly abused or neglected such child, and that the mother of such child is an habitual drunkard, or imprisoned for crime, ((or an inmate of a house of ill fame,)) or a woman of notoriously bad character or is dead, or has abandoned her family, or has grossly abused or neglected such child, and alleging that the welfare of such child requires that legal steps be taken to provide for its care and custody, a warrant shall issue directing the proper officer to take such child into custody and care for or dispose of it as such judge shall direct, until a hearing can be had,

such proceedings shall have precedence of other causes, of which hearing not less than five days notice shall be given to such parents, guardian or next of kin and such judge shall hear the allegations of the complaint and all testimony offered for or against the same and determine whether in his judgment there is cause for a change in the care and custody of such child. If the judge shall decide to change the care and custody of such child, he may commit the child to the care and custody of any such benevolent society contemplated in this chapter which is willing to receive it, and such commitment shall carry with it the same powers and authority as above provided in case of voluntary surrender, or he may enter such findings and transmit the papers and a transcript of his proceedings to the county commissioners of the county in which the case arises and surrender such child to the care and custody of such commissioners and it may be disposed of without further notice to the parents, guardian or next of kin.

Sec. 45. Section 28A.34.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.050 are each amended to read as follows:

Every board of directors shall have power to establish, equip and maintain nursery schools and/or provide before-and-after-school care for children of working ((mothers)) parents, in cooperation with the federal government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby.

Sec. 46. Section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as amended by section 37, chapter 48, Laws of 1971 and RCW 28A.60.210 are each amended to read as follows:

Plans of any second or third class district or combination of districts for the carrying out of the powers granted by RCW 28A.60.190 through 28A.60.220 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the intermediate school district superintendent; these to choose one member from such county in which the facilities are proposed to be located, and two members, ((one of whom shall be a woman)) from the district or districts concerned.

Sec. 47. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.150 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except

as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(7) Provide for holding agricultural institutes including farm marketing forums.

(8) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(9) Provide training in military tactics for those ((male)) students electing to participate therein.

(10) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

(11) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(12) Establish agricultural experiment stations in connection

with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(13) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(14) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(15) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(16) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(17) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(18) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(19) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(20) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain

construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

(21) Supervise and control the agricultural experiment station at Puyallup.

(22) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

(23) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature.

(24) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

(25) Make and transmit to the governor and members of the legislature a printed report prior to the first day of January preceding each regular session of the legislature, including information on all receipts and disbursements of university moneys, an estimate of the needs of the institution, and such additional information as will be helpful to the state authorities in providing for the institution.

Sec. 48. Section 30.08.150, chapter 33, Laws of 1955 and RCW 30.08.150 are each amended to read as follows:

Upon the issuance of a certificate of authority to a trust company, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

(1) To execute all the powers and possess all the privileges conferred on banks.

(2) To act as fiscal or transfer agent of the United States or of any state, municipality, body politic or corporation and in such capacity to receive and disburse money.

(3) To transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise.

(4) To act as trustee under any mortgage, or bonds, issued by any municipality, body politic, or corporation, foreign or domestic, or by any individual, firm, association or partnership, and to accept and execute any municipal or corporate trust.

(5) To receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between such corporation and those dealing with it.

(6) To collect coupons on or interest upon all manner of securities, when authorized so to do, by the parties depositing the same.

(7) To accept trusts from and execute trusts for married ((women)) persons in respect to their separate property and to be their agent in the management of such property and to transact any business in relation thereto.

(8) To act as receiver or trustee of the estate of any person, or to be appointed to any trust by any court, to act as assignee under any assignment for the benefit of creditors of any debtor, whether made pursuant to statute or otherwise, and to be the depository of any moneys paid into court.

(9) To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person and to be appointed and to act as guardian of the estate of lunatics, idiots, persons of unsound mind, minors and habitual drunkards: PROVIDED, HOWEVER, That the power hereby granted to trust companies to act as guardian or administrator, with or without the will annexed, shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration, as such right now exists under the law of this state.

(10) To execute any trust or power of whatever nature or description that may be conferred upon or entrusted or committed to it by any person or by any court or municipality, foreign or domestic corporation and any other trust or power conferred upon or entrusted

or committed to it by grant, assignment, transfer, devise, bequest or by any other authority and to receive, take, use, manage, hold and dispose of, according to the terms of such trusts or powers any property or estate, real or personal, which may be the subject of any such trust or power.

(11) Generally to execute trusts of every description not inconsistent with law.

(12) To purchase, invest in and sell promissory notes, bills of exchange, bonds, debentures and mortgages and when moneys are borrowed or received for investment, the bonds or obligations of the company may be given therefor, but no trust company hereafter organized shall issue such bonds: PROVIDED, That no trust company which receives money for investment and issues the bonds of the company therefor shall engage in the business of banking or receiving of either savings or commercial deposits: AND PROVIDED, That it shall not issue any bond covering a period of more than ten years between the date of its issuance and its maturity date: AND PROVIDED FURTHER, That if for any cause, the holder of any such bond upon which one or more annual rate installments have been paid, shall fail to pay the subsequent annual rate installments provided in said bond such holder shall, on or before the maturity date of said bond, be paid not less than the full sum which he has paid in on account of said bond.

Sec. 49. Section 30.20.030, chapter 33, Laws of 1955 and RCW 30.20.030 are each amended to read as follows:

When any deposit has been or shall hereafter be made in any bank or trust company in his or her own name, by any minor, married ((woman)) person or person under disability, such corporation may disregard such disability and pay such money or a check or order of such person, the same as in other cases.

Sec. 50. Section 43, chapter 235, Laws of 1945 and RCW 33.20.050 are each amended to read as follows:

Married ((women)) persons may become members of an association and all contracts entered into between a married ((woman)) person and an association, with respect to ((her)) such person's membership or ((her)) such person's savings therein, shall be valid and enforceable and, unless notice shall be given to the association that the same are community funds, all savings accounts of a married ((woman)) person shall be held for the exclusive right and benefit of such married ((woman)) person and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to such member, and ((her)) such person's receipt or acquittance shall be a valid discharge of the obligation.

Sec. 51. Section 35.24.370, chapter 7, Laws of 1965 as amended by section 61, chapter 292, Laws of 1971 ex. sess. and RCW

35.24.370 are each amended to read as follows:

A third class city may impose upon and collect from every ((male)) inhabitant of the city over the age of eighteen years an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the city.

Sec. 52. Section 35.27.500, chapter 7, Laws of 1965 as amended by section 62, chapter 292, Laws of 1971 ex. sess. and RCW 35.27.500 are each amended to read as follows:

A town may impose upon and collect from every ((male)) inhabitant of the town over eighteen years of age an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the town.

Sec. 53. Section 35.66.050, chapter 7, Laws of 1965 and RCW 35.66.050 are each amended to read as follows:

For the purpose of effecting the main object of this chapter, no ((female)) member of one sex under arrest shall be confined in the same cell or apartment of the city jail or prison, with any ((man)) member of the other sex whatever.

Sec. 54. Section 36.28.100, chapter 4, Laws of 1963 and RCW 36.28.100 are each amended to read as follows:

The sheriff or director of public safety shall employ all ((male)) able bodied persons sentenced to imprisonment in the county jail in such manner and at such places within the county as may be directed by the ((board of county commissioners)) legislative authority of the county.

Sec. 55. Section 2, chapter 130, Laws of 1943 as amended by section 1, chapter 74, Laws of 1963 and RCW 38.04.030 are each amended to read as follows:

The militia of the state of Washington shall consist of all able bodied ((male)) citizens of the United States and all other able bodied ((males)) persons who have or shall have declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age, and shall include all ((females)) persons who are members of the national guard, and said militia shall be divided into two classes, the organized militia and the unorganized militia.

Sec. 56. Section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 149, Laws of 1963 and RCW 38.20.010 are each amended to read as follows:

State owned armories may be used for strictly military purposes: PROVIDED, That one room may be set aside for the exclusive use of bona fide veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room

and the use thereof at all times: PROVIDED, FURTHER, That any bona fide veterans' organization may be permitted the use of any state armory for athletic and social events at such times as any such armory shall not be required for the use of units of the organized militia, without the payment of rent, but the adjutant general may require such veterans' organization to pay the cost of heating, lighting or other miscellaneous expenses incidental to such use: PROVIDED, ALSO, The adjutant general may, during an emergency, permit transient lodging of service ((men)) personnel in armories: PROVIDED FURTHER, That any civilian rifle club affiliated with the National Rifle Association of America shall be permitted to use the rifle range in such armories at least one night each week under regulations prescribed by the adjutant general: PROVIDED, ALSO, That state owned armories shall be available, at the discretion of the adjutant general, for use for casual civic purposes, amateur and professional sports and theatricals upon payment of fixed rental charges and compliance with regulations of the state military department: PROVIDED, HOWEVER, That children attending primary and high schools shall have a preferential right to use said armories. The adjutant general shall cause to be prepared a schedule of rental charges for each state owned armory which may not be waived except for activities of units of the organized militia, and no state owned armory shall be rented for a term longer than that which intervenes between regularly authorized formations of units of the organized militia using such armory. The revenue derived from armory rentals shall constitute a special fund from which the state military department shall pay, or cause to be paid, expenses incident to such use or maintenance and operation of armories.

Sec. 57. Section 4, chapter 108, Laws of 1895 as amended by section 4, chapter 134, Laws of 1909 and RCW 38.44.010 are each amended to read as follows:

Whenever the commander-in-chief shall deem it necessary, in event of, or imminent danger of war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, he may order an enrollment by counties of all persons subject to military duty, designating the county assessor or some other person for each county to act as county enrolling officer. Each county enrolling officer may appoint such assistant or assistants as may be authorized by the commander-in-chief. In each county the enrollment shall include every sane able bodied ((male)) inhabitant not under sentence for an infamous crime, who is more than eighteen and less than forty-five years of age. The enrollment shall be made in triplicate and shall state the name, residence, age, occupation and previous or existing military or naval service of each person enrolled. When complete the rolls shall be verified under oath by

the enrolling officer, who shall immediately thereupon file one copy with the adjutant general of the state and another with the county auditor, retaining the third copy for himself.

Sec. 58. Section 4, chapter 178, Laws of 1951 as amended by section 3, chapter 203, Laws of 1967 and RCW 38.52.030 are each amended to read as follows:

(1) There is hereby created within the executive branch of the state government a department of ~~((civil defense hereinafter called the civil defense agency))~~ emergency services and a director of ~~((civil defense))~~ emergency services (hereinafter called the director) who shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the senate; ~~((he))~~ the director shall not hold any other state office; ~~((he))~~ the director shall hold office during the pleasure of the governor, and shall be compensated at the rate established by the governor's advisory committee on salaries and wages.

(2) The director may employ such technical, clerical, stenographic, and other personnel and may make such expenditures within the appropriation therefor, or from other funds made available ~~((to him))~~ for purposes of ~~((civil defense))~~ emergency services, as may be necessary to carry out the purposes of this chapter.

(3) The director and other personnel of the ~~((civil defense agency))~~ department shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(4) The director, subject to the direction and control of the governor, shall be the executive head of the ~~((civil defense agency))~~ department and shall be responsible to the governor for carrying out the program for ~~((civil defense))~~ emergency services of this state. ~~((He))~~ The director shall coordinate the activities of all organizations for ~~((civil defense))~~ emergency services within the state, and shall maintain liaison with and cooperate with ~~((civil defense))~~ emergency services agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(5) The director shall appoint a communications coordinating committee consisting of six ~~((men))~~ persons with the director as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment.

This committee shall be given full and complete authority over all plans for the direction and control of any communications facilities or functions to be operated or controlled under the provisions of this chapter by the department of ((civil defense)) emergency services, except supplemental emergency communications facilities under the direction of any local organization for ((civil defense)) emergency services.

(6) The director shall appoint a state coordinator of search and rescue operations, who shall coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and who shall on request maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

Sec. 59. Section 14, chapter 223, Laws of 1953 and RCW 38.52.300 are each amended to read as follows:

If the injury to ((a civil defense)) an emergency services worker is due to the negligence or wrong of another not on ((civil defense)) emergency services duty, the injured worker, or if death results from the injury, ((his widow)) the surviving spouse, children, parents or dependents, as the case may be, shall elect whether to take under this chapter or seek a remedy against such other, such election to be in advance of any suit under this chapter; and if ((he)) the surviving spouse takes under this chapter, the cause of action against such other shall be assigned to the department of ((civil defense)) emergency services; if the other choice is made, the compensation under this chapter shall be only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated for such case under authority of this chapter: PROVIDED, That the department of ((civil defense)) emergency services shall prosecute all claims assigned to it and do any and all things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law.

Sec. 60. Section 5, chapter 31, Laws of 1935 and RCW 41.08.040 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its

direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only

must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that ((men)) persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the

appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 61. Section 1, chapter 91, Laws of 1947 and RCW 41.16.010 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Board" shall mean the municipal firemen's pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Fireman" shall mean any person regularly or temporarily, or as a substitute, 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; and shall include any "prior fireman".

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(8) "Fund" shall mean the firemen's pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing firemen.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firemen and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior fireman" shall mean a fireman who was actively employed as a fireman of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired fireman" shall mean and include a person employed as a fireman and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired fireman who was retired on account of length of service and who was lawfully married to such fireman; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired fireman who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife or husband who by process of law within one year prior to the retired fireman's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children.

Sec. 62. Section 4, chapter 82, Laws of 1957 as amended by section 4, chapter 5, Laws of 1959 and RCW 41.16.100 are each amended to read as follows:

The widow or widower, child, children or beneficiary of any fireman retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: PROVIDED, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: PROVIDED FURTHER, That the amount paid shall not be less than one thousand dollars.

Sec. 63. Section 6, chapter 82, Laws of 1957 as amended by section 6, chapter 5, Laws of 1959 and RCW 41.16.120 are each amended to read as follows:

Whenever any active fireman or fireman retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased fireman's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the fireman's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children.

Sec. 64. Section 8, chapter 82, Laws of 1957 as amended by section 8, chapter 5, Laws of 1959 and RCW 41.16.140 are each amended to read as follows:

Any fireman who has served more than fifteen years and

sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such fireman shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased.

Sec. 65. Section 9, chapter 82, Laws of 1957 as amended by section 9, chapter 5, Laws of 1959 and RCW 41.16.150 are each amended to read as follows:

(1) Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his contribution, plus accrued compounded interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such fireman during his or her lifetime.

(2) Any fireman who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest.

Sec. 66. Section 10, chapter 82, Laws of 1957 as amended by section 10, chapter 5, Laws of 1959 and RCW 41.16.160 are each

amended to read as follows:

Whenever any fireman, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries.

Sec. 67. Section 11, chapter 82, Laws of 1957 as amended by section 11, chapter 5, Laws of 1959 and RCW 41.16.170 are each amended to read as follows:

Whenever a fireman dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary.

Sec. 68. Section 12, chapter 91, Laws of 1947 and RCW 41.16.230 are each amended to read as follows:

Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: PROVIDED, That the repeal of said laws shall not affect any "prior fireman", his widow, her widower, child or children, any fireman eligible for retirement but not retired, his widow her widower, child or children, or the rights of any retired fireman, his widow, her widower, child or children, to receive payments and benefits from the firemen's pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed.

Sec. 69. Section 1, chapter 382, Laws of 1955 as last amended by section 40, chapter 209, Laws of 1969 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 a 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 as now or hereafter amended 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 or widower" means the surviving ((wife)) spouse of a fireman and shall include the surviving wife or husband of a fireman, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a fireman, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband 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 or her 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 firemen'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 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(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.

Sec. 70. Section 4, chapter 382, Laws of 1955 as last amended by section 29, chapter 209, Laws of 1969 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 or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such fireman shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said fireman at the date of his or her 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 or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired fireman would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed

to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

Sec. 71. Section 25, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.045 are each amended to read as follows:

Upon the death of a fireman who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her 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 or widowers and survivors of firemen who died after January 1, 1967, if such firemen were otherwise eligible to retire on the date of death.

Sec. 72. Section 9, chapter 382, Laws of 1955 as last amended by section 1, chapter 109, Laws of 1965 and RCW 41.18.080 are each amended to read as follows:

Any fireman who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the fireman capable of performing his or her duties, it may refuse to recommend retirement and order the fireman back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the fireman. The board shall give the fireman a thirty day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the fireman shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the fireman was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any fireman shall

die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased fireman, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-third of the deceased fireman's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children.

Sec. 73. Section 8, chapter 382, Laws of 1955 as last amended by section 28, chapter 209, Laws of 1969 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 or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or 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 or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or 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 or widower 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. 74. Section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 86, Laws of 1965 and RCW 41.24.160 are each amended to read as follows:

Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow or her widower, or if there be no widow or widower, then to his or her dependent child or children, or if there be no dependent child or children, then to his or her parents or either of them, and the sum of one hundred dollars per month to his widow or her widower during his or her life together with the additional monthly sums of twenty-five dollars for the youngest or only child and twenty dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of two hundred dollars per month: PROVIDED, That if there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred dollars per month shall be paid for the youngest or only child together with an additional twenty dollars per month for each additional of such children to a maximum of two hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child or children entitled thereto, then to his or her parents or either of them the sum of one hundred dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death: PROVIDED, That if the widow or widower, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed eight thousand five hundred dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid

the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided.

Sec. 75. Section 18, chapter 261, Laws of 1945 as amended by section 3, chapter 57, Laws of 1961 and RCW 41.24.180 are each amended to read as follows:

The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself: PROVIDED, HOWEVER, That this provision shall not be construed as depriving any active fireman from completing the requisite number of years of active service after attaining the age of sixty-five years as may be necessary to entitle him or her to the pension as herein provided.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he or she shall have served, there shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid into said fund by

himself or herself.

Sec. 76. Section 52, chapter 80, Laws of 1947 as last amended by section 7, chapter 50, Laws of 1967 and RCW 41.32.520 are each amended to read as follows:

Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established five or more years of Washington membership service credit, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

(1) A widow or ((dependent)) widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) If the member was eligible for retirement the beneficiary, if the surviving spouse or a dependent, may elect to receive a retirement allowance under Option 2. This election shall also be available to the spouse or a dependent of a member who has died while eligible for retirement during the period July 1, 1947, to June 30, 1955, inclusive, upon the repayment to the teachers' retirement fund of the refunded contributions. No benefits may be paid for any months prior to July 1, 1955.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or ((dependent)) widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Sec. 77. Section 2, chapter 183, Laws of 1957 and RCW

41.33.020 are each amended to read as follows:

The terms and provisions of the plan are as follows:

(1) Each political subdivision of the state employing members of the teachers' retirement system and the members of the teachers' retirement system, after the approval of this plan by the legislature, and by the eligible employees through a referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to be bound by the following terms and conditions in consideration of extension of the existing agreement between the secretary of health, education and welfare and the governor to make the protection of the federal old age and survivors insurance program available and applicable to such employees.

(2) As used in this plan the terms quoted below shall have the meanings assigned thereto in this section.

"Political subdivision" means any political subdivision, or instrumentality of one or more subdivisions, or proprietary enterprise acquired, purchased or originated by one or more such subdivisions after December, 1950, which employs members of the teachers' retirement system. The state, its agencies, instrumentalities and institutions of higher learning shall be grouped and considered as a single political subdivision.

"Employee" means any person who is a member of the teachers' retirement system and is employed by a political subdivision.

"Wages" shall have the meaning given in RCW 41.48.020 (1) and section 209 of the social security act (42 U.S.C.A. Sec. 409).

"State" where not otherwise clearly indicated by the context, means the commissioner of employment security or other officer designated by the governor to administer the plan at the state level for all participating political subdivisions.

(3) The terms and conditions of this plan are intended and shall be construed to be in conformity with the requirements of the federal social security act as amended and with the requirements of chapter 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4, Laws of 1955 extraordinary session.

(4) The rights and benefits accruing to employees from membership in the teachers' retirement system shall in no way be altered or impaired by this plan or by the additional and supplementary OASI coverage which such employees may receive hereunder, other than the elimination of (1), (2) and (3) of section 52, chapter 80, Laws of 1947 and RCW 41.32.520 as each are amended, with the exception of that part of (1) which permits a widow or ((dependent)) widower without a child or children under age eighteen to receive a monthly payment of fifty dollars at age fifty, provided that the member had fifteen or more years of Washington membership service credit at date of death.

(5) There shall be no additional cost to or involvement of the state or a political subdivision with respect to OASI coverage of members of the teachers' retirement system until this plan has been approved by the legislature.

(6) Each employee to whom OASI coverage is made applicable under this plan pursuant to an extension or modification under RCW 41.48.030 of the existing agreement between the secretary of health, education and welfare and the governor shall be required to pay into the OASI contribution fund established by RCW 41.48.060 during the period of such coverage contributions with respect to his wages in an amount equal to the employee tax imposed by the federal insurance contributions act (section 3101, Internal Revenue Code of 1954), in consideration of the employee's retention in service by the political subdivision. The subdivision shall withhold such contributions from the wages paid to the employee; and shall remit the contributions so withheld in each calendar quarter to the state for deposit in the contribution fund not later than the twentieth calendar day of the month following that quarter.

(7) Each political subdivision shall pay into the contribution fund with respect to the wages of its employees during the period of their OASI coverage pursuant to this plan contributions in an amount equal to the employer tax imposed by the federal insurance contributions act (section 3111, Internal Revenue Code of 1954), from the fund of the subdivision from which such employees' wages are paid. The subdivision shall remit such contributions to the state for deposit in the contribution fund on a quarterly basis, not later than the twentieth calendar day of the month following each calendar quarter.

(8) If any political subdivision other than that comprising the state, its agencies, instrumentalities and institutions of higher learning fails to remit as provided herein employer contributions or employee contributions, or any part of either, such delinquent contributions may be recovered with interest at the rate of six percent per annum by action in a court of competent jurisdiction against the political subdivision; or such delinquent contributions may at the request of the governor be deducted from any moneys payable to such subdivision by the state.

(9) Each political subdivision shall be charged with a share of the cost of administration of this plan by the state, to be computed as that proportion of the overall cost of administration which its total annual contributions bear to the total annual contributions paid by all subdivisions on behalf of employees covered by the plan. The state shall compute the share of cost allocable to each subdivision and bill the subdivision therefor at the end of each fiscal year. The subdivision shall within ninety days thereafter

remit its share of the cost to the state for deposit in the general fund of the state.

(10) Each political subdivision shall submit to the state, through the employment security department, P. O. Box 367, Olympia, Washington, or such other officer or agency as the governor may subsequently designate, on forms furnished by the state, not later than the twentieth calendar day of the month following the end of each calendar quarter, the following information:

- A. The social security account number of each employee;
- B. the name of each employee;
- C. the amount of wages subject to contributions as required hereunder paid to each employee during the quarter;
- D. the total amount of wages subject to contributions paid to all employees during the quarter;
- E. the total amount of employee contributions withheld and remitted for the quarter; and
- F. the total amount of employer contributions paid by the subdivision for the quarter.

(11) Each political subdivision shall furnish in the same manner as provided in subsection (10), upon reasonable notice, such other and further reports or information as the governor may from time to time require. Each subdivision shall comply with such requirements as the secretary of health, education and welfare or the governor may from time to time establish with respect to any or all of the reports or information which are or may be provided for under subsection (10) or this subsection in order to assure the correctness and verification thereof.

(12) The governing body of each political subdivision shall designate an officer of the subdivision to administer such accounting, reporting and other functions as will be required for the effective operation of this plan within the subdivision, as provided herein. The commissioner of employment security or such other officer as the governor may designate, shall perform or supervise those functions with respect to employees of the subdivision comprising the state, its agencies, instrumentalities and institutions of higher learning; and shall serve as the representative of the participating political subdivisions in the administration of this plan with the secretary of health, education and welfare.

(13) The legislature shall designate the first day of any month beginning with January, 1956, as the effective date of OASI coverage for such employees, except that after January 1, 1958, the effective date may not be prior to the first day of the current year.

The employer's contribution for any retroactive coverage shall be transferred by the board of trustees from the teachers' retirement

pension reserve fund to the official designated by the governor to administer the plan at the state level.

Each employee's contributions for any retroactive coverage shall be transferred by the board of trustees from his accumulated contributions in the teachers' retirement fund, to the official designated above. Each employee, if he so desires, may, within one year from the date of transfer, reimburse his accumulated contributions for the amount so transferred.

(14) The governor may terminate the operation of this plan in its entirety with respect to any political subdivision, in his discretion, if he finds that the subdivision has failed to comply substantially with any requirement or provision of this plan. The plan shall not be so terminated until reasonable notice and opportunity for hearing thereon have been given to the subdivision under such conditions, consistent with the provisions of the social security act, as shall have been established in regulations by the governor.

Sec. 78. Section 17, chapter 71, Laws of 1947 as last amended by section 7, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.170 are each amended to read as follows:

On retirement for permanent and total disability not incurred in line of duty a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

(2) A pension provided by the contributions of the city which, together with his annuity provided by his accumulated normal contributions, shall make his retirement allowance equal to thirty percent of his final compensation for the first ten years of service, which allowance shall be increased by one and one-half percent for each year of service in excess of ten years to a maximum of fifty percent of his final compensation; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is greater. If the retirement allowance of a part time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part time employee shall receive a retirement allowance of forty dollars per month and no more.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to August 6, 1965.

(3) If it appears to the satisfaction of the board that permanent and total disability was incurred in line of duty, a member

shall receive in lieu of the retirement allowance provided under subdivisions (1) and (2) of this section full pay from, and be furnished all hospital and medical care by, the city for a period of six months from the date of his disability, and commencing at the expiration of such six month period, shall receive a retirement allowance, regardless of his age or years of service, equal to fifty percent of his final compensation exclusive of any other benefit he may receive.

(4) No disability retirement allowance shall exceed seventy-five percent of final compensation, anything herein to the contrary notwithstanding, except as provided in subdivision (7) of this section.

(5) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. In the alternative, if there be a surviving ((widow)) spouse, or if no surviving ((widow)) spouse, there are surviving a child or children under the age of eighteen years, upon written notice to the board by such ((widow)) spouse, or if there be no such ((widow)) spouse, by the duly appointed, qualified and acting guardian of such child or children, within sixty days of the date of such member's death, there shall be paid to such ((widow)) spouse during his or her lifetime, or, if there be no such ((widow)) spouse, to such child or children, until they shall reach the age of eighteen years, a monthly pension equal to one-half of the monthly final compensation of such deceased member. If any such ((widow)) spouse or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions.

Sec. 79. Section 21, chapter 71, Laws of 1947 as last amended by section 10, chapter 227, Laws of 1961 and RCW 41.44.210 are each amended to read as follows:

Upon the death of any member who dies from injuries or disease

arising out of or incurred in the performance of his duty or duties, of which the board of trustees shall be the judge, if death occurs within one year from date of discontinuance of city service caused by such injury, there shall be paid to his estate or 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 board, the sum of one thousand dollars, purchased by the contributions of the cities participating in the retirement system; and in addition thereto there shall be paid to ~~((his widow))~~ the surviving spouse during ~~((her))~~ such spouse's lifetime, or if there be no ~~((widow))~~ surviving spouse, then to his minor child or children until they shall have reached the age of eighteen years, a monthly pension equal to one-half the monthly final compensation of such deceased member. If any such ~~((widow))~~ spouse, or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided. Cost of the lump sum benefit above provided shall be determined by actuarial calculation and prorated equitably to each city. The benefits provided in this section shall be exclusive of any other benefits due the member under this chapter.

Sec. 80. Section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160 are each amended to read as follows:

Applications to the board for examination for chief mine inspector and deputy mine inspector shall be made in writing, accompanied by an affidavit showing that the applicant is a citizen of the United States and of the state, and that ~~((he))~~ the applicant has attained the age of thirty years; has had at least five years' practical experience in and about the mines in the United States, and at least three years' practical experience in and about the mines in the state, and that ~~((he))~~ the applicant has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. ~~((He))~~ The applicant shall also furnish an affidavit from two citizens of the state that ~~((he is a man))~~ the applicant is a person of good repute, temperate habits, in good physical condition, and above thirty years of age.

Sec. 81. Section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170 are each amended to read as follows:

At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty days before such examination.

The director of labor and industries shall appoint as chief state mine inspector a ~~((man))~~ person who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this

act [1917 c 36; 1927 c 306]. The chief state mine inspector shall hold his office for four years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors ((men)) persons who are citizens of the United States and of the state of Washington, and who have had five years' practical experience in and about the mines of the United States and three years' practical experience in and about the mines in the state of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act [1917 c 36; 1927 c 306]. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause.

Nothing in this act [1917 c 36; 1927 c 306] shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act [1917 c 36; 1927 c 306].

Sec. 82. Section 43.22.260, chapter 8, Laws of 1965 and RCW 43.22.260 are each amended to read as follows:

The director of labor and industries shall appoint and depute an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, and have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, ((and a female assistant to be known as the supervisor of women in industry)) and may appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

Sec. 83. Section 43.22.270, chapter 8, Laws of 1965 and RCW 43.22.270 are each amended to read as follows:

The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be

performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To (~~with the assistance of the supervisor of women in industry~~) supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of (~~women and~~) minors;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

Sec. 84. Section 43.22.280, chapter 8, Laws of 1965 and RCW 43.22.280 are each amended to read as follows:

The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, and the industrial statistician(~~and the supervisor of women in industry~~) shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law.

Sec. 85. Section 43.51.570, chapter 8, Laws of 1965 and RCW 43.51.570 are each amended to read as follows:

The commission may, by agreement with an individual or company enroll and supervise additional young (~~men~~) persons, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least forty years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use.

Sec. 86. Section 43.78.150, chapter 8, Laws of 1965 and RCW 43.78.150 are each amended to read as follows:

All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale ((for women and minors)), and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof.

Sec. 87. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 71, Laws of 1972 ex. sess. 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 or mother of the applicant ((if the father is living and has custody of the applicant)), otherwise by the ((mother)) parent 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 traffic safety education course as defined in RCW 46.81.010, 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 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 the director may upon a showing that an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction.

Sec. 88. Section 29, chapter 121, Laws of 1965 ex. sess. as amended by section 6, chapter 167, Laws of 1967 and RCW 46.20.322 are each amended to read as follows:

(1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict or condition a juvenile driver's driving privilege the department may require the appearance of the juvenile's legal guardian or father ((if the father is living and has custody)) or mother, otherwise the ((mother)) parent or guardian having custody of the minor.

Sec. 89. Section 1, chapter 194, Laws of 1941 as amended by section 1, chapter 144, Laws of 1965 and RCW 49.24.080 are each amended to read as follows:

Every person, firm or corporation constructing, building or operating a tunnel, quarry, caisson or subway, excepting in connection with mines, with or without compressed air, shall in the employment of any labor comply with the following safety provisions:

(1) A safety miner shall be selected by the crew on each shift who shall check the conditions necessary to make the working place safe; such as loose rock, faulty timbers, poor rails, lights, ladders, scaffolds, fan pipes and firing lines.

(2) Ventilating fans shall be installed from twenty-five to one hundred feet outside the portal.

(3) No employee shall be allowed to "bar down" without the assistance of another employee.

(4) No employee shall be permitted to return to the heading until at least thirty minutes after blasting.

(5) Whenever persons are employed in wet places, the employer shall furnish such persons with rubbers, boots, coats and hats. All boots if worn previously by an employee shall be sterilized before being furnished to another: PROVIDED, That RCW 49.24.080 through 49.24.380 shall not apply to the operation of a railroad except that new construction of tunnels, caissons or subways in connection therewith shall be subject to the provisions of RCW 49.24.080 through 49.24.380: PROVIDED, FURTHER, That in the event of repair work being done in a railroad tunnel, no ((men)) person shall be compelled to perform labor until the air has been cleared of smoke, gas and fumes.

Sec. 90. Section 4, chapter 194, Laws of 1941 and RCW 49.24.110 are each amended to read as follows:

Exhaust valves shall be provided, having risers extending to the upper part of chamber, if necessary, and shall be operated at such times as may be required and especially after a blast, and ((men)) persons shall not be required to resume work after a blast

until the gas and smoke have cleared, for at least thirty minutes.

Sec. 91. Section 51.08.020, chapter 23, Laws of 1961 and RCW 51.08.020 are each amended to read as follows:

"Beneficiary" means a husband, wife, child, or dependent of a workman in whom shall vest a right to receive payment under this title: PROVIDED, That a husband or wife of an injured workman, living separate and apart in a state of abandonment, regardless of the party responsible therefor, for more than one year at the time of the injury or subsequently, shall not be a beneficiary. A ((wife)) spouse who has lived separate and apart from ((her husband)) the other spouse for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for ((her)) maintenance, shall be deemed living in a state of abandonment.

Sec. 92. Section 51.12.080, chapter 23, Laws of 1961 as amended by section 9, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.080 are each amended to read as follows:

Inasmuch as it has proved impossible in the case of employees of common carriers by railroad, engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employees with interstate or foreign commerce from their connection with intrastate commerce, and such employees have, in fact, received no compensation under this title, the provisions of this title shall not apply to work performed by such employees in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employees of such common carriers by railroad engaged therein, but nothing herein shall be construed as excluding from the operation of this title railroad construction work, or the employees engaged thereon: PROVIDED, That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such carrier, or in case of the death of such employee, to ((his)) the surviving ((wife)) spouse and child, or children, and if no surviving ((wife)) spouse or child or children, then to the parents, minor sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employees injured while engaged in interstate commerce: PROVIDED FURTHER, That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries

(including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this title or bring under the foregoing proviso of this section any work of such other enterprise or industry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment: PROVIDED FURTHER, That nothing in this section shall be construed as relieving an independent contractor engaged through or by his employees in performing work for a common carrier by railroad, from the duty of complying with the terms of this title, nor as depriving any employee of such independent contractor of the benefits of this title.

Sec. 93. Section 51.24.010, chapter 23, Laws of 1961 as last amended by section 37, chapter 289, Laws of 1971 ex. sess. and RCW 51.24.010 are each amended to read as follows:

If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, ((his widow)) the surviving spouse, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the department or self-insurer; if the other choice is made, the department or self-insurer shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: PROVIDED, That the injured workman or if death results from ((his)) the injury, ((his widow)) the surviving spouse, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the department or self-insurer to the extent of such payments having been made by the department or self-insurer to the injured workman or if death results from ((his)) the injury, ((his widow)) the surviving spouse, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the department or self-insurer may be prosecuted or compromised by the department or self-insurer in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good by the department or self-insurer may be made only with the written approval of the department or self-insurer. If such approval is not obtained, claim for the

deficiency will be deemed to have been waived.

Any third party action brought under this title by such workman or beneficiary must be duly prosecuted; if the action is not filed or settled within one year of the notice of election, the cause of action shall be deemed assigned to the department or self-insurer if after thirty days notice the action is neither filed nor settled. If a cause of action which has been filed is not diligently prosecuted, the department or self-insurer shall have the right to petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon sufficient showing in the court's discretion of a lack of diligent prosecution, such an order shall issue.

In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the department or self-insurer, to the extent of the benefits paid or payable under this title, shall bear its proportionate share of attorney's fees and costs incurred by the injured workman or ((his widow)) surviving spouse, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees.

Sec. 94. Section 51.24.020, chapter 23, Laws of 1961 and RCW 51.24.020 are each amended to read as follows:

If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, ((the widow, widower)) surviving spouse, child, or dependent of the workman shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any excess of damages over the amount received or receivable under this title.

Sec. 95. Section 51.32.040, chapter 23, Laws of 1961 as last amended by section 18, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.090 and 74.20A.100, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to

((his widow, if he leaves a widow, or to his child or children and does not leave a widow)) there is no surviving spouse: PROVIDED FURTHER, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to ((his widow, if he leaves a widow)) the surviving spouse, or to ((his)) the child or children if ((he leaves a child or children and does not leave a widow)) there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured workman resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any ((widow)) surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

Sec. 96. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 19, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed eight hundred dollars shall be paid.

(2) A ((widow or invalid widower)) surviving spouse of a deceased workman shall receive monthly throughout his or her life the following sums: (a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars. (b) If there is one child of the deceased workman, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars. (c) If there are two children of the deceased workman, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars. (d) If there are three children of the

deceased workman, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars. (e) If there are four children of the deceased workman, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars. (f) If there are five or more children of the deceased workman, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars.

Payments to the surviving spouse of the deceased workman shall cease at the end of the month in which remarriage occurs: PROVIDED, That the portion of the monthly payment made for the benefit of the children shall not be affected by such remarriage. In no event shall the monthly payments provided in this subsection exceed seventy-five percent of the average monthly wage in the state as computed under RCW 51.08.018.

In addition to the monthly payments above provided for, a surviving ((widow, or invalid widower)) spouse, or dependent parent or parents, if there is no surviving ((widow or invalid widower)) spouse of any such deceased workman shall be forthwith paid the sum of eight hundred dollars.

Upon remarriage ((of a widow she)) the surviving spouse shall receive, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of ((her)) the pension, whichever is the lesser, and the monthly payments to such ((widow)) surviving spouse shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If there is a child or children and no ((widow or widower)) surviving spouse of the deceased workman, a sum equal to thirty-five percent of the average monthly wage of the deceased workman shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the same payment as provided in subsection (3) of this section.

(5) If the workman leaves no ((widow, widower)) surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the

injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of ((his) the death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury; the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-one while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a ((widow, invalid widower)) surviving spouse, or child, or children, the surviving ((widow or invalid widower)) spouse shall receive benefits as if death resulted from the injury as provided in subsections (2) through (5) of this section. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Sec. 97. Section 51.32.070, chapter 23, Laws of 1961, as last amended by section 9, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.070 are each amended to read as follows:

Notwithstanding any other provisions of law, every ((widow or invalid widower)) surviving spouse receiving a pension under this title shall, after July 1, 1971, be paid one hundred eighty-five dollars per month, and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title shall, after such date, be paid one hundred eighty-five dollars per month, and one hundred fifteen dollars per month additional in cases requiring the services of an attendant, if unmarried at the time ((his) the injury occurred; two hundred fifteen dollars per month, and one hundred fifteen dollars per month additional in cases requiring the services of an attendant, if ((he or she)) the totally disabled workman has an ((wife or)) invalid ((husband)) spouse; and one hundred seventy-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if ((the husband is not)) neither spouse is an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund ((or be charged against any class under the industrial insurance law)).

The director shall pay monthly to every such ((widow, invalid

widower) surviving spouse, and totally disabled workman from the supplemental pension fund such an amount as will, when added to the pensions or temporary total disability compensation they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

Sec. 98. Section 51.32.135, chapter 23, Laws of 1961 and RCW 51.32.135 are each amended to read as follows:

In pension cases when a workman or beneficiary closes his claim by full conversion to a lump sum or in any other manner as provided in RCW 51.32.130 and 51.32.150, such action shall be conclusive and effective to bar any subsequent application or claim relative thereto by the workman or any beneficiary which would otherwise exist had such person not elected to close the claim: PROVIDED, The director may require the ((wife)) spouse of such workman to consent in writing as a prerequisite to conversion and/or the closing of such claim.

Sec. 99. Section 1, chapter 137, Laws of 1957 and RCW 54.36.010 are each amended to read as follows:

As used in this chapter:

"Public utility district" means public utility district or districts or a joint operating agency or agencies.

"Construction project" means the construction of hydroelectric generating facilities by a public utility district. It includes the relocation of highways and railroads, by whomever done, to the extent that it is occasioned by the overflowing of their former locations, or by destruction or burying incident to the construction.

"Base-year enrollment" means the number of pupils enrolled in a school district on the first of May next preceding the date construction was commenced.

"Subsequent-year enrollment" means the number of pupils enrolled in a school district on any first of May after construction was commenced.

"Construction pupils" means pupils ((whose fathers are)) who have a parent who is a full-time employee((s)) on the construction project and who moved into the school district subsequent to the first day of May next preceding the day the construction was commenced.

"Nonconstruction pupils" means other pupils.

Sec. 100. Section 4, page 26, Code 1881, Bagley's Supp. as last amended by section 1, page 124, Laws of 1875 and RCW 67.14.040

are each amended to read as follows:

((Said county commissioners)) The legislative authorities of each county, in their respective counties, shall have the power to grant license to persons to keep drinking houses or saloons therein, at which spirituous, malt, or fermented liquors and wines may be sold ((finj)) in less quantities than one gallon; and such license shall be called a retail license upon the payment, by the person applying for such license, of the sum of three hundred dollars a year into the county treasury, and the execution of a good and sufficient bond, executed to such county in the sum of one thousand dollars, to be approved by such ((county commissioners)) legislative authority or the county auditor of the county in which such license is granted, conditioned that he will keep such drinking saloon or house in a quiet, peaceable, and orderly manner: PROVIDED, The foregoing shall not be so construed as to prevent the ((county commissioners)) legislative authority of any county from granting licenses to drinking saloons or houses therein, when there is but little business doing, for less than three hundred dollars, but in no case for less than one hundred dollars per annum: AND PROVIDED FURTHER, That such license shall be used only in the precinct to which it shall be granted; PROVIDED FURTHER, that no license shall be used in more than one place at the same time. AND FURTHER PROVIDED, That no license shall be granted to any person to retail spirituous liquors until he shall furnish to the ((county commissioners)) legislative authority satisfactory proof that he is a ((man)) person of good moral character.

Sec. 101. Section 72.33.020, chapter 28, Laws of 1959 and RCW 72.33.020 are each amended to read as follows:

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

(1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and

rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for a period of not less than one year before application for admission is made: PROVIDED, That the residence of an unemancipated minor shall be imputed from the residence of the ((father)) the parents if they are living together, or from the residence of the parent with whom the child resides, ((if such minor is a legitimate child, otherwise from the residence of the mother)) and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean the right of immediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

(12) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.

Sec. 102. Section 72.36.040, chapter 28, Laws of 1959 as amended by section 1, chapter 235, Laws of 1959 and RCW 72.36.040 are each amended to read as follows:

There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and who have personal property of less than one thousand dollars and/or a monthly income insufficient to meet their needs as determined by the standards of the county welfare department, may be admitted to membership in said colony under such

rules and regulations as may be adopted by the department.

(1) All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, and their ((wives)) spouses, who were married and living with their ((wives)) spouses for five years prior to application to membership in said colony or who, since said date, have married widows of soldiers or widowers of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: PROVIDED, That such soldiers, sailors, and marines and members of the state militia shall, while they are members of said colony, be living with their said ((wives)) spouses.

(2) The ((widows)) spouses of all soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the ((widows)) spouses of all soldiers who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which ((widows)) spouses have since the death of their said husbands or wives become indigent and unable to earn a support for themselves: PROVIDED, That such ((widows)) spouses are not less than fifty years of age and have not been married since the decease of their said husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment.

Sec. 103. Section 72.36.050, chapter 28, Laws of 1959 as amended by section 1, chapter 112, Laws of 1967 and RCW 72.36.050 are each amended to read as follows:

The members of the colony established in RCW 72.36.040 as now or hereafter amended shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding thirty dollars per month in value, and clothing not exceeding sixty dollars per year in value for a member and ((his wife)) spouse, and thirty-five dollars per year in value for a ((widow)) spouse admitted under RCW 72.36.040 as now or hereafter amended.

Sec. 104. Section 72.36.080, chapter 28, Laws of 1959 and RCW 72.36.080 are each amended to read as follows:

All of the following persons who have been actual bona fide residents of this state for a period of three years at the time of

their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: PROVIDED, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony in this state or entitled to admission thereto.

(2) The ((widows)) spouses of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and ((widows)) spouses of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which ((widows)) spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves: PROVIDED, That such ((widows)) spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

Sec. 105. Section 72.64.040, chapter 28, Laws of 1959 and RCW 72.64.040 are each amended to read as follows:

Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the department shall credit the prisoner with the total amount of his earnings.

The amount of earnings credited but unpaid to a prisoner may be paid to the prisoner's ((wife)) spouse, children, mother, father, brother, or sister as the inmate may direct upon approval of the superintendent. Upon release, parole, or discharge, all unpaid earnings of the prisoner shall be paid to him.

Sec. 106. Section 1, chapter 14, Laws of 1891 and RCW 73.04.010 are each amended to read as follows:

No judge, or clerk of court, county clerk, county auditor, or any other county officer, shall be allowed to charge any honorably discharged soldier or seaman, or the ((widow)) spouse, orphan, or

legal representative thereof, any fee for administering any oath, or giving any official certificate for the procuring of any pension, bounty, or back pay, nor for administering any oath or oaths and giving the certificate required upon any voucher for collection of periodical dues from the pension agent, nor any fee for services rendered in perfecting any voucher.

Sec. 107. Section 1, chapter 84, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1951 and RCW 73.16.010 are each amended to read as follows:

In every public department, and upon all public works of the state, and of any county thereof, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and their ((widows)) spouses, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved.

Sec. 108. Section 1, chapter 180, Laws of 1949 as amended by section 1, chapter 13, Laws of 1950 ex. sess. and RCW 73.32.020 are each amended to read as follows:

There shall be paid to each person who was on active federal service as a member of the armed military or naval forces of the United States between the seventh day of December, 1941, and the second day of September, 1945, who at the time of his or her entry upon active federal service and for a period of one year prior thereto was a bona fide citizen or resident of the state of Washington, or who was a member of one of the regular military services on December 7, 1941, and on that date and for one year prior thereto was a bona fide citizen or resident of the state of Washington, for service between said dates, the sum of ten dollars for each and every month or major fraction thereof of such duty performed within the continental limits of the United States, and fifteen dollars for each and every month or major fraction thereof of such duty performed outside the continental limits of the United States: PROVIDED, That persons who have already received extra compensation for such service from any other state or territory shall not be entitled to the compensation under this chapter, unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation payable under this chapter and the extra compensation already received from such other state or territory. In case of the death of any such person prior to June 8, 1949, an equal amount shall be paid to his surviving ((widow)) spouse if not remarried at the time compensation is requested or in case he

left no ((widow)) spouse or in case his ((widow)) spouse has remarried and he has left children, then to his surviving children, or in the event he left no ((widow)) spouse eligible for payment hereunder or children surviving on June 8, 1949, then to his surviving parent or parents.

Sec. 109. Section 1, chapter 292, Laws of 1955 and RCW 73.33.010 are each amended to read as follows:

Since the people of the state of Washington have recognized the sacrifices of its sons and daughters in the service of their country during World War II, and having desired to aid them in their return to civil life, did authorize the payment of certain compensation in recognition of such services, and since problems arising out of said conflict threatened to defeat the ideals for which said war was waged and made it necessary for many of our sons to again bear arms for the preservation of justice and peace, it is fitting and proper that we again recognize that service and give that helping hand to those who have given so much to us and have brought so much honor to our great state.

Sec. 110. Section 2, chapter 292, Laws of 1955 and RCW 73.33.020 are each amended to read as follows:

There shall be paid to each person who was on active federal service as a member of the armed military or naval forces of the United States between the twenty-seventh day of June, 1950, and the twenty-sixth day of July, 1953, and who for a period of one year immediately prior to the date of his entry into such service, was a bona fide citizen or resident of the state of Washington, for service between said dates, the sum of one hundred dollars for service in excess of eighty-nine days within the continental United States, the sum of one hundred fifty dollars for service in excess of eighty-nine days and less than three hundred sixty-five days where any part of such service was outside the continental limits of the United States, or the sum of two hundred dollars for service in excess of three hundred sixty-four days where any part of such service was outside the continental limits of the United States: PROVIDED, HOWEVER, That persons otherwise eligible who have been continuously in said armed services for a period of five years or more immediately prior to June 27, 1950, shall not be eligible to receive compensation under the terms of this chapter: PROVIDED FURTHER, That persons who have already received extra compensation or other benefits based upon claimed residence at the time of entry into such active service from any other state or territory shall not be entitled to compensation under this chapter.

In case of the death of any such person prior to June 10, 1955, an equal amount shall be paid to his surviving ((widow)) spouse if not remarried at the time compensation is requested, or in case he

left no ((widow)) spouse or in case his ((widow)) spouse has remarried and he has left children, then to his surviving children, or in the event he left no ((widow)) spouse eligible for payment hereunder, or children surviving on June 10, 1955, then to his surviving parent or parents: PROVIDED, HOWEVER, That no such parent who has been deprived of custody of such child or children by a decree of a court of competent jurisdiction shall be entitled to any compensation under this chapter if the husband of the surviving spouse was either killed in action or died as a result of wounds or disabilities incurred in action during the period covered by this chapter, such spouse, if not remarried at the time compensation is requested, shall be entitled to the largest amount payable hereunder.

Sec. 111. Section 30, chapter 228, Laws of 1963 and RCW 74.12.340 are each amended to read as follows:

The department is authorized to promulgate rules and regulations governing the provision of day care as a part of child welfare services when the ((director)) secretary determines that a need exists for such day care and that it is in the best interests of the child ((and the mother)) , the parents, or the custodial parent and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

Sec. 112. Section 8 *[7], chapter 206, Laws of 1963 as amended by section 15, chapter 173, Laws of 1969 ex. sess. 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.

(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)) custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by ((her)) such parent, for the purpose of assisting ((her)) such parent 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)) parent is without funds to employ private counsel. If the ((mother)) parent 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.

(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.

Sec. 113. Section 8, chapter 206, Laws of 1963 and RCW 74.20.230 are each amended to read as follows:

Any married ((woman)) parent with minor children, natural or legally adopted children who ((are)) is receiving public assistance may apply to the superior court of the county in which ((she)) such parent resides or in which ((her husband)) the spouse may be found for an order upon ((her husband)) such spouse, if ((he)) such spouse is the natural or adoptive mother or father of such children, to provide for ((her)) such spouse's support and the support of ((her)) such spouse's minor children by filing in such county a petition setting forth the facts and circumstances upon which ((she)) such spouse relies for such order. If it appears to the satisfaction of the court that such ((woman)) parent is without funds to employ counsel, the state department of ((public assistance)) social and health services through the attorney general may file such petition on ((her)) behalf of such parent. If satisfied that a just cause exists, the court shall direct that a citation issue to the ((husband)) other spouse requiring ((him)) such spouse to appear at a time set by the court to show cause why an order of support should not be entered in the matter.

Sec. 114. Section 165, chapter 36, Laws of 1917 as amended by

section 11, chapter 211, Laws of 1943 and RCW 78.40.606 are each amended to read as follows:

No ((boy)) person under eighteen years of age((~~r~~ and no girl or woman of any age~~r~~)) shall be employed or permitted to be in any mine for the purpose of employment therein. No ((boy)) person under the age of sixteen years((~~r~~ and no girl or woman of any age~~r~~)) shall be employed or permitted to be in or about the surface workings of any mine for the purpose of employment: PROVIDED, That this prohibition shall not affect the employment of boys or girls ((or women)) for clerical or messenger duty about the surface workings as permitted under the state and federal laws.

When an employer is in doubt as to the age of any ((boy)) person applying for employment in or about the mine, he shall demand and receive proof of the age of such ((boy)) person by certificate from the parents or guardian of such ((boy)) person before ((he)) such person shall be employed. Said certificate shall consist of an affidavit, sworn and subscribed to before a justice of the peace or notary public, that ((he; the said boy)) the person making such affidavit, is of the prescribed age for employment.

Any person swearing falsely in regard to the age of a ((boy)) person shall be guilty of perjury and shall be punished as provided in the statutes of the state.

Sec. 115. Section 12, chapter 152, Laws of 1903 as amended by section 55, chapter 292, Laws of 1971 ex. sess. and RCW 79.48.130 are each amended to read as follows:

Any citizen of the United States, or any person having declared his intention to become a citizen of the United States ((~~excepting married women not the heads of families~~)) eighteen years of age or over, may make application under oath, to the commissioner of public lands, to enter any of said lands in any amount not to exceed one hundred and sixty acres for any one person; such application shall set forth that the person desiring to make such entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of congress and the laws of this state relating thereto, and the applicant has never received the benefit of the provisions of this chapter, to an amount greater than one hundred and sixty acres, including the number of acres specified in the application under consideration. Such application must be accompanied by a certified copy of a contract for a perpetual water right, made and entered into by the party making application with the person, company or association of persons, or incorporated company who have been authorized by the commissioner of public lands to furnish water for the reclamation of said land; and if said applicant has at any previous time entered land under the provisions of this chapter, he shall so state in his application, together with the

description, date of entry and location of said lands. The commissioner of public lands shall thereupon file in his office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by a payment of one dollar per acre, which shall be paid as a partial payment on the land if the application is allowed, and all certificates when issued shall be recorded in a book to be kept for that purpose. If the application is not allowed, or the contractor fails to complete the work according to contract the one dollar per acre accompanying the application shall be returned to the applicant. The commissioner of public lands shall dispose of all lands accepted by the state under the provisions of this chapter at a uniform price of not less than ten dollars per acre, one-tenth to be paid at the time of entry and the remainder in nine equal annual installments, with interest at six percent per annum payable annually, provided a settler may make payment in full at any time upon or after making final proof.

Sec. 116. Section 80.28.080, chapter 14, Laws of 1961 and RCW 80.28.080 are each amended to read as follows:

No gas company, electrical company or water company shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such service as specified in its schedule filed and in effect at the time, nor shall any such company directly or indirectly refund or remit in any manner or by any device any portion of the rates or charges so specified, or furnish its product at free or reduced rates except to its employees and their families, and its officers, attorneys, and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company; and the term "families," as used in this paragraph, shall include the families of those persons named in this proviso, the families of persons killed or dying in the service, also the families of persons killed, and the ((widows during widowhood)) surviving spouse prior to remarriage, and the minor children during minority of persons who died while in the service of any of the companies named in this paragraph: AND PROVIDED, FURTHER, That water companies may furnish free or at reduced rates water for the use of the state, or for any project in which the state is interested.

No gas company, electrical company or water company shall

extend to any person or corporation any form of contract or agreement or any rule or regulation or any privilege or facility except such as are regularly and uniformly extended to all persons and corporations under like circumstances.

Sec. 117. Section 81.28.080, chapter 14, Laws of 1961 and RCW 81.28.080 are each amended to read as follows:

No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to linemen of telegraph and telephone companies; to railway mail service employees, post office inspectors, customs inspectors and immigration inspectors; to newsboys on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: PROVIDED, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and

sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: AND PROVIDED, FURTHER, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: PROVIDED, FURTHER, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the (widows during widowhood) surviving spouses prior to remarriage and minor children during minority, of persons who died while in the service of any such common carrier: AND PROVIDED, FURTHER, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: AND PROVIDED, FURTHER, That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or policemen or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this title may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this title shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

Sec. 118. Section 81.94.060, chapter 14, Laws of 1961 and RCW 81.94.060 are each amended to read as follows:

No wharfinger or warehouseman shall charge, demand, collect,

or receive a greater, less or different compensation for any service rendered or to be rendered, than the rates charged applicable to such service as specified in its schedule filed and in effect at the time. Nor shall any such wharfinger or warehouseman directly or indirectly refund or remit in any manner or by any device, any portion of the rate or charge so specified, or furnish dockage, wharfage or storage or free or reduced rates except to its employees and their families and its officers, attorneys and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That the term "employees," as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of such wharfinger or warehouseman, and the term "families," as used in this section, shall include the families of those persons named in this proviso, also the families of persons killed or dying in the service, also the families of persons killed, and the (~~widows, during widowhood~~) surviving spouses prior to remarriage, and the minor children during minority of persons who died while in the service of any such wharfinger or warehouseman.

No wharfinger or warehouseman shall extend to any person or corporation any form of contract or agreement, or any rule or regulation or any privilege or facility except as are regularly and uniformly extended to all persons and corporations under like circumstances.

Sec. 119. Section 84.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 245, Laws of 1969 ex. sess. and RCW 84.36.040 are each amended to read as follows:

The following property shall be exempt from taxation:

All free public libraries, orphanages, orphan asylums, (~~institutions for the reformation of fallen women~~) homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits thereof are devoted, after paying the expenses thereof, to the purposes of such institutions; and the grounds, together with all real and personal property owned or used as a part of such institutions, whenever such libraries, orphanages, institutions, homes, and hospitals are built and used exclusively for the purposes herein enumerated.

In order to determine whether such libraries, orphanages, institutions, homes, and hospitals are exempt from taxes within the intent of this chapter, the director of revenue shall have access to their books and the superintendent or manager of the library, orphanage, institution, home, or hospital claiming exemption from

taxation shall file, with the assessor on forms furnished by the director, a signed statement that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath, make annual report to the department of revenue of its receipts and disbursements. Such report shall be made upon a form supplied by the director of revenue on or before the fifteenth day of the fifth calendar month following the close of the accounting period for which the return is required to be filed. The assessor shall remove the tax exemption from the property and assets of any hospital which does not file with the assessor said annual report within forty-five days of the due date. The department of revenue shall make a copy of such report available to other governmental agencies upon request.

A hospital, within the meaning of this section, includes any portion of the hospital building, or other buildings in connection therewith, used as a nurses' home or as a residence for persons engaged or employed in the operation of the hospital, or operated as a portion of the hospital unit.

Sec. 120. Section 84.36.120, chapter 15, Laws of 1961 as amended by section 72, chapter 299, Laws of 1971 ex. sess. and RCW 84.36.120 are each amended to read as follows:

For the purposes of RCW 84.36.110 "head of a family" shall be construed to include a ((widow)) surviving spouse not remarried, any person receiving an old age pension under the laws of this state and any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years.

"Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles and the like.

"Private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealers' licenses.

"Mobile home" shall be construed to mean and include all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width.

NEW SECTION. Sec. 121. The following acts or parts of acts are each hereby repealed:

(1) Section 497, page 220, Laws of 1854, section 11, page 5, Laws of 1869, section 11, page 5, Laws of 1877, section 11, Code of

1881, section 60, chapter 292, Laws of 1971 ex. sess. and RCW 4.24.030;

(2) Section 487, page 219, Laws of 1854, section 752, page 152, Laws of 1877, section 747, Code of 1881 and RCW 4.24.120;

(3) Section 2406, Code of 1881 and RCW 26.16.170; and

(4) Section 1, chapter 84, Laws of 1951, section 1, chapter 41, Laws of 1965 and RCW 49.28.070.

Sec. 122. Section 33, page 80, Laws of 1854 as last amended by section 183, chapter 249, Laws of 1909 and RCW 9.79.010 are each amended to read as follows:

Rape is an act of sexual intercourse with a ((female)) person not the wife or husband of the perpetrator committed against ((her)) the person's will and without ((her)) the person's consent. Every ((person who shall perpetrate)) perpetrator of such an act of sexual intercourse with a ((female)) person of the age of ten years or upwards not his wife or husband:

(1) When, through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, ((she)) the person is incapable of giving consent; or

(2) When ((her)) the person's resistance is forcibly overcome; or

(3) When ((her)) the person's resistance is prevented by fear of immediate and great bodily harm which ((she)) the person has reasonable cause to believe will be inflicted upon her or him; or

(4) When ((her)) the person's resistance is prevented by stupor or weakness of mind produced by an intoxicating narcotic or anaesthetic agent administered by or with the privity of the defendant; or

(5) When ((she)) the person is at the time unconscious of the nature of the act, and this is known to the defendant;

Shall be punished by imprisonment in the state penitentiary for not less than five years.

Sec. 123. Section 33, page 80, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1943 and RCW 9.79.020 are each amended to read as follows:

Every male person who shall carnally know and abuse any female child under the age of eighteen years, not his wife, and every female person who shall ((have sexual intercourse with)) carnally know and abuse any male child under the age of eighteen years, not her husband, shall be punished as follows:

(1) When such an act is committed upon a child under the age of ten years, by imprisonment in the state penitentiary for life;

(2) When such an act is committed upon a child of ten years and under fifteen years of age, by imprisonment in the state penitentiary for not more than twenty years;

(3) When such act is committed upon a child of fifteen years of age and under eighteen years of age, by imprisonment in the state penitentiary for not more than fifteen years.

Sec. 124. Section 37, page 187, Laws of 1873 as amended by section 185, chapter 249, Laws of 1909 and RCW 9.79.030 are each amended to read as follows:

Any sexual penetration, however slight, is sufficient to complete sexual intercourse or carnal knowledge. The word prostitution as used in this chapter and title means any sexual conduct engaged in for a fee or agreed or offered to be engaged in for a fee between persons not married to each other. Sexual conduct means either or both sexual intercourse or any conduct involving the sex organs of one person and the mouth or anus of another.

Sec. 125. Section 813, Code of 1881 as amended by section 186, chapter 249, Laws of 1909 and RCW 9.79.040 are each amended to read as follows:

Every person who, by force, menace, or duress, shall compel ((a woman)) another person against his or her will to marry him or her or to marry any other person, or to be defiled, shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by a fine of not more than one thousand dollars, or by both.

Sec. 126. Section 815, Code of 1881 as amended by section 187, chapter 249, Laws of 1909 and RCW 9.79.050 are each amended to read as follows:

Every person who--

(1) Shall take ((a female)) another person who is under the age of eighteen years for the purpose of prostitution or sexual intercourse, or without the consent of his or her father, mother, guardian or other person having legal charge of ((her)) such other person, for the purpose of marriage; or

(2) Shall inveigle or entice an unmarried ((female)) person of previously chaste character into a house of ill fame or assignation, or elsewhere, for the purpose of prostitution; or

(3) Shall take or detain a ((woman)) another person unlawfully against ((her)) such person's will, with intent to compel ((her)) such person by force, menace or duress, to marry him or her or another person, or to be defiled; or

(4) Being the parent, guardian or other person having legal charge of ((the)) a person ((of a female)) under the age of eighteen years, shall consent to ((her)) the taking or detention of such person by any other person for the purpose of prostitution or sexual intercourse or for any obscene, indecent or immoral purpose;

Shall be guilty of abduction and punished by imprisonment in the state penitentiary for not more than ten years or by a fine of

not more than one thousand dollars, or by both.

Sec. 127. Section 188, chapter 249, Laws of 1909 as amended by section 1, chapter 186, Laws of 1927 and RCW 9.79.060 are each amended to read as follows:

Every person who--

(1) Shall place a female or male in the charge or custody of another person for immoral purposes, or in a house of prostitution, with intent that he or she shall live a life of prostitution, or who shall compel any female or male to reside with him or her or with any other person for immoral purposes, or for the purpose of prostitution, or shall compel any ~~((such))~~ female or male to reside in a house of prostitution or to live a life of prostitution; or

(2) Shall ask or receive any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons not her husband, or any male for the purpose of causing him to cohabit with any female person or persons not his wife; or

(3) Shall give, offer, or promise any compensation, gratuity or reward, to procure any ~~((female))~~ person for the purpose of placing ~~((her))~~ such person for immoral purposes in any house of prostitution, or elsewhere; or

(4) Being the ~~((husband))~~ spouse of any ~~((woman))~~ person, or the parent, guardian or other person having legal charge of ~~((the))~~ such person ~~((of a female))~~ shall connive at, consent to or permit ~~((her))~~ such person being or remaining in any house of prostitution or leading a life of prostitution; or

(5) Shall live with or accept any earnings of a common prostitute, or entice or solicit any person to go to a house of prostitution for any immoral purpose;

Shall be punished by imprisonment in the state penitentiary for not less than one year nor more than five years.

Sec. 128. Section 816, Code of 1881 as last amended by Section 189, chapter 249, Laws of 1909 and RCW 9.79.070 are each amended to read as follows:

Every person who shall seduce and have sexual intercourse with any ~~((female))~~ person of previously chaste character, shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both fine and imprisonment: PROVIDED, That if at any time before judgment upon an information or indictment, a defendant shall marry such ~~((female))~~ person, the court shall order all further proceedings stayed ~~((; and if at any time within three years from the date of such marriage the defendant shall wrongfully fail to support or~~

provide for or shall wrongfully desert or abandon such wife, said proceeding shall be revived and continued in the same manner as though no marriage had taken place, and in the trial of such cause the wife shall be competent to testify and may testify against her husband).

Sec. 129. Section 2, chapter 74, Laws of 1937 as last amended by section 1, chapter 127, Laws of 1955 and RCW 9.79.080 are each amended to read as follows:

(1) Every person who takes any indecent liberties with, or on the person of any ((female)) other person of chaste character, without ((her)) the other person's consent, shall be guilty of a gross misdemeanor;

(2) Every person who takes any indecent liberties with or on the person of any child under the age of fifteen years, or makes any indecent or obscene exposure of his person, or of the person of another, whether with or without his or her consent, shall be guilty of a felony, and shall be 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.

NEW SECTION. Sec. 130. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 10, 1973.

Passed the House April 9, 1973.

Approved by the Governor April 24, 1973 with the exception of Sections 30, 31, 32, 33, 37, 40, 41, 42 and 43 which are vetoed.

Filed in Office of Secretary of State April 25, 1973.

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

"I am returning herewith without my approval of certain items Senate Bill No. 2502 entitled:

Veto
Message

"AN ACT Relating to equal rights."

This act amends the laws of our state to bring them into conformity with the requirements of House Joint Resolution 61, approved by the people at the last general election, which provides for equality of rights among men and women. Within this act, amendments found in sections 37, 40, 41, 42 and 43 technically conflict with amendments to the same statutes found in Senate Bill 2459 which I have previously approved. Senate Bill 2459 accomplishes the

same intent as this act and also adds language pertinent to the intent of that particular bill. Additionally, amendments are made in sections 30, 31, 32 and 33 of this act to sections of law which are repealed by House Bill 392, an act relating to divorce. Inasmuch as I have approved House Bill 392, it would be inappropriate to leave those sections in this act.

Veto
Message

Accordingly, for the reasons set out above I have determined to veto sections 30, 31, 32, 33, 37, 40, 41, 42 and 43 of Senate Bill No. 2502."

CHAPTER 155
[Engrossed Senate Bill No. 2435]
ALCOHOLISM--ADVISORY BOARD--
COUNTY PROGRAM FUNDING

AN ACT Relating to public health; amending section 7, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.070; amending section 2, chapter 77, Laws of 1972 ex. sess. and RCW 70.96.096; amending section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 30, chapter 122, Laws of 1972 ex. sess. and RCW 71.24.030; adding a new section to chapter 70.96 RCW.

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

Section 1. Section 7, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.070 are each amended to read as follows:

Pursuant to the provisions of RCW 43.20A.360, there shall be a citizens advisory council composed of not less than seven nor more than fifteen members, at least two of whom shall be recovered alcoholics and two of whom shall be members of recognized organizations involved with problems of alcoholism. The remaining members shall be broadly representative of the community, shall include representation from business and industry, organized labor, the judiciary, and minority groups, ((concerned)) chosen for their demonstrated concern with alcoholism problems ((; to advise the department; whose)). Members shall be appointed by the secretary. In addition to advising the department in carrying out the purposes of this chapter, the council shall develop and propose to the secretary for his consideration the rules and regulations for the implementation of the alcoholism programs of the department. The secretary shall thereafter adopt such rules and regulations as shall, in his judgment properly implement the alcoholism programs of the department consistent with the welfare of those to be served, the legislative intent and the public good.