

NEW SECTION. Sec. 6. Any violation of this chapter is punishable, upon conviction, by a fine not exceeding five thousand dollars or by confinement in the county jail for not exceeding one year, or both.

NEW SECTION. Sec. 7. Any person who violates section 4 of this act shall be strictly liable for fabric-related burns.

NEW SECTION. Sec. 8. Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has violated any provision of this chapter. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185, as now or hereafter amended.

NEW SECTION. Sec. 9. The provisions of this chapter shall be in addition to and not a substitution for or limitation of any other law.

NEW SECTION. Sec. 10. If any provision of this chapter, or its application to any person or circumstance is held invalid the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 212

[Substitute House Bill No. 53]

PROPERTY TAXES--OPEN SPACE, FARM,  
AND TIMBER LANDS

AN ACT Relating to the taxation of property; amending section 1, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.010; amending section 2, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.020; amending section 3, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.030; amending section 5, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.050; amending section 6, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.060; amending section 7, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.070; amending section 8, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.080; adding new sections to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW; repealing section 4, chapter 87, Laws of 1970 ex. sess. and RCW

84.34.040; repealing section 11, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.110; repealing section 12, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.120; repealing section 13, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.130; and repealing section 14, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.140.

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

Section 1. Section 1, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.010 are each amended to read as follows:

The legislature hereby declares that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The legislature further declares that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this chapter so to provide. The legislature further declares its intent that farm and agricultural lands shall be valued on the basis of their value for use as authorized by section 11 of Article VII of the Constitution of the state of Washington.

Sec. 2. Section 2, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

(2) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to ((agricultural uses)) the production of livestock or agricultural commodities for commercial purposes; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre

per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(3) "Timber land" means land in any contiguous ownership of ~~((twenty))~~ five or more acres which is devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to chapter 84.28 RCW, or as land classified for deferred taxation under chapter 84.32 RCW. Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the county assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

Sec. 3. Section 3, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.030 are each amended to read as follows:

An owner of agricultural land desiring current use ~~((assessment))~~ classification under subsection (2) of section 2 of this ((chapter)) 1973 amendatory act shall make application to the county assessor upon forms prepared by the state department of revenue and supplied by the county assessor. An owner of open space or timber land desiring current use classification under subsections (1) and (3) of section 2 of this 1973 amendatory act shall make application to the county legislative authority upon forms prepared by the state department of revenue and supplied by the county assessor. The application shall be accompanied by a reasonable processing fee if such processing fee is established by the city or county legislative authority but that such fee may not exceed thirty dollars for each application: PROVIDED, That if the application is not approved, then the application fee shall be returned to the

applicant. Said application shall require only such information reasonably necessary to properly classify an area of land under this ((chapter)) 1973 amendatory act with a notarized verification of the truth thereof and shall include a statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land. Applications must be made ((prior to December 31, 1970 for classification to begin in the assessment year commencing January 1, 1971, and thereafter applications to the county assessor shall be made)) during the ((first four calendar months of the)) calendar year preceding that in which such classification is to begin((: PROVIDED, That no application may be made under RCW 84.34.020(1)(a) until after December 31, 1971)). The assessor shall make necessary information, including copies of this chapter and applicable regulations, readily available to interested parties, and shall render reasonable assistance to such parties upon request.

NEW SECTION. Sec. 4. There is added to chapter 84.34 RCW a new section to read as follows:

The assessor shall act upon the application for current use classification of farm and agricultural lands under subsection (2) of section 2 of this 1973 amendatory act, with due regard to all relevant evidence. The application shall be deemed to have been approved unless, prior to the first day of May of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing of the extent to which the application is denied. An owner who receives notice that his application has been denied may appeal such denial to the county legislative authority. Within ten days following approval of the application, the assessor shall submit notification of such approval to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

The assessor shall also file notice of both such values with the county treasurer, who shall record such notice in the place and manner provided for recording delinquent taxes.

NEW SECTION. Sec. 5. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

Applications for classification under section 2 subsection (1) or (3) of this 1973 amendatory act shall be made to the county legislative authority. An application made for classification of land under section 2 subsection (1) (b), or (3) of this 1973

amendatory act which is in an area subject to a comprehensive plan shall be acted upon in the same manner in which an amendment to the comprehensive plan is processed. Application made for classification of land which is in an area not subject to a comprehensive plan shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing: PROVIDED, That applications for classification of land in an incorporated area shall be acted upon by a determining authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located.

In determining whether an application made for classification under section 2, subsection (1) (b), or (3) of this 1973 amendatory act should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and may consider whether or not preservation of current use of the land will (1) conserve or enhance natural or scenic resources, (2) protect streams or water supplies, (3) promote conservation of soils, wetlands, beaches or tidal marshes, (4) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (5) enhance recreation opportunities, (6) preserve historic sites, (7) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from granting the application: PROVIDED, That the granting authority may approve the application with respect to only part of the land which is the subject of the application: PROVIDED FURTHER, That if any part of the application is denied, the applicant may withdraw the entire application: AND PROVIDED FURTHER, That the granting authority in approving in part or whole an application for land classified pursuant to section 2 (1) or (3) of this 1973 amendatory act may also require that certain conditions be met, including but not limited to the granting of easements: AND PROVIDED FURTHER, That the granting or denial of the application for current use classification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

Sec. 6. Section 5, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.050 are each amended to read as follows:

(1) The granting authority shall immediately notify the county assessor and the applicant of its approval or disapproval which shall in no event be more than six months from the receipt of said application. No land other than farm and agricultural land shall be considered qualified under this chapter until an application in regard thereto has been approved by the appropriate legislative

authority.

(2) When the granting authority finds that land qualifies under this chapter, it shall file notice of the same with the assessor within ten days. The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

(3) Within ten days following receipt of the notice from the granting authority that such land qualifies under this chapter, the assessor shall submit such notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

(4) The assessor shall also file notice of both such value with the county treasurer, who shall record such notice in the place and manner provided for recording delinquent taxes.

Sec. 7. Section 6, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.060 are each amended to read as follows:

In determining the true and fair value of open space land (~~(, farm and agriculture land,)~~) and timber land, which has been classified as such under the provisions of this chapter, the assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. The assessor shall compute the assessed value of such property by using the same assessment ratio which he applies generally in computing the assessed value of other property: PROVIDED, That the assessed valuation of open space land with no current use shall not be less than that which would result if it were to be assessed for agricultural uses.

Sec. 8. Section 7, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.070 are each amended to read as follows:

When land has once been classified under this chapter, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after ~~((seven))~~ eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land, which shall be irrevocable, may be given by the owner to the county assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter. Within seven days the

county assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The county assessor or assessors, as the case may be, shall, when ((three)) two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification((: PROVIDED, That the county treasurer shall impose and collect upon the property for the seven years last past an amount which would be the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable had the land not been so classified, and the owner shall be liable therefor, and the same may be collected, as in the case of any other property taxes levied against the land: PROVIDED FURTHER, That the county treasurer shall impose and collect interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty each year if the land had been assessed at a value computed without regard to this chapter)) and the land shall be subject to the additional tax due under section 12 of this 1973 amendatory act: PROVIDED, That agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the ((state)) legislature in which event no additional tax or penalty shall be imposed.

Sec. 9. Section 8, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.080 are each amended to read as follows:

When land which has been ((assessed)) classified under this chapter as open space land, farm and agricultural land, or timber land is applied to some other use, except through compliance with RCW 84.34.070, or except as a result ((of the exercise of the power of eminent domain, or except as a result of a sale to a public body)) solely from any one of the conditions listed in section 12 (5) of this 1973 amendatory act, the owner shall within sixty days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount((; if any, which would be the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land", and the property tax otherwise due and payable had the land not been so classified during a maximum of twenty years for timber land, or fourteen years for other land preceding the year in which the assessor extends such additional tax on the tax roll)) of the additional tax due under section 12 of this 1973 amendatory act; plus

(2) A penalty amounting to twenty percent of the amount determined in subsection (1) of this section((; plus)).

((3) Interest upon the amounts of such additional tax and penalty until paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty each year if the land had been assessed at a value computed without regard to this chapter:

(4) The provisions of subsections (1), (2) and (3) of this section shall not apply in the event that the change in use results from the sale of land classified under this chapter within two years after the death of the owner of at least fifty percent of such land:))

NEW SECTION. Sec. 10. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The true and fair value of farm and agricultural land shall be determined by consideration of the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years, capitalized at indicative rates. The earning or productive capacity of farm and agricultural lands shall be the "net cash rental", capitalized at a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

For the purposes of the above computation:

(1) The term "net cash rental" shall mean the average rental paid on an annual basis, in cash or its equivalent, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. There shall be allowed as a deduction from the rental received or computed any costs of crop production charged against the landlord if the costs are such as are customarily paid by a landlord. If "net cash rental" data is not available, the earning or productive capacity of farm and agricultural lands shall be determined by the cash value of typical or usual crops grown on land of similar quality and similarly situated averaged over not less than five years. Standard costs of production shall be allowed as a deduction from the cash value of the crops.

The current "net cash rental" or "earning capacity" shall be determined by the assessor with the advice of the advisory committee as provided in section 11 of this 1973 amendatory act, and through a continuing study within his office, assisted by studies of the department of revenue. This net cash rental figure as it applies to any farm and agricultural land may be challenged before the same boards or authorities as would be the case with regard to assessed values on general property.



(2) The term "rate of interest" shall mean the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments, averaged over the immediate past five years.

The "rate of interest" shall be determined annually by the revenue department of the state of Washington with the advice of the state advisory committee as provided in section 11 of this 1973 amendatory act, and such determination shall be published not later than January 1 of each year for use in that assessment year. The determination of the revenue department may be appealed to the state board of tax appeals by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(3) The "component for property taxes" shall be a percentage equal to the estimated millage rate times the legal assessment ratio.

NEW SECTION. Sec. 11. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The county legislative authority shall appoint a five member committee representing the active farming community within the county to serve in an advisory capacity to the county assessor in implementing assessment guidelines as established by the department of revenue for the assessment of open space, farms and agricultural lands, and timber lands classified pursuant to this 1973 amendatory act.

A state advisory committee consisting of the director of the department of revenue or his designated representative, one member of the senate appointed by the president of the senate, and one member of the house appointed by the speaker of the house, and three members from the agricultural business community appointed by the agriculture commodity council shall serve in an advisory capacity to the state department of revenue as provided in sections 10 and 17 of this 1973 amendatory act.

NEW SECTION. Sec. 12. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

(1) When land has once been classified under this 1973 amendatory act, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to sections 7 or 10 of this 1973 amendatory act until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

- (a) Receipt of notice from the owner to remove all or a portion of such designation;
- (b) Passage of sixty days following the sale or transfer of

all or a portion of such land to a new owner without receipt of a notice of compliance from the new owner. Notice of compliance forms shall be prepared by the state department of revenue and supplied by the county assessor. Said notice shall contain a statement that the new owner is aware of the use classification of the land and of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land;

(c) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. The assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Any additional tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien

may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land.

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.

NEW SECTION. Sec. 13. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The owner of any land as to which additional tax is imposed as provided in this 1973 amendatory act shall have with respect to valuation of the land and imposition of the additional tax all remedies provided by Title 84 RCW.

NEW SECTION. Sec. 14. The assessor may require owners of land classified under this chapter to submit pertinent data regarding the use of the land, productivity of typical crops, and such similar information pertinent to continued classification and appraisal of the land.

NEW SECTION. Sec. 15. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

Land classified under the provisions of chapter 84.34 RCW prior to the effective date of this 1973 amendatory act which meets the definition of farm and agricultural land under the provisions of this 1973 amendatory act, upon request for such change made by the owner to the county assessor, shall be reclassified by the county assessor under the provisions of this 1973 amendatory act. This

change in classification shall be made without additional tax, penalty, or other requirements: PROVIDED, That subsequent to such reclassification, the land shall be fully subject to the provisions of chapter 84.34 RCW, as now or hereafter amended.

NEW SECTION. Sec. 16. Nothing in this 1973 amendatory act shall be construed as in any manner affecting the method for valuation of timber standing on timber land which has been classified under the provisions of this 1973 amendatory act.

NEW SECTION. Sec. 17. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The department of revenue of the state of Washington shall make such rules and regulations with the advice of the state advisory committee as provided in section 11 of this 1973 amendatory act consistent with the provisions of this 1973 amendatory act as shall be necessary or desirable to permit its effective administration.

NEW SECTION. Sec. 18. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The department of revenue and each local assessor is hereby directed to publicize the qualifications and manner of making applications for current use classification. Whenever possible notice of the qualifications, method of making applications, and availability of further information on current use classification shall be included with the second half property tax statements for 1973, and thereafter, shall be included with every notice of change in valuation of unplatted lands.

NEW SECTION. Sec. 19. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

Land classified under the provisions of chapter 84.34 RCW as timber land which meets the definition of forest land under the provisions of chapter 84.33 RCW, upon request for such change made by the owner to the county assessor, shall be reclassified by the county assessor under the provisions of chapter 84.33 RCW. This change in classification shall be made without additional tax, penalty, or other requirements set forth in chapter 84.34 RCW: PROVIDED, That subsequent to such reclassification, the land shall be fully subject to the provisions of chapter 84.33 RCW, as now or hereafter amended.

NEW SECTION. Sec. 20. 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.

NEW SECTION. Sec. 21. The following acts or parts of acts are each hereby repealed:

- (1) Section 4, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.040;
- (2) Section 11, chapter 87, Laws of 1970 ex. sess. and RCW 83.34.110;
- (3) Section 12, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.120;
- (4) Section 13, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.130; and
- (5) Section 14, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.140.

Passed the House April 15, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 26, 1973, with the exception of an item in Sections 10, 11 and 17 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, <sup>Veto</sup> without my approval as to certain items, Substitute House <sub>Message</sub> Bill No. 53, entitled:

"AN ACT Relating to the taxation of property."

Substitute House Bill No. 53 enacts desirable amendments to the Open Space Law. In section 11 of the bill, a State Advisory Committee is created to assist the Department of Revenue in the determination of the annual rate of interest and in the promulgation of rules and regulations under the act. Half of this six-member committee are to be representatives of the agricultural business community and are appointed by the "Agricultural Commodity Council." However, there exists no such council having legal standing. As a result the agricultural representatives cannot be effectively appointed.

While I have no substantive disagreement with the concept of a State Advisory Committee, I have determined to veto that item in section 11 creating the State Advisory Committee. I have also vetoed related references to that committee in sections 10 and 17. When the Legislature returns in September, it may wish to recreate a State Advisory Committee having substantial representation from agricultural business and to provide a viable means for appointing such members.

With the exception of the items described above, the remainder of the bill is approved." Veto  
Message

CHAPTER 213  
[Substitute House Bill No. 340]  
TUBERCULOSIS--HOSPITALIZATION  
AND CONTROL

AN ACT Relating to tuberculosis hospitalization and control; amending section 2, chapter 143, Laws of 1972 ex. sess. and RCW 70.30.061; amending section 16, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.020; amending section 17, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.030; amending section 18, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.040; and amending section 8, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.040.

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

Section 1. Section 2, chapter 143, Laws of 1972 ex. sess. and RCW 70.30.061 are each amended to read as follows:

Any person residing in the state and needing treatment for tuberculosis, may apply in person to the local health officer or to any licensed physician for examination and if such physician has reasonable cause to believe that said person is suffering from tuberculosis in any form he may apply to the local health officer or tuberculosis hospital director for admission of said person to ((the)) an appropriate ((tuberculosis)) facility for the care and treatment of tuberculosis.

Sec. 2. Section 16, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.020 are each amended to read as follows:

V From and after ((August 9, 1974)) January 1, 1974, the secretary shall have responsibility for establishing standards for the control, prevention and treatment of tuberculosis and shall have ((sete)) administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and for providing, either directly or through agreement, contract or purchase, hospital, nursing home and other appropriate facilities and services including laboratory services for persons who are, or may be suffering from tuberculosis except as otherwise provided by this 1973 amendatory act.

Pursuant to that responsibility, the secretary shall have the following powers and duties: