

NEW SECTION: Section 1. There is added to chapter 46.61 RCW a new section to read as follows:

No physician, registered nurse, qualified technician, or hospital, or duly licensed clinical laboratory employing or utilizing services of such physician, registered nurse, or qualified technician, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of RCW 46.20-.308, as now or hereafter amended: PROVIDED, That nothing in this section shall relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

Passed the House March 11, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 144

[Substitute House Bill No. 395]

### CLAIMS BY AND AGAINST THE STATE

AN ACT Relating to state government; amending section 4, chapter 95, Laws of 1895 as amended by section 6, chapter 159, Laws of 1963 and RCW 4.92.040; amending section 3, chapter 159, Laws of 1963 as amended by section 2, chapter 164, Laws of 1967 and RCW 4.92.100; amending section 4, chapter 159, Laws of 1963 and RCW 4.92.110; amending section 2, chapter 4, Laws of 1973 as amended by section 1, chapter 4, Laws of 1975 2nd ex. sess. and RCW 29.13.047; amending section 2, chapter 82, Laws of 1973 and RCW 29.64.080 [29.64.090]; amending section 4, chapter 8, Laws of 1971 ex. sess. as amended by section 24, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.205; amending section 43.09.050, chapter 8, Laws of 1965 as amended by section 1, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.050; amending section 77.12.280, chapter 36, Laws of 1955 as amended by section 1, chapter 177, Laws of 1957 and RCW 77.12.280; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.41 RCW; repealing section 43.09-.160, chapter 8, Laws of 1965 and RCW 43.09.160; and repealing section 1, chapter 46, Laws of 1903 and RCW 44.18.010.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 4, chapter 95, Laws of 1895 as amended by section 6, chapter 159, Laws of 1963 and RCW 4.92.040 are each amended to read as follows:

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state shall have been obtained in an action on a claim arising out of tortious conduct, the clerk shall make and furnish to the ~~((budget director))~~ chief fiscal officer of the executive branch a duly certified copy of said judgment and the same shall be paid out of the tort claims revolving fund.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the ~~((auditor of state))~~ chief fiscal officer of the executive branch a duly certified copy of such judgment; the ~~((auditor of state))~~ chief fiscal officer of the executive branch shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid ~~((out of the state treasury))~~ from appropriations specifically provided for such purposes by law.

(4) On and after the effective date of this 1977 amendatory act, all claims made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the chief fiscal officer of the executive branch who shall retain the same as a record. The chief fiscal officer of the executive branch shall recommend to the legislature whether such claim should be approved or rejected. The legislative committees to whom such claims are referred shall make a transcript or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

Sec. 2. Section 3, chapter 159, Laws of 1963 as amended by section 2, chapter 164, Laws of 1967 and RCW 4.92.100 are each amended to read as follows:

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the ~~((state auditor within one hundred twenty days from the date that the claim arose))~~ chief fiscal officer of the executive branch. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing his claim ~~((in the time prescribed))~~ or if the claimant is a minor, or is a nonresident of the state ~~((absent therefrom during the time within which his claim is required to be filed))~~, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. Section 4, chapter 159, Laws of 1963 and RCW 4.92.110 are each amended to read as follows:

No action shall be commenced against the state for damages arising out of tortious conduct until a claim has first been presented to and filed with the ~~((state auditor))~~ chief fiscal officer of the executive branch. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

Sec. 4. Section 2, chapter 4, Laws of 1973 as amended by section 1, chapter 4, Laws of 1975 2nd ex. sess. and RCW 29.13.047 are each amended to read as follows:

Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year as provided for in RCW 29.13.010, the state of Washington shall assume its prorated share of such election costs. The county auditor shall apportion the state's share of such expenses when prorating election costs as provided under RCW 29.04.020 and 29.13.045 and shall file such

expense claims with the secretary of state (~~(auditor)~~). The secretary of state (~~(auditor)~~) shall ~~((compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims))~~ include in his biennial budget request a provision for sufficient funds to carry out the provisions of this section. Payments hereunder shall be from appropriations specifically provided for such purpose by law.

Sec. 5. Section 2, chapter 82, Laws of 1973 and RCW 29.64.080 [29.64.090] are each amended to read as follows:

Each county auditor shall file with the secretary of state (~~(auditor)~~) a statement listing only the additional expenses incurred whenever a mandatory recount of the votes cast on a state measure is made as provided in RCW 29.64.080. The secretary of state (~~(auditor)~~) shall ~~((compile such claims for presentation to the next succeeding session, regular or extraordinary, of the legislature in the same manner as other legislative relief claims))~~ include in his biennial budget request a provision for sufficient funds to carry out the provisions of this section. Payments hereunder shall be from appropriations specifically provided for such purpose by law.

Sec. 6. Section 4, chapter 8, Laws of 1971 ex. sess. as amended by section 24, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.205 are each amended to read as follows:

All claims against the state for property damages or indemnification therefor arising from emergency service related activities will be presented to and filed with the ~~((state auditor within one hundred twenty days from the date the claim arose))~~ chief fiscal officer of the executive branch. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended.

Sec. 7. Section 43.09.050, chapter 8, Laws of 1965 as amended by section 1, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.050 are each amended to read as follows:

The auditor shall:

~~(1) ((Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;~~

~~(2))~~ ~~((; settle, and adjust))~~ ~~(2) Except as otherwise specifically provided by law, audit~~ ~~((; settle, and adjust))~~ the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

~~((3))~~ ~~(2)~~ In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

~~((4))~~ ~~(3)~~ Inform the attorney general in writing of the necessity for him to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

~~((5))~~ ~~(4)~~ Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

~~((6) Require))~~ (5) Report to the chief fiscal officer of the executive branch in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor~~((, to settle their accounts and make payment thereof))~~;

~~((7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;~~

~~((8))~~ (6) Authenticate with his official seal papers issued from his office;

~~((9))~~ (7) Make his official report biennially, on or before the 31st of December, in each year, preceding the meeting of the legislature.

Sec. 8. Section 77.12.280, chapter 36, Laws of 1955 as amended by section 1, chapter 177, Laws of 1957 and RCW 77.12.280 are each amended to read as follows:

No payment of any such claim shall be made in excess of one thousand dollars, and in the event any claim is not adjusted, compromised, or settled and paid by the commission for a sum up to such amount, and within one year from the filing of such claim the same may be filed with the ~~((state auditor and referred to the legislature for settlement))~~ chief fiscal officer of the executive branch. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended. The chief fiscal officer of the executive branch shall recommend to the legislature whether such claims should be approved or rejected. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law. The payment of any claim by the commission shall be full and final payment upon such claim.

In the event that any valid claim for damages as provided for in RCW 77.12.270 has been refused or has not been compromised, adjusted, settled and paid by the commission within one hundred and twenty days of the filing of the claim for damages with the commission as provided for in RCW 77.12.290, either the claimant or the commission may serve upon the other personally or by registered mail a notice of an intention to arbitrate; said notice shall contain the name of a person, selected as one arbitrator. Within ten days of receiving such a notice to arbitrate the person upon whom such notice was served shall serve personally or by registered mail upon the other party the name of an arbitrator. The two arbitrators, within seven days of the naming of the second arbitrator shall select a third arbitrator, said arbitrator not to be an employee or commissioner of the state game department. In the event that the two arbitrators as selected by the parties to the dispute cannot agree upon a third arbitrator, either party to the dispute may petition the superior court in the county in which the claim arose, asking said court to select the third arbitrator and upon receiving such a petition the court shall appoint a third arbitrator. Any filing fee or court costs arising from the foregoing petition shall be shared equally by the claimant and the department of game.

The award of the arbitrators shall be advisory only; it shall be written and filed with the department of game at its office in Seattle, King county, Washington, not later than ninety days following the naming of the third arbitrator.

In the event that the parties arbitrate no payment shall be made by the commission until the arbitrators shall have made their advisory award. The payment of any claim by the commission shall be full and final payment of the claim.

In the event that any claim is not adjusted, compromised, settled and paid through arbitration or otherwise within one year from the filing of said claim the same may be filed with the ~~((state auditor and referred to the legislature for settlement))~~ chief fiscal officer of the executive branch. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended. The chief fiscal officer of the executive branch shall recommend to the legislature whether such claims should be approved or rejected. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

NEW SECTION. Sec. 9. There is added to chapter 43.10 RCW a new section to read as follows:

Upon receipt of information from the state auditor as provided in RCW 43.09.050(3) as now or hereafter amended, the attorney general shall direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state.

NEW SECTION. Sec. 10. There is added to chapter 43.41 RCW a new section to read as follows:

Upon receipt of information from the state auditor as provided in RCW 43.09.050(5) as now or hereafter amended, the chief fiscal officer of the executive branch shall require all persons who have received any moneys belonging to the state and have not accounted therefor, to settle their accounts and make payment thereof.

NEW SECTION. Sec. 11. There is added to chapter 43.41 RCW a new section to read as follows:

The chief fiscal officer of the executive branch may, in his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it.

NEW SECTION. Sec. 12. There is added to chapter 43.41 RCW a new section to read as follows:

The term "chief fiscal officer of the executive branch" means the director of the office of program planning and fiscal management or his statutory successor when such term is used in: RCW 4.92.040 as now or hereafter amended; RCW 4.92.100 as now or hereafter amended; RCW 4.92.110 as now or hereafter amended; RCW 29.13.047 as now or hereafter amended; RCW 29.64.090 as now or hereafter amended; RCW 38.52.205 as now or hereafter amended; RCW 43.09.050 as now or hereafter amended; section 10 of this 1977 amendatory act; section 11 of this 1977 amendatory act; or RCW 77.12.280 as now or hereafter amended.

NEW SECTION. Sec. 13. The following acts or parts of acts are each hereby repealed:

- (1) Section 43.09.160, chapter 8, Laws of 1965 and RCW 43.09.160; and

(2) Section 1, chapter 46, Laws of 1903 and RCW 44.18.010.

Passed the House April 12, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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CHAPTER 145  
[House Bill No. 444]  
LIABILITY OF PARENTS

AN ACT Relating to the liability of parents; and amending section 1, chapter 99, Laws of 1961 as amended by section 1, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.190.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 99, Laws of 1961 as amended by section 1, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.190 are each amended to read as follows:

The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall wilfully or maliciously destroy property, real or personal or mixed, or who shall wilfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed ~~((one))~~ three thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

Passed the House May 24, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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CHAPTER 146  
[House Bill No. 753]  
SEWER DISTRICTS—WATER POLLUTION CONTROL—BONDS

AN ACT Relating to sewer districts; and adding a new section to chapter 56.08 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 56.08 RCW a new section to read as follows:

Where a sewer district contains within its borders, abuts, or is located adjacent to any lake, stream, or other waterway within the state of Washington, by resolution the board of commissioners may provide for the reduction, minimization, or elimination of pollutants from these waters and may authorize the issuance of general obligation bonds within the limits prescribed by RCW 56.16.010, revenue bonds, local improvement district bonds, or utility local improvement bonds for the