

(6) To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.

(7) To prepare periodically a report of the work of the society as may be useful to the state and people thereof.

(8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors, without charge.

(9) To develop, purchase, and acquire through gift, loan, or otherwise, collections of history and art, which through exhibit and exhibition, will promote a better understanding of the cultural development of the state, and to otherwise encourage the application of history and art.

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

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#### EXPLANATORY NOTE

Section 1. RCW 27.28.010 was amended twice during the 1977 regular and extraordinary sessions of the legislature, each without reference to the other.

(1) 1977 c 75 § 14 changed language in subsection (7) from "To prepare biennially for publication a report of its collections and such other matters relating to the work of the society . . ." to now read "To prepare periodically a report of the work of the society . . .".

(2) 1977 ex.s. c 81 § 2 in subsection (3) changed to phrase "our Indian tribes" to "native Indian tribes".

Sec. 2. RCW 27.32.010 was amended twice during the 1977 regular and extraordinary sessions of the legislature, each without reference to the other.

(1) 1977 c 75 § 15 changed language in subsection (7) from "To prepare biennially for publication a report of its collections and such other matters relating to the work of the society . . ." to now read "To prepare periodically a report of the work of the society . . .".

(2) 1977 ex.s. c 81 § 3 in subsection (3) changed the phrase "our Indian tribes" to "native Indian tribes".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with both amendments included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

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## CHAPTER 10

[House Bill No. 344]

### STATE DEPARTMENTS—CODE CORRECTION

AN ACT Relating to state government; reenacting section 1, chapter 7, Laws of 1977 as amended by section 20, chapter 151, Laws of 1977 ex. sess. and by section 5, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.010; reenacting section 2, chapter 7, Laws of 1977 as amended by section 21, chapter 151, Laws of 1977 ex. sess. and by section 6, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.020; amending and reenacting section 11, chapter 239, Laws of 1969 ex. sess. as amended by section 6, chapter 25, Laws of 1977 ex.

sess. and by section 4, chapter 110, Laws of 1977 ex. sess. and RCW 43.41.110; reenacting section 43.51.040, chapter 8, Laws of 1965 as last amended by section 57, chapter 75, Laws of 1977 and by section 1, chapter 123, Laws of 1977 ex. sess. and RCW 43.51.040; and declaring an emergency.

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

Section 1. Section 1, chapter 7, Laws of 1977 as amended by section 20, chapter 151, Laws of 1977 ex. sess. and by section 5, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.010 are each reenacted to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and (13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 2. Section 2, chapter 7, Laws of 1977 as amended by section 21, chapter 151, Laws of 1977 ex. sess. and by section 6, chapter 334, Laws of 1977 ex. sess. and RCW 43.17.020 are each reenacted to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, and (13) the director of retirement systems.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01-.041, and the director of game shall be appointed by the game commission.

Sec. 3. Section 11, chapter 239, Laws of 1969 ex. sess. as amended by section 6, chapter 25, Laws of 1977 ex. sess. and by section 4, chapter 110, Laws of 1977 ex. sess. and RCW 43.41.110 are each amended and reenacted to read as follows:

The office of (~~program planning and fiscal~~) financial management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development, preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62.050 relating to the state census.

(8) Be the official state participant in the federal-state cooperative program for local population estimates and as such certify all city and county special censuses to be considered in the allocation of state and federal revenues.

(9) Be the official state center for processing and dissemination of federal decennial or quinquennial census data in cooperation with other state agencies.

(10) Be the official state agency certifying annexations, incorporations, or disincorporations to the United States bureau of the census.

(11) Review all United States bureau of the census population estimates used for federal revenue sharing purposes and provide a liaison for local governments with the United States bureau of the census in adjusting or correcting revenue sharing population estimates.

~~((10))~~ (12) Provide fiscal notes depicting the expected fiscal impact of proposed legislation in accordance with chapter 43.88A RCW.

Sec. 4. Section 43.51.040, chapter 8, Laws of 1965 as last amended by section 57, chapter 75, Laws of 1977 and by section 1, chapter 123, Laws of 1977 ex. sess. and RCW 43.51.040 are each reenacted to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any

rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than forty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 43.51.063, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that

end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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#### EXPLANATORY NOTE

Section 1. RCW 43.17.010 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 151 § 20, part of a comprehensive act creating the department of transportation, changed the "department of highways" to the "department of transportation."

(2) 1977 ex.s. c 334 § 5 redesignated the "department of motor vehicles" as the "department of licensing."

Sec. 2. RCW 43.17.020 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 151 § 21, part of a comprehensive act creating the department of transportation, changed "director of highways" to "secretary of transportation", and "state highway commission" to "transportation commission as prescribed by section 4 of this 1977 amendatory act". ("section 4, etc." since translated to RCW 47.01.041.) In regard to the governor making a temporary appointment "until the next meeting of the senate," the phrase ", when he shall present to that body his nomination for office" was deleted.

(2) 1977 ex.s. c 334 § 6 redesignated the "director of motor vehicles" as the "director of licensing".

Sec. 3. RCW 43.41.110 was amended twice during the 1977 extraordinary session of the legislature, each without reference to the other.

(1) 1977 ex.s. c 25 § 6 added a new subsection (8) relating to providing "fiscal notes depicting the expected fiscal impact of proposed legislation". Herein the subsection is renumbered as (12).

(2) 1977 ex.s. c 110 § 4 added new subsections (8) through (11) regarding duties related to various censuses.

(3) "office of program planning and fiscal management" changed to "office of financial management" in accordance with redesignation by 1977 ex.s. c 114 § 1 (RCW 43.41.035).

Sec. 4. RCW 43.51.040 was amended twice during the 1977 regular and extraordinary sessions of the legislature, each without reference to the other.

(1) 1977 c 75 § 57 deleted subsection (9) which referred to reports and recommendations to the governor regarding proposed parks and parkways.

(2) 1977 ex.s. c 123 § 1 amended subsection (5) by (a) adding "or leases" to the granting of concessions in state parks and parkways; (b) changed the term of concessions or leases from twenty to forty years; (c) in the first proviso, deleted language stating that "the commission may . . . grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park" and added the language beginning "leases exceeding a twenty-year term . . ." and also added three provisos relating to (i) altering and amending terms of concessions or leases, (ii) provisions regarding television stations, and (iii) provision for renegotiation of rates at five-year intervals.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with each amendment included therein.

Passed the House January 24, 1979.

Passed the Senate February 26, 1979.

Approved by the Governor March 2, 1979.

Filed in Office of Secretary of State March 2, 1979.

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## CHAPTER 11

[House Bill No. 345]

### MOTOR VEHICLES—CODE CORRECTION

AN ACT Relating to motor vehicles; reenacting section 46.37.340, chapter 12, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1977 ex. sess. and by section 27, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.340; reenacting section 46.52.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 68, Laws of 1977 ex. sess. and by section 2, chapter 369, Laws of 1977 ex. sess. and RCW 46.52.030; reenacting section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 125, Laws of 1977 ex. sess. and by section 2, chapter 204, Laws of 1977 ex. sess. and RCW 46.70.011; and declaring an emergency.

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

Section 1. Section 46.37.340, chapter 12, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1977 ex. sess. and by section 27, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.340 are each reenacted to read as follows:

Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes—adequacy. Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining