

(3) Comply with the requirements necessary to issue experimental use permits under section 5(f) of FIFRA.

NEW SECTION. Sec. 6. Section 39, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.390 are each repealed.

NEW SECTION. Sec. 7. If any provision of this 1979 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 March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 147

[Engrossed Senate Bill No. 2399]

PRISONERS—CUSTODIAL CARE AND PHYSICAL PLANT STANDARDS

AN ACT Relating to county prisoners; amending section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070; amending section 5, chapter 171, Laws of 1961 and RCW 72.64.110; and declaring an emergency.

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

Section 1. Section 5, chapter 171, Laws of 1961 and RCW 72.64.110 are each amended to read as follows:

(1) The director may enter into a contract(~~(, with the approval of the director of budget.)~~) with any county of the state, upon the request of the sheriff thereof, wherein the director agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services(~~(, such cost to be determined by the director of budget)~~). Each county shall pay to the state treasurer the amounts found to be due.

(2) The director shall accept such county prisoner if he believes that the prisoner can be materially benefited by such confinement, care, treatment and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the director until the director has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(3) The sheriff of the county in which such an order is made placing a misdemeanor in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court.

(4) The director may return to the committing authority, or to confinement according to his sentence, any person committed or transferred to a

regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp.

Sec. 2. Section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48-.070 are each amended to read as follows:

All jails shall be constructed, operated, and maintained in compliance with the provisions and intent of this chapter and the rules, regulations, and standards adopted thereunder: PROVIDED, That, as limited by this section, compliance with such rules, regulations, and standards shall be pursuant to the time schedules set by the commission for classes of facilities:

(1) The mandatory custodial care standards that are essential for the health, welfare, and security of persons confined, which are adopted pursuant to RCW 70.48.050(1)(a), shall be proposed by the commission to the legislature no later than December 31, 1978. ~~((If the legislature fails to adopt or modify such standards by April 1, 1979, they shall take effect on July 1, 1979 without legislative approval and shall be complied with no later than October 1, 1979. Subsequent))~~ Standards shall be prescribed by the commission and submitted to the ~~((legislative budget committee for review. If the legislative budget committee disapproves such standards, they shall not have effect))~~ legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose;

(2) The physical plant standards ~~((which are adopted and approved pursuant to RCW 70.48.050(5)))~~ shall be prescribed by the commission and submitted to the legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose. The physical plant standards shall not be mandatory unless, pursuant to the provisions of RCW 70.48.110, the state fully funds the cost of implementing such standards for detention and correctional facilities: PROVIDED, That, such funds shall be subject to biennial appropriation: PROVIDED FURTHER, That after such funds are made available, local jurisdictions shall have a period of time before such standards are mandatory that is adequate to effect any needed construction or repairs: PROVIDED FURTHER, That those provisions of RCW 70.48.060 and 70.48.110 requiring approval prior to funding and commencement of construction or remodeling shall not apply to prevent the funding of jails of governing units which have appropriated funds for substantial remodeling or

construction of jails after February 16, 1974, and before June 23, 1977. Approval in such cases may be given retroactively.

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.

Passed the Senate March 7, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

## CHAPTER 148

[House Bill No. 25]

### LIABILITY FOR DOG BITES—LAWFUL PRESENCE ON PRIVATE PROPERTY

AN ACT Relating to liability for dog bites; and amending section 2, chapter 77, Laws of 1941 and RCW 16.08.050.

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

Section 1. Section 2, chapter 77, Laws of 1941 and RCW 16.08.050 are each amended to read as follows:

A person is lawfully upon the private property of such owner within the meaning of RCW 16.08.040 (~~through 16.08.060 when he is on such property in the performance of any duty imposed upon him by the laws of the state of Washington or of the United States or the ordinances of any municipality in which such property is situated~~) when such person is upon the property of the owner with the express or implied consent of the owner: PROVIDED, That said consent shall not be presumed when the property of the owner is fenced or reasonably posted.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

## CHAPTER 149

[Substitute House Bill No. 663]

### REMEDATION ASSISTANCE PROGRAM, BASIC SKILLS ACHIEVEMENT DEFICIENCY—IN-SERVICE TRAINING TASK FORCE, COMPOSITION

AN ACT Relating to education; creating a state-wide program designed to provide remediation assistance to public school students who are deficient in basic skills achievement; amending section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A.71.210; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

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