

Nothing in RCW (~~43.25.010, 43.25.045, 43.25.047~~) 75.08.014, 75.08-.025, 75.08.203, 75.08.206, 75.28.020, 75.28.030, 75.28.080, 75.28.195, (~~75.28.310, 75.28.325~~) 75.28.300(4), 75.28.370, 75.32.030, and 75.32.080 shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions thereof from issuing and publishing such regulations as, after investigation, he may deem necessary to administer said sections and to effectuate their purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of the Pacific marine fisheries compact.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 75.28.320, chapter 12, Laws of 1955 and RCW 75.28.320;
 - (2) Section 75.28.325, chapter 12, Laws of 1955 and RCW 75.28.325;
 - (3) Section 75.28.330, chapter 12, Laws of 1955 and RCW 75.28.330;
- and
- (4) Section 75.28.360, chapter 12, Laws of 1955 and RCW 75.28.360.

Passed the Senate January 23, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 67

[Engrossed Senate Bill No. 2138]

CONTROLLED SUBSTANCES, SALES, DISTRIBUTION—UNLAWFUL SUBSTITUTION

AN ACT Relating to controlled substances; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; providing penalties; and declaring an emergency.

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

Section 1. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69-.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection ~~((d))~~ (e) of this section.

~~((d))~~ (e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

NEW SECTION. Sec. 2. 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 February 12, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 68

[Substitute Senate Bill No. 2184]

WASTE DISPOSAL FACILITIES—RECYCLING ACTIVITY OR SERVICE

AN ACT Relating to waste disposal facilities; amending section 5, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.050; and amending section 4, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.040.

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

Section 1. Section 5, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.050 are each amended to read as follows:

As used in this chapter, the term "waste disposal facilities" shall mean any facilities owned or operated by a public body for the collection, storage, treatment, ~~((and))~~ disposal, recycling, or recovery of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, material segregated into recyclables and nonrecyclables, and any combination ~~((thereof))~~ of such wastes; and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

Sec. 2. Section 4, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures