

dollars and fifty cent fee for ((said)) the ((temporary)) instruction permit((;)) or renewal, and the ((said)) fee shall be deposited in the highway safety fund.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met.

Sec. 2. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 122, chapter 158, Laws of 1979 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law, which fee of one dollar, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of one dollar and fifty cents: PROVIDED FURTHER, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Passed the Senate February 22, 1980.

Passed the House February 19, 1980.

Approved by the Governor March 10, 1980.

Filed in Office of Secretary of State March 10, 1980.

CHAPTER 115

[Substitute Senate Bill No. 3581]

SCHOOL DISTRICTS—PROPERTY CONTROL AUTHORITY—TRUST LAND
PURCHASE

AN ACT Relating to school district property; amending section 28A.58.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.040; amending section 2, chapter 200, Laws of 1971 ex. sess. and RCW 79.01.770; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

Section 1. Section 28A.58.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.040 are each amended to read as follows:

The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.58.045, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.58.045, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

NEW SECTION. Sec. 2. (1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose, is in the best interest of the district, and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under sections 1, 2 and 3 of this amendatory act is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

NEW SECTION. Sec. 3. (1) Authorization to rent, lease, or permit the occasional use of surplus school property under section 2 of this amendatory act may include the joint use of school district property, which is in part used for school purposes, by any combination of persons, corporations or government entities for other than common school purposes: PROVIDED, That any such joint use shall comply with existing local zoning ordinances.

(2) Authorization to rent, lease, or permit the occasional use of surplus school property under section 2 of this amendatory act shall be conditioned on the payment by all users, lessees or tenants, assessed on a basis that is nondiscriminatory within classes of users, of such reasonable compensation and under such terms as regulations adopted by the board of directors shall provide.

(3) Nothing in sections 1 and 2 of this amendatory act shall prohibit a school board of directors and a lessee or tenant from agreeing to conditions to the lease otherwise lawful, including conditions of reimbursement or partial reimbursement of costs associated with the lease or rental of the property.

NEW SECTION. Sec. 4. Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property into the district's building fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund.

NEW SECTION. Sec. 5. The provisions of contracts for the use, rental or lease of school district real property executed prior to the effective date of this amendatory act which were lawful at the time of execution shall not be impaired by such new terms and conditions to the rental, lease or occasional use of school property as may now be established by sections 1, 2, and 3 of this amendatory act.

NEW SECTION. Sec. 6. Nothing in sections 2 through 5 of this amendatory act shall preclude school district boards of directors from making available school property for community use in accordance with the provisions of RCW 28A.58.048, 28A.58.105 or 28A.60.190, and school district administrative policy governing such use.

NEW SECTION. Sec. 7. Sections 2 through 6 of this amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Sec. 8. Section 2, chapter 200, Laws of 1971 ex. sess. and RCW 79.01-.770 are each amended to read as follows:

Notwithstanding the provisions of RCW 79.01.096 or any other provision of law, any school district or institution of higher education, that on August 9, 1971 is leasing land granted to the state by the United States and on which land by January 1, 1976, such district or institution has placed improvements as defined in RCW 79.01.036 shall be afforded the opportunity by the department of natural resources at any time prior to January 1, ((1976)) 1981, to purchase such land, excepting land over which the department retains management responsibilities, for the purposes of schoolhouse construction and/or necessary supporting facilities or structures at the appraised value thereof less the value that any improvements thereon added to the value of the land itself at the time of the sale thereof.

NEW SECTION. Sec. 9. If any provision of this 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.

Passed the Senate February 22, 1980.

Passed the House February 19, 1980.

Approved by the Governor March 10, 1980.

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CHAPTER 116

[Engrossed Senate Bill No. 3593]

UNAPPROPRIATED PUBLIC LANDS

AN ACT Relating to unappropriated public lands; adding a new chapter to Title 79 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date.

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

NEW SECTION. Section 1. The legislature of this state finds that:

(1) The intent of the framers of that compact known as the Constitution of the United States was to guarantee to each of the several states sovereignty over all matters within its boundaries excepting only those powers specifically granted to the government of the United States, as agent of the several states, under the Constitution of the United States;

(2) The imposition upon the state of Washington by the congress of the United States, of a requirement that the state of Washington "disclaim all right and title to the unappropriated public lands" lying within the state as a condition prerequisite to acceptance of the state of Washington into the union, was an act beyond the power of the congress of the United States and is thus null and of no effect;

(3) The present purported ownership and control of the public lands within the state of Washington by the government of the United States is without foundation and violates the clear intent of the Constitution of the United States; and

(4) The purported ownership and control of the public lands within the state of Washington by the government of the United States works a severe, continuous, and debilitating hardship upon the people of the state of Washington.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of natural resources.

(2) "Public lands" means all unreserved unappropriated public lands within the exterior boundaries of the state except lands:

(a) To which title is held by any private person or entity;

(b) To which title was held by the state or any political subdivision of the state on the effective date of this act;