

NEW SECTION. Sec. 8. There is added to chapter 10.99 RCW a new section to read as follows:

Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim.

NEW SECTION. Sec. 9. There is added to chapter 70.125 RCW a new section to read as follows:

Records maintained by rape crisis centers shall not be made available to any defense attorney as part of discovery in a sexual assault case unless:

(1) A written pretrial motion is made by the defendant to the court stating that the defendant is requesting discovery of the rape crisis center's records;

(2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why the defendant is requesting discovery of the rape crisis center's records;

(3) The court reviews the rape crisis center's records in camera to determine whether the rape crisis center's records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the confidentiality of such records taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records to the defendant; and

(4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings.

Passed the House April 25, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 146

[Substitute House Bill No. 145]

SMALL HARVESTERS—TIMBER TAX

AN ACT Relating to timber taxes; adding new sections to chapter 84.33 RCW; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 84.33 RCW a new section to read as follows:

As used in sections 1 and 2 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Small harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with

others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding five hundred thousand board feet in a calendar quarter and not exceeding one million board feet in a calendar year. It does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvesters of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards and bolts, and shingle blocks.

(2) "Timber" means forest trees, standing or down on privately owned land.

(3) "Harvesting and marketing costs" means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but it does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest.

NEW SECTION. Sec. 2. There is added to chapter 84.33 RCW a new section to read as follows:

(1) A small harvester may elect to calculate the tax imposed by RCW 84.33.071 in the manner provided in this section.

(2) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) Timber values shall be determined by either of the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) When standing timber is sold on the stump, the taxable value is the actual gross receipts received by the landowner from the sale of the standing timber.

(b) When timber is sold after it has been harvested, the taxable value is the actual gross receipts from sale of the harvested timber minus the costs of harvesting and marketing the timber. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, this deduction for harvesting and marketing costs shall be a percentage of the gross receipts from sale of the harvested timber as determined by the department of revenue but in no case less than twenty-five percent.

(4) The department of revenue shall prescribe a short filing form which shall be as simple as possible.

NEW SECTION. Sec. 3. This act shall take effect January 1, 1982.

NEW SECTION. Sec. 4. If any provision of this 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 House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 147

[Second Substitute House Bill No. 169]

PHARMACISTS—LICENSURE—POISONS—DRUG INJECTION DEVICES

AN ACT Relating to pharmacy; amending section 1, chapter 9, Laws of 1972 ex. sess. as amended by section 11, chapter 90, Laws of 1979 and RCW 18.64.080; amending section 69.50.210, chapter 308, Laws of 1971 ex. sess. as amended by section 4, chapter 138, Laws of 1980 and RCW 69.50.210; amending section 19, chapter 90, Laws of 1979 and RCW 18.64.255; adding a new section to chapter 69.40 RCW; adding a new section to chapter 70.115 RCW; repealing section 15, chapter 121, Laws of 1899, section 8, chapter 213, Laws of 1909 and RCW 18.64.243; repealing section 256, chapter 249, Laws of 1909 and RCW 69.40.050; repealing section 1, chapter 249, Laws of 1977 ex. sess. and RCW 70.115.010; repealing section 2, chapter 249, Laws of 1977 ex. sess. and RCW 70.115.020; repealing section 3, chapter 249, Laws of 1977 ex. sess. and RCW 70.115.030; repealing section 4, chapter 249, Laws of 1977 ex. sess. and RCW 70.115.040; repealing section 5, chapter 249, Laws of 1977 ex. sess. and RCW 70.115.900; and prescribing a penalty.

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

Section 1. Section 1, chapter 9, Laws of 1972 ex. sess. as amended by section 11, chapter 90, Laws of 1979 and RCW 18.64.080 are each amended to read as follows:

(1) The state board of pharmacy may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is at least eighteen years of age and is a citizen of the United States, an alien in an educational pharmacy graduate or residency program for the period of the program, or a resident alien;

(b) Has satisfied the board that he or she is of good moral and professional character, that he or she will carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as set forth in board rules;