

(1) 1982 c 171 § 1 amended the RCW 69.50.401 subsection reference in subsection (a)(4)(iii), added new subsections at (a)(4)(v) and (a)(7), and extensively amended subsection (f)(2) to modify the allocation of the proceeds from property and money forfeited under the section.

(2) 1982 c 189 § 6 also amended the RCW 69.50.401 subsection reference in subsection (a)(4)(iii) and amended the second sentence in subsection (e) to designate the law enforcement officer charged with conducting the administrative hearings under subsection (e).

Section 16. RCW 79.01.132 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 27 § 3 amended the first paragraph of the section to add "bank letters of credit," to the list of security that may be required by the department of natural resources for contracts under the section. In addition, the maximum appraised value of unadvertised sales under the section was increased from five hundred to one thousand dollars.

(2) 1982 c 222 § 11 added as a third paragraph of the section the statement "The provisions of this section apply unless otherwise provided by statute."

Section 17. RCW 79.01.184 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 27 § 1 deleted references to posting notices of public sales in district headquarters of the department of natural resources, and substituted the area headquarters of the department. In addition, the maximum appraised value of unadvertised sales under the section was increased from five hundred to one thousand dollars.

(2) 1982 1st ex.s. c 21 § 156, which takes effect July 1, 1983, substituted "state lands" for "public lands" in the first sentence of the section.

Section 19. RCW 84.52.052 was amended three times during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the others.

(1) 1982 c 123 § 19 added "island library district" in three places in the section to the list of political subdivisions authorized to levy taxes under the section.

(2) 1982 c 175 § 7 added "solid waste disposal district" in three places in the section to the list of political subdivisions authorized to levy taxes under the section.

(3) 1982 1st ex.s. c 22 § 17 added "cultural arts, stadium and convention district" in two places in the section to the list of political subdivisions authorized to levy taxes under the section.

Section 20. RCW 9.41.025 was amended by 1982 c 47 § 1 without cognizance of its repeal by 1981 c 137 § 38 and by 1982 c 10 § 17, both effective July 1, 1984.

Passed the Senate January 18, 1983.

Passed the House January 28, 1983.

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

## CHAPTER 3

[Engrossed Senate Bill No. 3037]

### OBSOLETE STATUTORY REFERENCES CORRECTED

AN ACT Relating to obsolete statutory references in the Revised Code of Washington; amending section 2, chapter 126, Laws of 1913 and RCW 2.32.200; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 261, Laws of 1975 1st ex. sess. and RCW 2.32.240; amending section 103, chapter 299, Laws of 1961 and RCW 3.58.040; amending section 5, page 300, Laws of 1877 as amended by section 1228, Code of 1881 and RCW 4.24.050; amending section 6, page 300, Laws of 1877 as amended by section 1229, Code of 1881 and RCW 4.24.060; amending section 351, page 91, Laws of 1869 as last amended by section 1, chapter 193, Laws of 1981 and RCW 6.04.100; amending section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160; amending section 4, page 99, Laws of 1890 and RCW 9.45.230; amending section 18, chapter 133, Laws of 1955 and RCW 9.95.190; amending section 1046, Code of 1881 as amended by section 1, chapter 10, Laws of 1957 and RCW

10.40.070; amending section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010; amending section 14, chapter 155, Laws of 1979 and RCW 13.04.300; amending section 6, chapter 160, Laws of 1913 as last amended by section 40, chapter 155, Laws of 1979 and RCW 13.34.070; amending section 7, chapter 150, Laws of 1955 and RCW 14.20.070; amending section 9, chapter 150, Laws of 1955 and RCW 14.20.090; amending section 1, chapter 83, Laws of 1961 and RCW 15.14.010; amending section 15.32.100, chapter 11, Laws of 1961 as amended by section 3, chapter 58, Laws of 1963 and RCW 15.32.100; amending section 15.60.080, chapter 11, Laws of 1961 and RCW 15.60.080; amending section 2, chapter 160, Laws of 1957 as amended by section 14, chapter 154, Laws of 1979 and RCW 16.36.095; amending section 14, chapter 149, Laws of 1955 as last amended by section 18, chapter 21, Laws of 1982 and RCW 18.22.215; amending section 20, chapter 216, Laws of 1961 and RCW 19.86.920; amending section 2, chapter 186, Laws of 1923 and RCW 22.28.020; amending section 6, chapter 312, Laws of 1959 and RCW 24.36.060; amending section 9, chapter 312, Laws of 1959 and RCW 24.36.090; amending section 7, chapter 215, Laws of 1971 ex. sess. as amended by section 5, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.240; amending section 2, chapter 46, Laws of 1973 as last amended by section 3, chapter 158, Laws of 1982 and RCW 28A.41.130; amending section 28A.44.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.045; amending section 28A.44.095, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.095; amending section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 78, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.020; amending section 28A.57.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.120; amending section 28A.57.324, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 43, Laws of 1975 and RCW 28A.57.324; amending section 10, chapter 131, Laws of 1969 as amended by section 7, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.435; amending section 28A.58.230, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 130, Laws of 1969 and RCW 28A.58.230; amending section 1, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.010; amending section 1, chapter 129, Laws of 1973 and RCW 28B.50.095; amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.230; amending section 29.13.021, chapter 9, Laws of 1965 as amended by section 10, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.021; amending section 29.21.085, chapter 9, Laws of 1965 as amended by section 88, chapter 176, Laws of 1969 ex. sess. and RCW 29.21.085; amending section 29.27.010, chapter 9, Laws of 1965 and RCW 29.27.010; amending section 29.68.120, chapter 9, Laws of 1965 as amended by section 7, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.120; amending section 30.12.190, chapter 33, Laws of 1955 and RCW 30.12.190; amending section 2, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.020; amending section 1, chapter 124, Laws of 1959 and RCW 30.99.010; amending section 10, chapter 124, Laws of 1959 and RCW 30.99.100; amending section 3, chapter 162, Laws of 1963 and RCW 31.24.030; amending section 15, chapter 162, Laws of 1963 and RCW 31.24.150; amending section 32.12.020, chapter 13, Laws of 1955 as last amended by section 28, chapter 192, Laws of 1981 and RCW 32.12.020; amending section 35.13.280, chapter 7, Laws of 1965 and RCW 35.13.280; amending section 35.20.900, chapter 7, Laws of 1965 as amended by section 5, chapter 33, Laws of 1975 and RCW 35.20.900; amending section 35.39.050, chapter 7, Laws of 1965 and RCW 35.39.050; amending section 35.92.100, chapter 7, Laws of 1965 as last amended by section 48, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.100; amending section 35A.20.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.150; amending section 35A.21.161, chapter 119, Laws of 1967 ex. sess. and RCW 35A.21.161; amending section 35A.27.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.27.010; amending section 35A.28.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.28.010; amending section 35A.37.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.37.010; amending section 35A.40.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.040; amending section 35A.40.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.050; amending section 35A.40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200; amending section 35A.41.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.41.020; amending section 35A.42.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.050; amending section 35A.47.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.020; amending section 35A.47.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.030; amending section 35A.58.030, chapter 119, Laws of 1967 ex. sess. as amended by section 9, chapter 251, Laws of 1971 ex. sess. and RCW 35A.58.030; amending

section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010; amending section 35A.79.010, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 30, Laws of 1979 ex. sess. and RCW 35A.79.010; amending section 35A.81.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.81.010; amending section 35A.82.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.82.010; amending section 35A.88.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.88.030; amending section 9, chapter 94, Laws of 1969 and RCW 36.26.090; amending section 36.32.240, chapter 4, Laws of 1963 as last amended by section 1, chapter 52, Laws of 1974 ex. sess. and RCW 36.32.240; amending section 36.64.060, chapter 4, Laws of 1963 and RCW 36.64.060; amending section 36.67.030, chapter 4, Laws of 1963 and RCW 36.67.030; amending section 36.69.200, chapter 4, Laws of 1963 and RCW 36.69.200; amending section 36.77.070, chapter 4, Laws of 1963 and RCW 36.77.070; amending section 18, chapter 72, Laws of 1967 as amended by section 8, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.180; amending section 7, chapter 233, Laws of 1963 and RCW 40.06.070; amending section 8, chapter 246, Laws of 1957 and RCW 40.14.080; amending section 10, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.180; amending section 1, chapter 78, Laws of 1949 and RCW 41.04.040; amending section 2, chapter 78, Laws of 1949 and RCW 41.04.050; amending section 7, chapter 237, Laws of 1969 ex. sess. and RCW 41.04.220; amending section 1, chapter 73, Laws of 1975 1st ex. sess. and RCW 41.04.235; amending section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 125, Laws of 1979 and RCW 41.05.010; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 1, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.025; amending section 1, chapter 71, Laws of 1959 and RCW 41.20.160; amending section 9, chapter 207, Laws of 1939 as amended by section 2, chapter 211, Laws of 1969 ex. sess. and RCW 41.28.080; amending section 7, chapter 151, Laws of 1972 ex. sess. as amended by section 10, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.193; amending section 27, chapter 274, Laws of 1947 as last amended by section 9, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.260; amending section 5, chapter 195, Laws of 1974 ex. sess. as amended by section 97, chapter 169, Laws of 1977 ex. sess. and RCW 41.40.515; amending section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 294, Laws of 1981 and RCW 41.50.090; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 18, chapter 87, Laws of 1980 and RCW 41.56.420; amending section 3, chapter 145, Laws of 1972 ex. sess. and RCW 43.08.135; amending section 43.19.015, chapter 8, Laws of 1965 as amended by section 2, chapter 115, Laws of 1981 and RCW 43.19.015; amending section 1, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1901; amending section 8, chapter 242, Laws of 1967 and RCW 43.27A.080; amending section 43.30.090, chapter 8, Laws of 1965 and RCW 43.30.090; amending section 2, chapter 63, Laws of 1970 ex. sess. as amended by section 1, chapter 69, Laws of 1980 and RCW 43.43.610; amending section 14, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.765; amending section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 15, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.905; amending section 43.85.190, chapter 8, Laws of 1965 as amended by section 21, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.190; amending section 12, chapter 5, Laws of 1965 and RCW 43.99.120; amending section 6, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.041; amending section 1, chapter 129, Laws of 1974 ex. sess. and RCW 43.105.080; amending section 4, chapter 156, Laws of 1965 as amended by section 115, chapter 158, Laws of 1979 and RCW 46.01.040; amending section 11, chapter 200, Laws of 1973 1st ex. sess. as amended by section 144, chapter 158, Laws of 1979 and RCW 46.16.605; amending section 2, chapter 112, Laws of 1969 and RCW 46.37.540; amending section 62, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.038; amending section 1, chapter 63, Laws of 1975 1st ex. sess. and RCW 46.44.150; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030; amending section 46.70.090, chapter 12, Laws of 1961 as last amended by section 4, chapter 152, Laws of 1981 and RCW 46.70.090; amending section 52, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.335; amending section 1, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.063; amending section 47.52.080, chapter 13, Laws of 1961 and RCW 47.52.080; amending section 47.56.220, chapter 13, Laws of 1961 as last amended by section 19, chapter 212, Laws of 1979 ex. sess. and

RCW 47.56.220; amending section 47.56.270, chapter 13, Laws of 1961 and RCW 47.56.270; amending section 1, chapter 50, Laws of 1965 and RCW 47.56.271; amending section 6, chapter 197, Laws of 1963 and RCW 47.56.705; amending section 7, chapter 197, Laws of 1963 and RCW 47.56.706; amending section 47.60.115, chapter 13, Laws of 1961 and RCW 47.60.115; amending section 47.60.150, chapter 13, Laws of 1961 as amended by section 5, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.150; amending section 47.60.290, chapter 13, Laws of 1961 as amended by section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290; amending section 47.60.310, chapter 13, Laws of 1961 as amended by section 1, chapter 29, Laws of 1977 and RCW 47.60.310; amending section 21, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.380; amending section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 7, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.440; amending section 1, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.650; amending section 14, chapter 165, Laws of 1947 and RCW 47.68.140; amending section 7, chapter 252, Laws of 1945 as amended by section 16, chapter 165, Laws of 1947 and RCW 47.68.160; amending section 2, chapter 207, Laws of 1967 and RCW 47.68.233; amending section 3, chapter 207, Laws of 1967 and RCW 47.68.236; amending section 24, chapter 165, Laws of 1947 and RCW 47.68.240; amending section 33, chapter 165, Laws of 1947 and RCW 47.68.330; amending section 4, chapter 263, Laws of 1961 and RCW 47.68.360; amending section .10.30, chapter 79, Laws of 1947 and RCW 48.10.300; amending section .11.14, chapter 79, Laws of 1947 as amended by section 2, chapter 225, Laws of 1959 and RCW 48.11.140; amending section 5, chapter 104, Laws of 1969 as last amended by section 2, chapter 157, Laws of 1979 and RCW 48.18A.050; amending section 31, chapter 70, Laws of 1965 and RCW 48.21A.050; amending section .25.10, chapter 79, Laws of 1947 and RCW 48.25.100; amending section .25.11, chapter 79, Laws of 1947 and RCW 48.25.110; amending section 10, chapter 199, Laws of 1979 ex. sess. and RCW 48.30.157; amending section .32.37, chapter 79, Laws of 1947 and RCW 48.36.370; amending section 3, chapter 51, Laws of 1973 and RCW 49.12.123; amending section 8, chapter 294, Laws of 1959 as amended by section 117, chapter 81, Laws of 1971 and RCW 49.46.080; amending section 12, chapter 265, Laws of 1951 and RCW 50.20.115; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 44, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.060; amending section 1, chapter 176, Laws of 1953 as amended by section 2, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.110; amending section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070; amending section 18, chapter 114, Laws of 1929 as last amended by section 73, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.100; amending section 2, chapter 263, Laws of 1957 as last amended by section 17, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.410; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 26, Laws of 1982 1st ex. sess. and RCW 66.28.040; amending section 43, chapter 247, Laws of 1943 and RCW 68.20.020; amending section 10, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.100; amending section 2, chapter 190, Laws of 1943 as amended by section 2, chapter 46, Laws of 1945 and RCW 70.12.040; amending section 15, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.010; amending section 16, chapter 277, Laws of 1971 ex. sess. as amended by section 2, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.020; amending section 17, chapter 277, Laws of 1971 ex. sess. as amended by section 3, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.030; amending section 9, chapter 32, Laws of 1951 as amended by section 2, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.090; amending section 1, chapter 38, Laws of 1977 ex. sess. and RCW 70.94.041; amending section 31, chapter 238, Laws of 1967 as last amended by section 1, chapter 59, Laws of 1974 ex. sess. and RCW 70.94.181; amending section 40, chapter 238, Laws of 1967 and RCW 70.94.232; amending section 4, chapter 41, Laws of 1971 ex. sess. and RCW 70.104.040; amending section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.030; amending section 71.12.590, chapter 25, Laws of 1959 and RCW 71.12.590; amending section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.030; amending section 4, chapter 110, Laws of 1967 ex. sess. as amended by section 3, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.040; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1980 and RCW 71.20.110; amending section 72.01.260, chapter 28, Laws of 1959 as amended by section 156, chapter 141, Laws of 1979 and RCW 72.01.260; amending section 8, chapter 122, Laws of 1967 ex. sess. as last amended by section 97,

chapter 136, Laws of 1981 and RCW 72.15.060; amending section 6, chapter 287, Laws of 1959 as amended by section 293, chapter 141, Laws of 1979 and RCW 72.70.060; amending section 4, chapter 298, Laws of 1957 and RCW 72.99.100; amending section 6, chapter 298, Laws of 1957 as amended by section 37, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.120; amending section 3, chapter 51, Laws of 1973 1st ex. sess. as amended by section 2, chapter 137, Laws of 1980 and RCW 74.08.550; amending section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560; amending section 24, chapter 228, Laws of 1963 and RCW 74.12.280; amending section 1, chapter 172, Laws of 1967 as amended by section 70, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.010; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 1, chapter 100, Laws of 1963 as amended by section 1, chapter 49, Laws of 1971 ex. sess. and RCW 76.01.060; amending section 1, chapter 47, Laws of 1969 ex. sess. and RCW 76.12.072; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020; amending section 4, chapter 45, Laws of 1899 and RCW 78.08.075; amending section 5, chapter 45, Laws of 1899 and RCW 78.08.080; amending section 12, chapter 45, Laws of 1899 and RCW 78.08.115; amending section 3, chapter 56, Laws of 1965 and RCW 79.01.618; amending section 1, chapter 184, Laws of 1955 and RCW 79.08.170; amending section 2, chapter 85, Laws of 1923 and RCW 79.28.050; amending section 6, chapter 178, Laws of 1961 and RCW 79.64.060; amending section 7, chapter 178, Laws of 1961 and RCW 79.64.070; amending section 2, chapter 110, Laws of 1974 ex. sess. as last amended by section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175; amending section 81.24.050, chapter 14, Laws of 1961 and RCW 81.24.050; amending section 81.40.030, chapter 14, Laws of 1961 and RCW 81.40.030; amending section 81.44.050, chapter 14, Laws of 1961 and RCW 81.44.050; amending section 81.44.060, chapter 14, Laws of 1961 and RCW 81.44.060; amending section 81.53.220, chapter 14, Laws of 1961 and RCW 81.53.220; amending section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290; amending section 82.04.300, chapter 15, Laws of 1961 as last amended by section 4, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.300; amending section 82.08.170, chapter 15, Laws of 1961 and RCW 82.08.170; amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045; amending section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260; amending section 82.26.100, chapter 15, Laws of 1961 and RCW 82.26.100; amending section 82.32.010, chapter 15, Laws of 1961 as amended by section 12, chapter 148, Laws of 1981 and RCW 82.32.010; amending section 82.32.020, chapter 15, Laws of 1961 and RCW 82.32.020; amending section 82.32.070, chapter 15, Laws of 1961 as amended by section 2, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.070; amending section 82.32.300, chapter 15, Laws of 1961 as amended by section 90, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.300; amending section 2, chapter 22, Laws of 1963 ex. sess. as last amended by section 225, chapter 158, Laws of 1979 and RCW 82.37.020; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; amending section 16, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.160; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; amending section 2, chapter 87, Laws of 1970 ex. sess. as amended by section 2, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.020; amending section 1, chapter 249, Laws of 1963 and RCW 84.40.031; amending section 2, chapter 249, Laws of 1963 and RCW 84.40.032; amending section 30, chapter 176, Laws of 1913 as last amended by section 9, chapter 46, Laws of 1923 and RCW 85.08.410; amending section 2, chapter 125, Laws of 1975 1st ex. sess. and RCW 88.16.180; decodifying RCW 11.20.021, 11.28.111, 43.59.100, 43.59.110, 43.59.120, 51.44.034, 69.32.010, 69.32.030, 69.32.060, 69.32.096, 69.32.900, 69.32.910, 69.32.920, 69.32.930, 69.32.940, 69.32.950, and 69.32.960; repealing section 228, chapter 249, Laws of 1909 and RCW 9.47.130; repealing section 4, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.900; repealing section 5, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.901; repealing section 50, chapter 63, Laws of 1969 and RCW 15.49.910; repealing section 39, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.920; repealing section 1, chapter 107, Laws of 1981 and RCW 28B.10.205; repealing section 29.13.015, chapter 9, Laws of 1965 and RCW 29.13.015; repealing section 10, chapter

284, Laws of 1969 ex. sess. and RCW 43.27A.075; repealing section 43.30.140, chapter 8, Laws of 1965 and RCW 43.30.140; repealing section 1, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.660; repealing section 3, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.664; repealing section 23, chapter 3, Laws of 1963 ex. sess., section 17, chapter 195, Laws of 1971 ex. sess. and RCW 47.60.045; repealing section 6, chapter 90, Laws of 1961 and RCW 68.08.290; and repealing section 82.04.420, chapter 15, Laws of 1961 and RCW 82.04.420.

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

Sec. 1. Section 2, chapter 126, Laws of 1913 and RCW 2.32.200 are each amended to read as follows:

It shall be the duty of each official reporter appointed under RCW 2.32.180 through ~~((2.32.320))~~ 2.32.310 to attend every term of the superior court in the county or judicial district for which he is appointed, at such times as the judge presiding may direct; and upon the trial of any cause in any court, if either party to the suit or action, or his attorney, request the services of the official reporter, the presiding judge shall grant such request, or upon his own motion such presiding judge may order a full report of the testimony, exceptions taken, and all other oral proceedings; in which case the official reporter shall cause accurate shorthand notes of the oral testimony, exceptions taken, and other oral proceedings had, to be taken, except when the judge and attorneys dispense with his services with respect to any portion of the proceedings therein, which notes shall be filed in the office of the clerk of the superior court where such trial is had.

EXPLANATORY NOTE: RCW 2.32.320 was repealed by 1959 c 263 § 14. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 2. Section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 261, Laws of 1975 1st ex. sess. and RCW 2.32.240 are each amended to read as follows:

(1) When a record has been taken in any cause as provided in RCW 2.32.180 through ~~((2.32.320))~~ 2.32.310, if the court, or either party to the suit or action, or his attorney, request a transcript, the official reporter and clerk of the court shall make, or cause to be made, with reasonable diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the court or parties to the action. The fees of the reporter and clerk of the court for making such transcript shall be fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of RCW 2.32.180 through ~~((2.32.320))~~ 2.32.310 the cost thereof shall be taxable as costs in the case, and shall be so taxed as other costs in the case are taxed: PROVIDED, That when, from and after December 20, 1973, a party has been

judicially determined to have a constitutional right to a transcript and to be unable by reason of poverty to pay for such transcript, the court may order said transcript to be made by the official reporter, which transcript fee therefor shall be paid by the state upon submission of appropriate vouchers to the clerk of the supreme court.

EXPLANATORY NOTE: RCW 2.32.320 was repealed by 1959 c 263 § 14. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 3. Section 103, chapter 299, Laws of 1961 and RCW 3.58.040 are each amended to read as follows:

Justices of the peace, justices of the peace pro tempore, court commissioners and justice court employees shall receive their reasonable traveling expenses when engaged in the business of the court as provided ~~((by RCW 36.17.030 as now or hereafter amended))~~ in chapter 42.24 RCW.

EXPLANATORY NOTE: RCW 36.17.030 was repealed by 1974 ex.s. c 24 § 1. The reference to this section has been amended to refer to chapter 42.24 RCW which governs payment of travel expenses to officers and employees of municipal corporations and political subdivisions of the state. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 4. Section 5, page 300, Laws of 1877 as amended by section 1228, Code of 1881 and RCW 4.24.050 are each amended to read as follows:

Persons engaged in driving lumber upon any waters or streams of this state, may kindle fires when necessary for the purposes in which they are engaged, but shall be bound to use the utmost caution to prevent the same from spreading and doing damage; and if they fail so to do, they shall be subject to all liabilities and penalties of RCW 4.24.040, 4.24.050, and 4.24.060, ~~((9.40.060, 9.40.070, and 9.40.080;))~~ in the same manner as if the privilege granted by this section had not been allowed.

EXPLANATORY NOTE: RCW 9.40.060, 9.40.070, and 9.40.080 were repealed by 1975 1st ex.s. c 260 § 9A.92.010. The references to these sections have been deleted.

Sec. 5. Section 6, page 300, Laws of 1877 as amended by section 1229, Code of 1881 and RCW 4.24.060 are each amended to read as follows:

The common law right to an action for damages done by fires, is not taken away or diminished by RCW 4.24.040, 4.24.050, and 4.24.060, ~~((9.40.060, 9.40.070, and 9.40.080;))~~ but it may be pursued ~~((notwithstanding the fines or penalties set forth in RCW 9.40.070 and 9.40.060;))~~; but any person availing himself of the provisions of RCW 4.24.040, shall be barred of his action at common law for the damage so sued for, and no action shall be brought at common law for kindling fires in the manner described in RCW 4.24.050; but if any such fires shall spread and do damage, the person who kindled the same and any person present and concerned in driving such lumber, by whose act or neglect such fire is suffered to spread and do damage shall be liable in an action on the case for the amount of damages thereby sustained.

EXPLANATORY NOTE: RCW 9.40.060, 9.40.070, and 9.40.080 were repealed by 1975 1st ex.s. c 260 § 9A.92.010. The references to these sections have been deleted.

Sec. 6. Section 351, page 91, Laws of 1869 as last amended by section 1, chapter 193, Laws of 1981 and RCW 6.04.100 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall serve on the debtor, in the same manner as service of a summons in a civil action, a copy of the writ, together with copies of RCW 6.12.010, 6.12.045, 6.12.050, (~~(6.12.060,)~~) 6.16.020, and 6.16.090, each as now existing or hereafter amended, and shall execute the writ as follows:

(1) If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith the amount of the proceeds of sales of perishable property or debts due the defendant received by him, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in his custody, he shall sell the same, or sufficient thereof to satisfy the judgment.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, he shall levy on the property of the judgment debtor, sufficient to satisfy the judgment.

(4) Property shall be levied on in like manner and with like effect as similar property is attached.

(5) Until a levy, personal property shall not be affected by the execution. When property has been sold or debts received by the sheriff on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, as commanded in the writ.

(6) When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property, or the proceeds thereof, remain in the custody of the sheriff, he shall deliver the same to the judgment debtor.

EXPLANATORY NOTE: RCW 6.12.060 was repealed by 1981 c 329 § 22. The reference to this section has been amended to refer to a later enactment, RCW 6.12.045, which contains the substance of the repealed section.

Sec. 7. Section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160 are each amended to read as follows:

Any violation of any provision of RCW 9.41.010 through 9.41.150, as amended, other than those violations specified in RCW (~~(9.41.020)~~) 9.41.025 and 9.41.040, shall be a misdemeanor and punishable accordingly.

EXPLANATORY NOTE: RCW 9.41.020 was repealed by 1969 ex.s. c 175 § 2. The reference in this section has been amended to refer to a later enactment, RCW 9.41.025, which contains the substance of the repealed section.



Sec. 8. Section 4, page 99, Laws of 1890 and RCW 9.45.230 are each amended to read as follows:

Any person violating any of the provisions of RCW (~~(9.45.200 through)~~ 9.45.210 or 9.45.220 shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than fifty nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment.

EXPLANATORY NOTE: RCW 9.45.200 was repealed by 1975 1st ex.s. c 260 § 9A.92-.010. The reference in this section has been amended to refer to the section numerically following the repealed section.

NEW SECTION. Sec. 9. Section 228, chapter 249, Laws of 1909 and RCW 9.47.130 are each repealed.

EXPLANATORY NOTE: RCW 9.47.130 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1971 ex.s. c 280 § 23.

Sec. 10. Section 18, chapter 133, Laws of 1955 and RCW 9.95.190 are each amended to read as follows:

The provisions of RCW 9.95.010 (~~(to 9.95.180)~~) through 9.95.170, inclusive, as enacted by chapter 114, Laws of 1935, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 12, 1935, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof.

Similarly the provisions of said sections, as amended by chapter 92, Laws of 1947, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 11, 1947, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof.

EXPLANATORY NOTE: RCW 9.95.180 was repealed by 1959 c 28 § 72.98.040. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.900; and

(2) Section 5, chapter 9, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.901.

EXPLANATORY NOTE: RCW 9A.32.900 and 9A.32.901 are obsolete sections of law recommended for repeal. The substantive provisions to which they refer were repealed by 1981 c 138 § 24.

Sec. 12. Section 1046, Code of 1881 as amended by section 1, chapter 10, Laws of 1957 and RCW 10.40.070 are each amended to read as follows:

The motion to set aside the indictment can be made by the defendant on one or more of the following grounds, and must be sustained((-):

(1) (~~When it is not indorsed "a true bill," and the indorsement signed by the foreman of the grand jury as prescribed by RCW 10.28.150;~~

~~(2) When it has not been presented and marked "filed" as prescribed by RCW 10.28.200;~~

~~(3)) When any person, other than the grand jurors, was present before the grand jury when the question was taken upon the finding of the indictment, or when any person, other than the grand jurors, was present before the grand jury during the investigation of the charge, except as required or permitted by law((-);~~

~~((4) That)) (2) If the grand jury were not selected, drawn, summoned, impaneled, or sworn as prescribed by law.~~

EXPLANATORY NOTE: RCW 10.28.150 and 10.28.200 were repealed by 1971 ex.s. c 67 § 20. The references to these sections have been deleted.

NEW SECTION. Sec. 13. RCW 11.20.021 and 11.28.111 are each hereby decodified.

EXPLANATORY NOTE: RCW 11.20.021 and 11.28.111 are cross-reference sections to RCW 83.36.040 which was repealed by 1981 2nd ex.s. c 7 § 82.100.160.

Sec. 14. Section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010 are each amended to read as follows:

The following persons are not qualified to act as personal representatives: Corporations, minors, persons of unsound mind, or who have been convicted of any felony or of a misdemeanor involving moral turpitude: PROVIDED, That trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as the personal representative of decedents' or incompetents' estates upon petition of any person having a right to such appointment and may act as executors or guardians when so appointed by will. But no trust company or national bank shall be entitled to qualify as such executor or guardian under any will hereafter drawn by it, or its agents or employees, and no salaried attorney of any such company shall be allowed any attorney fee for probating any such will, or in relation to the administration or settlement of any such estate, and no part of any attorney fee shall inure, directly or indirectly, to the benefit of any trust company or national bank. And when any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of becoming of unsound mind, or being convicted of any crime or misdemeanor involving moral turpitude, the court having jurisdiction shall revoke his or her letters. A nonresident may be appointed to act as personal representative if he shall appoint an agent, who is a resident of the county where such estate is being probated, or, who is an attorney of record of the estate, upon whom service of all papers may be made; such appointment to be made in writing and filed by the clerk with other

papers of such estate; and, unless bond has been waived as provided by RCW (~~(11.28.200)~~) 11.28.185, such nonresident personal representative shall file a bond to be approved by the court.

EXPLANATORY NOTE: RCW 11.28.200 was repealed by 1974 ex.s. c 117 § 55. The reference to this section has been amended to refer to a later enactment, RCW 11.28.185, which governs when personal representatives are required to furnish bonds or other security.

Sec. 15. Section 14, chapter 155, Laws of 1979 and RCW 13.04.300 are each amended to read as follows:

Nothing in chapter 13.04, 13.06, (~~(13.30, 13.32)~~) 13.32A, 13.34, or 13.40 RCW may be construed to prevent a juvenile from being found both dependent and an offender if there exists a factual basis for such a finding.

EXPLANATORY NOTE: Chapters 13.30 and 13.32 RCW were repealed by 1979 c 155 § 86. The reference to these chapters has been amended to refer to a later enactment, chapter 13.32A RCW, which contains the substance of the repealed chapters.

Sec. 16. Section 6, chapter 160, Laws of 1913 as last amended by section 40, chapter 155, Laws of 1979 and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The hearing on the petition shall be set for a time no later than forty-five days after the filing of the petition and shall be held at such time, unless for good cause the hearing is continued to a later time at the request of either party.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:  
 VIOLATION OF THIS ORDER  
 IS SUBJECT TO PROCEEDING  
 FOR CONTEMPT OF COURT

PURSUANT TO RCW (~~(13.04.070 [RCW 13.34.070])~~) 13.34.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(8) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

EXPLANATORY NOTE: RCW 13.04.070 was recodified as RCW 13.34.070 by 1977 ex.s. c 291 § 50. The reference in this section has been amended to reflect this change.

Sec. 17. Section 7, chapter 150, Laws of 1955 and RCW 14.20.070 are each amended to read as follows:

Before issuing an aircraft dealer license, the director shall require the applicant to file with said director a surety bond in the amount of four thousand dollars running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter, RCW (~~(14.20.070)~~) 47.68.250, and 82.48.100. Any person who shall have suffered any loss or damage by reason of any act by a dealer which constitutes ground for refusal, suspension, or revocation of license under RCW 14.20.090 shall have an action against such aircraft dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate

liability of the surety to all persons shall in no event exceed the amount of the bond.

EXPLANATORY NOTE: RCW 14.04.250 was recodified as RCW 47.68.250 by 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 18. Section 9, chapter 150, Laws of 1955 and RCW 14.20.090 are each amended to read as follows:

The director shall refuse to issue an aircraft dealer's license or shall suspend or revoke an aircraft dealer's license whenever he has reasonable grounds to believe that such dealer has:

(1) Forged or altered any federal certificate, permit, rating or license, relating to ownership and airworthiness of an aircraft;

(2) Sold or disposed of an aircraft which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material fact in the application for an aircraft dealer's license, aircraft dealer's certificate, or registration certificate;

(4) Wilfully withheld or caused to be withheld from a purchaser of aircraft any document referred to in subsection (1) hereof if applicable, or an affidavit to the effect that there are no liens, mortgages or encumbrances of any type on the aircraft other than noted thereon, if such document or affidavit has been requested by the purchaser;

(5) Suffered or permitted the cancellation of his bond or the exhaustion of the penalty thereof;

(6) Used an aircraft dealer's certificate for any purpose other than those permitted by this chapter, RCW (~~14.04.250~~) 47.68.250, and 82.48.100.

EXPLANATORY NOTE: RCW 14.04.250 was recodified as RCW 47.68.250 by 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 19. Section 1, chapter 83, Laws of 1961 and RCW 15.14.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause

disease or damage to any plant or parts thereof, or any processed, manufactured, or other products of plants.

(5) "Plant propagating stock" hereinafter referred to as "planting stock" includes any propagating materials used for the production or processing of horticultural, floricultural, viticultural or olericultural plants for the purpose of being sold, offered for sale or exposed for sale for planting or reproduction purposes: PROVIDED, That it shall not include agricultural and vegetable seeds as defined in RCW ~~((15.48.010, (2) and (3)))~~ 15.49.050 and 15.49.060.

(6) "Certified plant stock" means the progeny of foundation, registered or certified plant stock if designated foundation and plant propagating materials that are so handled as to maintain satisfactory genetic identity and purity and have met certification standards required by this chapter and have been approved and certified by the director.

(7) "Foundation planting stock" means plant stock propagating materials that are increased from breeder or designated plant stock and are so handled as to most nearly maintain specific genetic identity and purity. Foundation plant stock, established by designation shall be that plant stock so designated by the director.

(8) "Breeder planting stock" means plant propagating materials directly controlled by the originating or in certain cases the sponsoring plant breeder or institution, which may include the department and which provides the source of the foundation plant stock.

(9) "Registered planting stock" means the progeny of foundation or registered planting stock or plant propagating material that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the director. This class of planting stock shall be of a quality suitable for the production of certified planting stock.

EXPLANATORY NOTE: RCW 15.48.010 was repealed by 1969 c 63 § 54. The reference to this section has been amended to refer to later enactments, RCW 15.49.050 and 15.49.060, which contain the substance of the repealed section.

Sec. 20. Section 15.32.100, chapter 11, Laws of 1961 as amended by section 3, chapter 58, Laws of 1963 and RCW 15.32.100 are each amended to read as follows:

Every person who sells, offers or exposes for sale, barter, or exchanges any milk or milk product as defined ~~((in RCW 15.36.010, or departmental rules and regulations which may be substituted therefor,))~~ by rule under chapter 15.36 RCW must have a milk vendor's license to do so: PROVIDED, That such license shall not include retail stores or restaurants which purchase milk prepackaged or bottled elsewhere for sale at retail or establishments which sell milk only for consumption in such establishment. Such license, issued by the director on application and payment of a fee of two dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire

June 30th subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

EXPLANATORY NOTE: RCW 15.36.010 was repealed by 1969 ex.s. c 102 § 7. The reference to this section has been amended to refer to rules adopted under the same chapter. This change is consistent with the preservation of the repealed section as a rule by 1969 ex.s. c 102 § 2.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 50, chapter 63, Laws of 1969 and RCW 15.49.910; and
- (2) Section 39, chapter 22, Laws of 1967 ex. sess. and RCW 15.54.920.

EXPLANATORY NOTE: Both sections recommended for repeal here are obsolete "grandfather" provisions which contain references to various RCW sections which were being simultaneously repealed.

Sec. 22. Section 15.60.080, chapter 11, Laws of 1961 and RCW 15.60-.080 are each amended to read as follows:

Every apiary in which diseased bees are found, or in which bees are kept in hives wherein the combs or frames are immovable, or which are so constructed as to impede or hinder inspection, is declared a public nuisance, and such apiaries, bees and equipment shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of the director. The inspector shall affix a warning tag or notice to such nuisance and give notice of such violation in the manner provided in RCW 15-.60.040. If the person so notified refuses or fails within the time specified in such notice to commence and proceed by due diligence to comply therewith, such apiary, bees, appliances and equipment may be seized by the director. The prosecuting attorney of the county in which such nuisance is found, on the complaint of the director, shall maintain in the name of the state a civil action to abate and prevent such nuisance; and upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the apiary, bees, appliances and equipment under such terms and conditions as the court may prescribe.

The cost incurred by the state in abating such nuisance may be assessed against the owner of the apiary and paid into the court for return to the apiary fund of the department (~~as provided in RCW 69.28.160~~).

EXPLANATORY NOTE: RCW 69.28.160 was repealed by 1961 c 60 § 3. The reference to this section has been deleted. The reference to RCW 69.28.160 was apparently incorrect since no "apiary fund" is mentioned in the section.

Sec. 23. Section 2, chapter 160, Laws of 1957 as amended by section 14, chapter 154, Laws of 1979 and RCW 16.36.095 are each amended to read as follows:

The director of agriculture may condemn for slaughter any bovine animals which are infected with a highly contagious or communicable disease, other than tuberculosis and brucellosis, and pay indemnity therefor in accordance with the provisions of RCW (~~(+6.40.080)~~) 16.40.060: PROVIDED, That the director shall first ascertain that the best interests of the livestock industry and general public will be served thereby.

EXPLANATORY NOTE: RCW 16.40.080 was one of several sections recodified as part of RCW 16.40.060. The recodified sections had originally been enacted as one section. The reference in this section has been amended to refer to the combined section.

Sec. 24. Section 14, chapter 149, Laws of 1955 as last amended by section 18, chapter 21, Laws of 1982 and RCW 18.22.215 are each amended to read as follows:

If any person engages in the practice of podiatry without possessing a valid license so to do, or if a person violates the provisions of RCW (~~(+8-22.140)~~) 18.22.151, the attorney general, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from engaging in the practice of podiatry. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to license suspension or revocation.

EXPLANATORY NOTE: RCW 18.22.140 was repealed by 1982 c 21 § 21. The reference to this section has been amended to refer to a later enactment, RCW 18.22.151, which contains the substance of the repealed section.

Sec. 25. Section 20, chapter 216, Laws of 1961 and RCW 19.86.920 are each amended to read as follows:

The legislature hereby declares that the purpose of this act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts or practices in order to protect the public and foster fair and honest competition. It is the intent of the legislature that, in construing this act, the courts be guided by the interpretation given by the federal courts to the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the relevant market or effective area of competition shall not be limited by the boundaries of the state of Washington. To this end this act shall be liberally construed that its beneficial purposes may be served.

It is, however, the intent of the legislature that this act shall not be construed to prohibit acts or practices which are reasonable in relation to the development and preservation of business or which are not injurious to



the public interest (~~(, nor shall this act be construed to repeal by implication the Fair Trade Act contained in chapter 19.89 RCW)~~).

EXPLANATORY NOTE: Chapter 19.89 RCW containing the Fair Trade Act was repealed by 1975 c 55 § 1. The reference to this chapter has been deleted.

Sec. 26. Section 2, chapter 186, Laws of 1923 and RCW 22.28.020 are each amended to read as follows:

Whenever any safe deposit company shall take or receive as bailee for hire and for safekeeping or storage any jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities, or valuable paper of any kind, or other valuable personal property, and shall have issued a receipt therefor, it shall be deemed to be a warehouseman as to such property and the provisions of ~~((the uniform warehouse receipts act, same being chapter 22.04 RCW))~~ Article 7 of the Uniform Commercial Code, Title 62A RCW, shall apply to such deposit, or to the proceeds thereof, to the same extent and with the same effect, and be enforceable in the same manner as is now provided with reference to warehousemen in said act.

EXPLANATORY NOTE: Chapter 22.04 RCW was repealed by 1965 ex.s. c 157 § 10-102. The reference to this chapter has been amended to refer to a later enactment, Article 7 of the Uniform Commercial Code, Title 62A RCW, which covers the subject matter of the repealed chapter.

Sec. 27. Section 6, chapter 312, Laws of 1959 and RCW 24.36.060 are each amended to read as follows:

No association is subject in any manner to the terms of chapter ~~((21-04))~~ 21.20 RCW and all associations may issue their membership certificates or stock or other securities as provided in this division without the necessity of any permit from the director of licenses.

EXPLANATORY NOTE: Chapter 21.04 RCW was repealed by 1959 c 282 § 68. The reference to this chapter has been amended to refer to a later enactment, chapter 21.20 RCW, which covers the subject matter of the repealed chapter.

Sec. 28. Section 9, chapter 312, Laws of 1959 and RCW 24.36.090 are each amended to read as follows:

Any two or more associations may be merged into one such constituent association or consolidated into a new association. Such merger or consolidation shall be made in the manner prescribed by chapter ~~((23-40))~~ 23A.20 RCW for domestic corporations.

EXPLANATORY NOTE: Chapter 23.40 RCW was recodified as chapter 23.01 RCW which was repealed by 1965 c 53 § 166. The reference to this chapter has been amended to refer to a later enactment of laws governing the merger or consolidation of domestic corporations, chapter 23A.20 RCW, which covers the subject matter of the relevant portions of the repealed chapter.

Sec. 29. Section 7, chapter 215, Laws of 1971 ex. sess. as amended by section 5, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.240 are each amended to read as follows:

The state board of education shall promulgate rules and regulations for the enforcement of RCW 28A.02.201 and ~~((28A.02.210))~~ 28A.02.220 through 28A.02.240, 28A.04.120 and 28A.27.010, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

EXPLANATORY NOTE: RCW 28A.02.210 was repealed by 1974 ex.s. c 92 § 8. The reference in this section has been amended to refer to the section numerically following the repealed section.

Sec. 30. Section 2, chapter 46, Laws of 1973 as last amended by section 3, chapter 158, Laws of 1982 and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW ~~((36.33.110))~~ 28A.02.300 and 28A.02.310, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.58.754, as now or hereafter amended.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140 to fund those program requirements identified in RCW 28A.58.754 in accordance with the formula and ratios provided in RCW 28A.41.140.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements

of this section by virtue of a small number of students: PROVIDED, FURTHER, That these rules and regulations shall provide that any district that has a ratio of no greater than twenty-five students per classroom teacher in grades kindergarten through three shall be in conformance with this section.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

This section shall be effective September 1, 1982.

EXPLANATORY NOTE: RCW 36.33.110 was repealed by 1982 c 126 § 3. The reference to this section has been amended to refer to later enactments, RCW 28A.02.300 and 28A.02.310, which contain the substance of the repealed section.

Sec. 31. Section 28A.44.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.045 are each amended to read as follows:

For the purposes of (~~RCW 28A.44.045 through 28A.44.100~~) this chapter all school districts in the state of Washington shall be and the same are hereby divided into two divisions to be known and designated respectively as high school districts and nonhigh school districts.

EXPLANATORY NOTE: RCW 28A.44.080, 28A.44.085, 28A.44.090, and 28A.44.100 were repealed by 1981 c 264 § 12. The reference in this section has been amended to refer to the entire chapter consisting of the enactment of RCW 28A.44.150 through 28A.44.250 which covers the subject matter of the repealed sections and RCW 28A.44.045, 28A.44.060, 28A.44.070, and 28A.44.095, which are the referenced sections which were not repealed.

Sec. 32. Section 28A.44.095, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.095 are each amended to read as follows:

The reimbursement of a high school district for cost of educating high school pupils for a nonhigh school district, as provided for in (~~RCW 28A.44.045 through 28A.44.100~~) this chapter, shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

EXPLANATORY NOTE: RCW 28A.44.080, 28A.44.085, 28A.44.090, and 28A.44.100 were repealed by 1981 c 264 § 12. The reference in this section has been amended to refer to the entire chapter consisting of the enactment of RCW 28A.04.150 through 28A.44.250 which covers the subject matter of the repealed sections and RCW 28A.44.045, 28A.44.060, 28A.44.070, and 28A.44.095, which are the referenced sections which were not repealed.

Sec. 33. Section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 78, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.020 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "County committee" means the county committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW (~~28A.21.070~~) 28A.21.071. When a county has property both within and without an educational service district or districts, the state board of education shall determine which educational service district superintendent shall carry out the functions assigned to the educational service district superintendent under this chapter and be secretary to the county committee as provided for in RCW 28A.57.040, said appointee to serve at the pleasure of the state board.

EXPLANATORY NOTE: RCW 28A.21.070 was repealed by 1977 ex.s. c 283 § 25. The reference to this section has been amended to refer to a later enactment, RCW 28A.21.071, which contains the substance of the repealed section.

Sec. 34. Section 28A.57.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.120 are each amended to read as follows:

An appeal may be taken, as provided for in RCW 28A.88.010 (~~and 28A.88.020~~), to the superior court of the county in which a school district or any part thereof is situated on any question of adjustment of property and other assets and of liabilities provided for in this chapter. If the court finds the terms of the adjustment in question not equitable, the court shall make an adjustment that is equitable.

EXPLANATORY NOTE: RCW 28A.88.020 was repealed by 1971 ex.s. c 282 § 44. The reference to this section has been deleted.

Sec. 35. Section 28A.57.324, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 43, Laws of 1975 and RCW 28A.57.324 are each amended to read as follows:

Regular meetings of the board of directors of any school district shall be held monthly or oftener at such a time as the board of directors by resolution shall determine or the bylaws of the board may prescribe. Special or deferred meetings may be held from time to time as circumstances may demand, at the call of the president, if a first class district, or the chairman of the board, if a second class district, or on petition of a majority of the members of the board. All meetings shall be open to the public unless the board shall otherwise order an executive session as provided in RCW (~~42-32-020~~) 42.30.110.

EXPLANATORY NOTE: RCW 42.32.020 was repealed by 1971 ex.s. c 250 § 15. The reference to this section has been amended to refer to a later enactment, RCW 42.30.110, which covers the subject matter of the repealed section.

Sec. 36. Section 10, chapter 131, Laws of 1969 as amended by section 7, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.435 are each amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.57.312, 28A.57.336, 28A.57.425, 28A.57.435, 28A.57.313, 29.21.180, and 29.21.210 (~~and 29.21.230~~), each as now or hereafter amended.

EXPLANATORY NOTE: RCW 29.21.230 was repealed by 1975-'76 2nd ex.s. c 120 § 15. The reference to this section has been deleted.

Sec. 37. Section 28A.58.230, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 130, Laws of 1969 and RCW 28A.58.230 are each amended to read as follows:

Every school district shall admit on a tuition free basis all persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this section shall be construed as affecting RCW (~~28A.44.040~~) 28A.58.240 or 28A.58.245.

EXPLANATORY NOTE: RCW 28A.44.040 was repealed by 1981 c 264 § 12. The reference to this section has been deleted.

Sec. 38. Section 1, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.010 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

Educational clinic means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities,

determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the state board of education according to rules and regulations promulgated for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an educational clinic shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.04.120.

(3) The state board of education shall certify an education clinic only upon application and ~~((+))~~ (a) determination that such school comes within the definition thereof as set forth in subsection (1) above and ~~((+))~~ (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a clinic fails to provide adequate instruction in basic academic skills. No educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.01-.060 or a private school for the purposes of RCW 28A.02.201 through 28A.02.250~~((, or proprietary school under chapter 18.82 RCW))~~.

EXPLANATORY NOTE: Chapter 18.82 RCW was repealed by 1977 ex.s. c 289 § 17. The reference to this section has been deleted.

NEW SECTION. Sec. 39. Section 1, chapter 107, Laws of 1981 and RCW 28B.10.205 are each repealed.

EXPLANATORY NOTE: RCW 28B.10.205 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1982 1st ex.s. c 37 § 5.

Sec. 40. Section 1, chapter 129, Laws of 1973 and RCW 28B.50.095 are each amended to read as follows:

In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one, community college, provided that such student shall pay tuition and fees as if he were registered at a single college, but not to exceed tuition and fees charged a full-time student as established by RCW ~~((28B.15.500))~~ 28B.15.502.

**EXPLANATORY NOTE:** RCW 28B.15.500 was repealed by 1981 c 257 § 11. The reference to this section has been amended to refer to a later enactment, RCW 28B.15.502, which contains the substance of the repealed section.

Sec. 41. Section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C-.04.230 are each amended to read as follows:

The state board of education shall have the power to authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized by RCW 28A.58.245 (~~and 28B.50.770~~).

**EXPLANATORY NOTE:** RCW 28B.50.770 was repealed by 1975 1st ex.s. c 174 § 18. The reference to this section has been deleted.

**NEW SECTION.** Sec. 42. Section 29.13.015, chapter 9, Laws of 1965 and RCW 29.13.015 are each repealed.

**EXPLANATORY NOTE:** RCW 29.13.015 is an obsolete section of law recommended for repeal. The phrase that it defines no longer appears in the sections to which it is stated to apply.

Sec. 43. Section 29.13.021, chapter 9, Laws of 1965 as amended by section 10, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.021 are each amended to read as follows:

All regular elections in cities of the first class under a commission form of government whose charters provide that elections shall be held triennially, shall hereafter be held quadrennially and shall be held on the Tuesday following the first Monday in November in the odd-numbered years (~~PROVIDED, That no such regular city election shall be held under the provisions of this 1963 amendatory section until the Tuesday after the first Monday in November, 1969. The elections to be held in such cities in 1964 under existing law shall be conducted at the time and in the manner as though the provisions of the 1963 elections act had not been enacted~~). All city officials (~~electd in 1964, or thereafter,~~) shall be elected for terms of four years and until their successors are elected and qualified and then assume office in accordance with RCW 29.04.170.

**EXPLANATORY NOTE:** The language deleted had meaning only from 1963 through 1969.

Sec. 44. Section 29.21.085, chapter 9, Laws of 1965 as amended by section 88, chapter 176, Laws of 1969 ex. sess. and RCW 29.21.085 are each amended to read as follows:

Where voting machines are legally used in any election for superintendent of public instruction, the ballot arrangement for the aforesaid office shall be substantially in the form as set out in RCW 29.21.090(~~(-29.21-+100)~~) and 29.21.150, but may be so varied as to carry out the purposes required by the use of voting machines.

**EXPLANATORY NOTE:** RCW 29.21.100 was repealed by 1977 ex.s. c 361 § 111. The reference to this section has been deleted.

Sec. 45. Section 29.27.010, chapter 9, Laws of 1965 and RCW 29.27-.010 are each amended to read as follows:

The governing board of every city, town, or district subject to RCW 29.13.010(~~(?)~~) or 29.13.020 (~~(or 29.13.030;)~~) shall certify to the county auditor as ex officio county supervisor of elections a list of the offices to be filled at an election at least forty-five days before the date of election.

**EXPLANATORY NOTE:** RCW 29.13.030 was repealed by 1965 c 123 § 9, and RCW 29.13.020 now contains the substance of the repealed section.

Sec. 46. Section 29.68.120, chapter 9, Laws of 1965 as amended by section 7, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.120 are each amended to read as follows:

Canvass of the votes at a special primary held in relation to a special election for a United States congressman shall be made in each county within the district within ten days after the primary and the returns sent immediately to the secretary of state who shall (~~(immediately convene the state canvassing board to)~~) certify said returns in the same manner as provided by RCW (~~(29.62.110)~~) 29.62.100 and as soon as possible thereafter certify the names of the successful nominees to the county auditors of the counties within the district.

**EXPLANATORY NOTE:** The state canvassing board was abolished by the amendment to RCW 29.62.100 by 1977 ex.s. c 361 § 97, and RCW 29.62.110 was repealed by 1977 ex.s. c 361 § 111. The reference to this section has been amended to refer to RCW 29.62.100, which contains provisions for certification of election returns.

Sec. 47. Section 30.12.190, chapter 33, Laws of 1955 and RCW 30.12-.190 are each amended to read as follows:

Every person who shall violate, or knowingly aid or abet the violation of any provision of RCW 30.04.010, 30.04.030, 30.04.040, 30.04.050, 30.04-.060, 30.04.070, (~~(30.04.080, 30.04.090;)~~) 30.04.075, 30.04.100, 30.04.110, 30.04.120, 30.04.130, 30.04.180, 30.04.210, 30.04.220, 30.04.280, 30.04-.290, 30.04.300, 30.08.010, 30.08.020, 30.08.030, 30.08.040, 30.08.050, 30-.08.060, 30.08.080, 30.08.090, 30.08.095, 30.08.110, 30.08.120, 30.08.140, 30.08.150, 30.08.160, 30.08.180, 30.08.190, 30.12.010, 30.12.020, 30.12-.030, 30.12.060, 30.12.070, 30.12.080, 30.12.130, 30.12.140, 30.12.150, 30-.12.160, 30.12.180, 30.12.190, 30.16.010, (~~(30.16.020, 30.20.010; 30.20.030;)~~) 30.20.060, 30.40.010, 30.44.010, 30.44.020, 30.44.030, 30.44-.040, 30.44.050, 30.44.060, 30.44.070, 30.44.080, 30.44.090, 30.44.100, 30-.44.130, 30.44.140, 30.44.150, 30.44.160, 30.44.170, 30.44.240, 30.44.250, 43.19.020, 43.19.030, 43.19.050, (~~(43.19.060)~~) and 43.19.090, and every person who fails to perform any act which it is therein made his duty to perform, shall be guilty of a misdemeanor. No person who has been convicted for the violation of the banking laws of this or any other state or of the United States shall be permitted to engage in or become an officer or



official of any bank or trust company organized and existing under the laws of this state.

**EXPLANATORY NOTE:** (1) RCW 30.04.080 is now codified as RCW 30.08.095. The reference in this section has been amended to reflect this change.

(2) RCW 30.04.090 was repealed by 1981 c 89 § 7; RCW 30.16.020 was repealed by section 10-102 of the Uniform Commercial Code, 1965 ex.s. c 157 (Title 62A RCW); and RCW 30.20.010 and 30.20.030 were repealed by 1981 c 192 § 33. The references to these sections have been deleted.

(3) RCW 43.19.060 was repealed by 1977 ex.s. c 245 § 5. The reference to this section has been amended to refer to a later enactment, RCW 30.04.075, which contains the substance of the repealed section.

Sec. 48. Section 2, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.020 are each amended to read as follows:

For the purposes of this chapter, the following terms shall be defined as follows:

(1) "Alien bank" means a bank organized under the laws of a foreign country and having its principal place of business in that country, the majority of the beneficial ownership and control of which is vested in citizens of countries other than the United States of America.

(2) "Office" means a branch or agency of an alien bank carrying on business in this state pursuant to this chapter.

(3) "Branch" means an office of an alien bank that is exercising the powers authorized by RCW ((~~30.42.110~~)) 30.42.105, 30.42.115, and 30.42.155.

(4) "Agency" means an office of an alien bank that is exercising the powers authorized by RCW 30.42.180.

(5) "Bureau" means an alien bank's operation in this state exercising the powers authorized by RCW 30.42.230.

(6) "Supervisor" means the supervisor of banking of the state of Washington.

**EXPLANATORY NOTE:** RCW 30.42.110 was repealed by 1982 c 95 § 8. The reference to this section has been amended to refer to later enactments, RCW 30.42.105, 30.42.115, and 30.42.155, which covers the subject matter of the repealed section.

Sec. 49. Section 1, chapter 124, Laws of 1959 and RCW 30.99.010 are each amended to read as follows:

This chapter shall apply to express trusts, except as hereinafter limited, which are executed by the trustor after ((~~the effective date hereof~~)) June 10, 1959. This chapter shall not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiary, investment trusts, voting trusts, trusts in the nature of mortgages or pledges, trusts created by the judgment or decree of a court not sitting in probate, liquidation trusts, or trusts for the sole purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, trusts created in deposits in any banking institution pursuant to ((~~RCW 30.20.035 or RCW 32.12.030;~~)) chapter 30.22 RCW or in accounts in savings and loan associations pursuant to ((~~RCW 33.20.070~~)) chapter 30.22 RCW, unless

any such trust which is created in writing incorporates this chapter in whole or in part.

**EXPLANATORY NOTE:** (1) "The effective date hereof," refers to the effective date of 1959 c 124, which is June 10, 1959. This date has been substituted for the phrase.

(2) RCW 30.20.035, 32.12.030, and 33.20.070 were repealed by 1981 c 192 § 33. The references to these sections have been amended to refer to a later enactment, chapter 30.22 RCW, which contains the substance of the repealed sections.

Sec. 50. Section 10, chapter 124, Laws of 1959 and RCW 30.99.100 are each amended to read as follows:

Actions on contracts which have been transferred to a trust and on contracts made by a trustee, and actions in tort for personal liability incurred by a trustee in the course of his administration may be maintained by the party in whose favor the cause of action has accrued as follows:

(1) The plaintiff may sue the trustee in his representative capacity and any judgment rendered in favor of the plaintiff shall be collectible by execution out of the trust property: **PROVIDED, HOWEVER,** If the action is in tort, collection shall not be had from the trust property unless the court shall determine in such action that (a) the tort was a common incident of the kind of business activity in which the trustee or his predecessor was properly engaged for the trust; or (b) that, although the tort was not a common incident of such activity, neither the trustee nor his predecessor, nor any officer or employee of the trustee or his predecessor, was guilty of personal fault in incurring the liability; or (c) that, although the tort did not fall within classes (a) or (b) above, it increased the value of the trust property. If the tort is within classes (a) or (b) above, collection may be had of the full amount of damage proved, and if the tort is within class (c) above, collection may be had only to the extent of the increase in the value of the trust property.

(2) If the action is on a contract made by the trustee, the trustee may be held personally liable on such contract, if personal liability is not excluded. Either the addition by the trustee of the words "trustee" or "as trustee" after the signature of a trustee to a contract or the transaction of business as trustee under an assumed name in compliance with (~~RCW 19.80.010 to 19.80.050 inclusive~~) chapter 19.80 RCW shall exclude the trustee from personal liability. If the action is on a contract transferred to the trust or trustee, subject to any rights therein vested at time of such transfer, the trustee shall be personally liable only if he has in writing assumed such liability.

(3) In any such action against the trustee in his representative capacity the plaintiff need not prove that the trustee could have secured reimbursement from the trust fund if he had paid the plaintiff's claim.

(4) The trustee may also be held personally liable for any tort committed by him, or by his agents or employees in the course of their employments, subject to the rights of exoneration or reimbursement:

(a) A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if (i) the tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust, or (ii) although the tort was not a common incident of such activity, if neither the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability;

(b) A trustee who commits a tort which increases the value of the trust property shall be entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though he would not otherwise be entitled to exoneration or reimbursement.

(5) No judgment shall be rendered in favor of the plaintiff in any such action unless the plaintiff shall cause a copy of the notice of the hearing on such action to be mailed not less than twenty days before the date therefor to the trustor, if living, the trustee and to each beneficiary whose name and address is known to him. Proof of the mailing of such notice shall be made by affidavit which shall be filed at or before the hearing. All those whose names or addresses are not known or are not legally competent and any beneficiary who is not ascertained shall be represented at the hearing by a guardian ad litem appointed by the court when it sets the time of hearing.

(6) Nothing in this section shall be construed to change the existing law with regard to the liability of the trustee of a charitable trust for the torts of the trustee.

EXPLANATORY NOTE: RCW 19.80.050 is now codified as RCW 19.80.040. Since RCW 19.80.010 through 19.80.040 constitute chapter 19.80 RCW, this chapter reference was substituted for the phrase.

Sec. 51. Section 3, chapter 162, Laws of 1963 and RCW 31.24.030 are each amended to read as follows:

In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by the provisions of (~~chapter 23.04~~) Title 23A RCW, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation: PROVIDED, That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner.

(2) To borrow money from its members and the small business administration and any other similar federal agency, for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest

therein, without securing stockholder or member approval: **PROVIDED**, That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith: **PROVIDED**, That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsections (4), (5), or (6) of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of commerce and economic development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in

the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

**EXPLANATORY NOTE:** Chapter 23.01 RCW was repealed by 1965 c 53 § 166 (Washington Business Corporation Act). The reference to this chapter has been amended to refer to a later enactment, Title 23A RCW, which contains the substance of the repealed chapter.

Sec. 52. Section 15, chapter 162, Laws of 1963 and RCW 31.24.150 are each amended to read as follows:

The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled and two-thirds of the votes to which the member shall be entitled dissolve said corporation as provided by (~~chapter 23.01~~) Title 23A RCW, insofar as (~~said chapter 23.01~~) Title 23A RCW is not in conflict with the provisions of this chapter. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the members of the corporation as creditors thereof have been paid in full.

**EXPLANATORY NOTE:** Chapter 23.01 RCW was repealed by 1965 c 53 § 166 (Washington Business Corporation Act). The reference to this chapter has been amended to refer to a later enactment, Title 23A RCW, which contains the substance of the repealed chapter.

Sec. 53. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 28, chapter 192, Laws of 1981 and RCW 32.12.020 are each amended to read as follows:

The sums deposited with any savings bank, together with any dividends or interest credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and (~~RCW 32.12.030~~) chapter 30.22 RCW. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: PROVIDED, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

(2) Except as provided in subdivisions (3), (4), and (5) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the certificate of deposit is produced, or the passbook of the depositor is produced and the proper entry is made therein, at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook or certificate of deposit, or other exceptional cases where the passbooks or certificates of deposit cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the supervisor upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook or certificate of deposit of the depositor, and any payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) The issuance of a passbook or certificate of deposit may be omitted for any account if a ledger record thereof is maintained in lieu of a passbook or certificate of deposit on which shall be entered deposits, withdrawals, and interest credited: PROVIDED, That in any event a passbook or certificate of deposit shall be issued upon the request of any depositor.

EXPLANATORY NOTE: RCW 32.12.030 was repealed by 1981 c 192 § 33. The reference to this section has been amended to refer to a later enactment, chapter 30.22 RCW, which contains the substance of the repealed section.

Sec. 54. Section 35.13.280, chapter 7, Laws of 1965 and RCW 35.13-.280 are each amended to read as follows:

The annexation by any city of any territory pursuant to those provisions of chapter 35.10 RCW which relate to the annexation of a third class city or town to a first class city, or pursuant to the provisions of chapter(~~s~~<sup>35.12</sup> or) 35.13 RCW shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the annexed territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the annexing city a franchise to continue such business within the annexed territory for a term of not less than five years

from the date of issuance thereof, and the annexing city, by franchise, permit or public operation, shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price: PROVIDED, That the provisions of this section shall not preclude the purchase by the annexing city of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any measurable damages as a result of any annexation pursuant to the provisions of the laws above-mentioned, such person, firm or corporation shall have a right of action against any city causing such damages.

EXPLANATORY NOTE: Chapter 35.12 RCW was repealed by 1969 ex.s. c 89 § 18. The reference to this chapter has been deleted.

Sec. 55. Section 35.20.900, chapter 7, Laws of 1965 as amended by section 5, chapter 33, Laws of 1975 and RCW 35.20.900 are each amended to read as follows:

The provisions of RCW 35.22.420, 35.22.430, 35.22.440, (~~(35.22.450,)~~) 35.22.460, 35.22.480, 35.22.490, 35.22.510, 35.22.520, 35.22.530, 35.22.540, 35.22.550 and 35.22.560, in so far as inconsistent with the provisions of this chapter shall apply only to cities of the first class having a population of less than four hundred thousand inhabitants.

EXPLANATORY NOTE: RCW 35.22.450 was decodified. The reference to this section has been deleted.

Sec. 56. Section 35.39.050, chapter 7, Laws of 1965 and RCW 35.39.050 are each amended to read as follows:

RCW 35.39.030 (~~(and 35.39.040)~~) shall be deemed cumulative and not exclusive and shall be additional to any other power or authority granted any city or town.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been deleted.

Sec. 57. Section 35.92.100, chapter 7, Laws of 1965 as last amended by section 48, chapter 56, Laws of 1970 ex. sess. and RCW 35.92.100 are each amended to read as follows:

When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or

addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest at a rate or rates as authorized by the corporate authorities; payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund and shall be a lien and charge against payments received from any utility local improvement district assessments pledged to secure such bonds. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, (~~Title 62 RCW, or~~) Title 62A RCW, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW (~~62.01.003 or~~) 62A.3-105.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

In creating a special fund, the corporate authorities shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the holder thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When a special fund is created and any such obligation is issued against it, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of



revenue shall be set aside and paid into such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the holder of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: PROVIDED, That whenever the corporate authorities of any city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

EXPLANATORY NOTE: Title 62 RCW was repealed by 1965 ex.s. c 157 § 10-102. The references to this title have been deleted.

Sec. 58. Section 35A.20.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.150 are each amended to read as follows:

A code city may exercise the power to bring an action or special proceeding at law as authorized by Title 4 RCW, chapters 7.24, 7.25 and ~~((7.32))~~ 7.33 RCW, and shall be subject to actions and process of law in accordance with procedures prescribed by law and rules of court.

EXPLANATORY NOTE: Chapter 7.32 RCW was repealed by 1969 ex.s. c 264 § 36 and 1967 c 142 § 19. The reference to this chapter has been amended to refer to a later enactment, chapter 7.33 RCW, governing the same subject.

Sec. 59. Section 35A.21.161, chapter 119, Laws of 1967 ex. sess. and RCW 35A.21.161 are each amended to read as follows:

All code cities shall observe and enforce, in addition to its local regulations, the provisions of state laws relating to the conduct, location and limitation on activities as regulated by state law and shall supply police information to the ~~((state bureau of criminal identification))~~ section on identification of the state patrol as required by chapter ~~((72.50))~~ 43.43 RCW.

EXPLANATORY NOTE: Chapter 72.50 RCW was repealed by 1970 ex.s. c 18 § 62 and 1972 ex.s. c 152 § 24. The powers and duties of the state bureau of criminal identification have devolved upon the section on identification of the state patrol under RCW 43.43.700 through 43.43.780.

Sec. 60. Section 35A.27.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.27.010 are each amended to read as follows:

Every code city may exercise the powers relating to the acquisition, development, improvement and operation of libraries and museums and the preservation of historical materials to the same extent authorized by general law for cities of any class, including, but not limited to, the authority for city libraries granted by RCW 35.22.280~~((20))~~, the power to acquire and operate art museums, auditoriums, and other facilities as authorized by RCW 35.21.020, to participate in the establishment of regional libraries, and to contract for library service for public libraries with county, inter-county, and rural library districts, and for regional libraries as authorized

by chapter 27.12 RCW, to have a county law library or branch thereof generally under the provisions of chapter ~~((24.27))~~ 27.24 RCW, to preserve historical materials, markers, graves and records as provided in chapters 27.48 and ~~((27.52))~~ 43.51A RCW, and to expend municipal funds thereon.

EXPLANATORY NOTE: (1) Amendments to RCW 35.22.280 have renumbered subsection (20) of that section. To avoid ambiguity, the subsection reference has been deleted.

(2) The reference to chapter 24.27 RCW is in error. Chapter 27.24 RCW was apparently intended.

(3) Chapter 27.52 RCW was repealed by 1967 ex.s. c 19 § 11. Chapter 43.51A RCW, the office of archaeology and historic preservation, now governs this area.

Sec. 61. Section 35A.28.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.28.010 are each amended to read as follows:

Code cities shall have the authority to enter into contracts for joint acquisition of land and improvement thereof with school districts. Code cities and their relationship with public schools, colleges and school districts shall be governed by the provisions of general law, including Titles 28A and 28B RCW. Each code city shall be contained within one school district except as may be otherwise provided in RCW 28A.57.150(~~(, and may establish schools for truants under the provisions of RCW 13.12.010)~~).

EXPLANATORY NOTE: RCW 13.12.010 was repealed by 1971 c 44 § 1. The reference to this section has been deleted.

Sec. 62. Section 35A.37.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.37.010 are each amended to read as follows:

Code cities shall establish such funds for the segregation, budgeting, expenditure and accounting for moneys received for special purposes as are required by general law applicable to such cities' activities and the officers thereof shall pay into, expend from, and account for such moneys in the manner provided therefor including but not limited to the requirements of the following:

- (1) Accounting funds as required by RCW 35.37.010;
- (2) Annexation and consolidation fund as required by chapters 35.10(~~(; 35.11, and 35.12 RCW and RCW 35.37.025)~~) and 35.13 RCW;
- (3) Assessment fund as required by RCW 8.12.480;
- (4) Equipment rental fund as authorized by RCW 35.21.088;
- (5) Current expense fund as required by RCW 35.37.010, usually referred to as the general fund;
- (6) Local improvement guaranty fund as required by RCW 35.54.010;
- (7) An indebtedness and sinking fund, together with separate funds for utilities and institutions as required by RCW 35.37.020;
- (8) Local improvement district fund and revolving fund as required by RCW 35.45.130 and 35.48.010;
- (9) City street fund as required by chapter 35.76 RCW and RCW 47.24.040;

(10) Firemen's relief and pension fund as required by chapters 41.16 and 41.18 RCW;

(11) Policemen's relief and pension fund as required by RCW 41.20.130 and 63.32.030;

(12) First class cities' employees retirement and pension system as authorized by chapter 41.28 RCW;

(13) Applicable rules of the division of municipal corporations office of state auditor. RCW 43.09.190 through 43.09.282.

EXPLANATORY NOTE: Chapter 35.11 RCW has been recodified in chapter 35.10 RCW. Chapter 35.12 RCW and RCW 35.37.025 were repealed by 1969 ex.s. c 89 § 18; these references have been amended to refer to a later enactment, chapter 35.13 RCW, which contains the substance of the repealed chapter and section.

Sec. 63. Section 35A.40.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.040 are each amended to read as follows:

The general law as contained in RCW 35.38.050 through ~~((35.38.110))~~ 35.38.060, relating to the official bond of a city treasurer, a city official as officer, employee, or stockholder of a depository, and inclusion of "trust company" in the use of the word "bank", ~~((designation of a trustee for safekeeping of securities, procedure upon insolvency of a depository, prohibition of a bank acting as trustee of its own securities, compensation of a trustee of securities, and the trustee's receipt;))~~ is hereby recognized as applicable to code cities.

EXPLANATORY NOTE: RCW 35.38.070, 35.38.080, 35.38.090, 35.38.100, and 35.38.110 were repealed by 1969 ex.s. c 193 § 30. The reference in this section has been amended to refer to the section numerically preceding the repealed sections, and the text has been amended to delete the references to the subject matter of the repealed sections.

Sec. 64. Section 35A.40.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.050 are each amended to read as follows:

Excess and inactive funds on hand in the treasury of any code city may be invested in the same manner and subject to the same limitations as provided for city and town funds in all applicable statutes, including, but not limited to the following: RCW 32.12.100, 33.52.010, 35.39.030, ~~((35.39.040;))~~ 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.60.010, 39.60.020, 41.16.040, 68.12.060, 68.12.065, and 72.19.120.

The responsibility for determining the amount of money available in each fund for investment purposes shall be placed upon the department, division or board responsible for the administration of such fund.

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating funds: PROVIDED, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been deleted.

Sec. 65. Section 35A.40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200 are each amended to read as follows:

Every code city shall have the authority to make public improvements and to perform public works under authority provided by general law for any class of city and to make contracts in accordance with procedure and subject to the conditions provided therefor, including but not limited to the provisions of: (1) Chapter 39.04 RCW, relating to public works; (2) RCW 35.23.352 relating to competitive bidding for public works, materials and supplies; (3) RCW 9.18.120 and 9.18.150 relating to suppression of competitive bidding; (4) chapter 60.28 RCW relating to liens for materials and labor performed; (5) chapter 39.08 RCW relating to contractor's bonds; (6) chapters 39.12, 39.16, and 43.03 RCW relating to prevailing wages; (7) chapter 49.12 RCW relating to hours of labor; (8) chapter 51.12 RCW relating to workmen's compensation; (9) ~~((chapter 39.20 RCW relating to employment of certain aliens; (10)))~~ chapter 49.60 RCW relating to anti-discrimination in employment; ~~((11))~~ (10) chapter 39.24 RCW relating to the use of Washington commodities; and ~~((12))~~ (11) chapter 39.28 RCW relating to emergency public works.

EXPLANATORY NOTE: Chapter 39.20 RCW was repealed by 1977 ex.s. c 16 § 1. The reference to this section has been deleted.

Sec. 66. Section 35A.41.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.41.020 are each amended to read as follows:

Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, the application of industrial insurance as provided in Title 51 RCW, and chapter ~~((43.100))~~ 43.101 RCW relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

EXPLANATORY NOTE: Chapter 43.100 RCW was repealed by 1974 ex.s. c 94 § 23. The reference to this chapter has been amended to refer to a later enactment, chapter 43.101 RCW, which contains the substance of the repealed chapter.

Sec. 67. Section 35A.42.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.050 are each amended to read as follows:

In addition to provisions of general law relating to public officials and others in public administration, employment or public works, the duties and conduct of such officers and other persons shall be governed by: (1) ((~~RCW 9.18.010 and 9.18.020~~)) Chapter 9A.68 RCW relating to bribery of a public officer; (2) Article II, section 30 of the Constitution of the state of Washington relating to bribery or corrupt solicitation; (3) RCW 35.17.150 relating to misconduct in code cities having a commission form of government; (4) chapter 42.23 RCW in regard to interest in contracts; (5) chapter 29.85 RCW relating to misconduct in connection with elections; (6) RCW 49.44.060 and 49.44.070 relating to grafting by employees; (7) RCW 49.44.020 and 49.44.030 relating to the giving or solicitation of a bribe to a labor representative; (8) chapter 42.20 RCW relating to misconduct of a public officer; (9) RCW 49.52.050 and 49.52.090 relating to rebating by employees; and (10) chapter 9.18 RCW relating to bribery and grafting.

EXPLANATORY NOTE: RCW 9.18.010 and 9.18.020 were repealed by 1975 1st ex.s. c 260 § 9A.92.010. The reference to these sections has been amended to refer to a later enactment, chapter 9A.68 RCW, which contains the substance of the repealed sections.

Sec. 68. Section 35A.47.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.020 are each amended to read as follows:

The designation of code city streets as a part of the state highway system, the jurisdiction and control of such streets, the procedure for acquisition or abandonment of rights of way for city streets and state highways, and the sale or lease of state highway land or toll facility to a code city, the requirements for accounting and expenditure of street funds, and the authority for contracting for the construction, repair and maintenance of streets by the state or county shall be the same as is provided in RCW 36.75.090, chapters 47.08, 47.12, 47.24 and 47.56 RCW, and the regulation of signs thereon as provided in chapter 47.42 RCW. Code cities shall be regulated in the acquisition, construction, maintenance, use and vacation of alleys, city streets, parkways, boulevards and sidewalks and in the design standards therefor as provided in chapters 35.68 through 35.79, 35.85, and 35.86 RCW and RCW ((~~79.01.428~~)) 79.93.010 relating to dedication of tidelands and shorelands to public use and in the use of state shared funds as provided by general law.

EXPLANATORY NOTE: RCW 79.01.428 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.93.010, which contains the substance of the repealed section.

Sec. 69. Section 35A.47.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.47.030 are each amended to read as follows:

The provisions of Title 47 RCW shall apply to code cities, its officers and employees to the same extent as such provisions are applicable to any other class of city within the state, including, without limitation, the following: (1) The acquisition by the state of municipal lands and the exchange of state highway and municipal lands, as provided in chapter 47.12 RCW; (2)

the dedication of public land for city streets as provided by RCW 36.34.290 and 36.34.300; (3) the allocation of fines and forfeitures for highway violations as provided in RCW 46.68.050 and 47.08.030; (4) city contributions to finance toll facilities as provided in RCW 47.56.250; (5) contracts with the (~~(highway commission)~~) department of transportation, as provided in RCW 47.01.210; (6) the construction, maintenance, jurisdiction, and control of city streets, as provided in chapter 47.24 RCW; (7) agreements between the (~~(highway commission)~~) department of transportation and a city for the benefit or improvement of highways, roads, or streets, as provided in RCW 47.28.140; (8) sales, leases, or transfers as authorized by RCW (~~(47-12-070)~~) 47.12.063, 47.12.066, and 47.12.080; (9) the erection of information signs as regulated by RCW 47.42.050 and 47.42.060; (10) provisions relating to limited access highways under chapter(~~(s)~~) 47.52 ((and 47.54)) RCW; (11) the acquisition and abandonment for state highways as provided by RCW 36.75.090 and 90.28.020; and (12) the sharing of maintenance of streets and alleys as an extension of county roads as provided by RCW 35.77.020.

EXPLANATORY NOTE: (1) RCW 47.12.070 was repealed by 1977 ex.s. c 78 § 9 and 1981 c 260 § 18. The reference to this section has been amended to refer to later enactments, RCW 47.12.063 and 47.12.066, which contain the substance of the repealed section.

(2) Chapter 47.54 RCW was repealed by 1969 c 91 § 3. The reference to this section has been deleted.

Sec. 70. Section 35A.~~58.030~~, chapter 119, Laws of 1967 ex. sess. as amended by section 9, chapter 251, Laws of 1971 ex. sess. and RCW 35A.~~58.030~~ are each amended to read as follows:

The provisions of chapter (~~(58-16)~~) 58.17 RCW together with the provisions of a code city's subdivision regulations as adopted by ordinance not inconsistent with the provisions of chapter 58.17 RCW shall control the platting and subdividing of land into lots or tracts comprising five or more of such lots or tracts or containing a dedication of any part thereof as a public street or highway, or other public place or use: PROVIDED, That nothing herein shall prohibit the legislative body of a code city from adopting reasonable ordinances regulating the subdivision of land into two or more parcels without requiring compliance with all of the requirements of the platting law.

EXPLANATORY NOTE: Chapter 58.16 RCW was repealed by 1969 ex.s. c 271 § 36. The reference to this chapter has been amended to refer to a later enactment, chapter 58.17 RCW, which contains the substance of the repealed chapter.

Sec. 71. Section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010 are each amended to read as follows:

Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; relating to inspection of foods, meat, dairies, and milk as provided by chapter 16.49A RCW and RCW 15.36.560, ((16.49.030, 16.49.120,)) and 15.36.510; relating to

water pollution control as provided by chapter 90.48 RCW; and relating to shellfish as provided by RCW 75.08.150.

EXPLANATORY NOTE: RCW 16.49.030 and 16.49.120 were repealed by 1969 ex.s. c 145 § 64. The reference to these sections has been amended to refer to a later enactment, chapter 16.49A RCW, which contains the substance of the repealed sections.

Sec. 72. Section 35A.79.010, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 30, Laws of 1979 ex. sess. and RCW 35A.79.010 are each amended to read as follows:

A code city shall have all powers provided by general law to cities of any class relating to the receipt of donations of money and property, the acquisition, leasing and disposition of municipal property, both real and personal, including, but not limited to, the following: (1) Intergovernmental leasing, transfer or disposition of property as provided by chapter 39.33 RCW; (2) disposition of unclaimed property as provided by chapters 63.32 and (~~63-36~~) 63.21 RCW; (3) disposition of local improvement district foreclosures as provided by chapter 35.53 RCW; (4) materials removed from public lands as provided by RCW (~~79.01.178~~) 79.90.150; (5) purchase of federal surplus property as provided by chapter 39.32 RCW; and (6) land for recreation as provided by chapter 43.99 RCW. A code city in connection with the acquisition of property shall be subject to provisions relating to tax liens as provided by RCW 84.60.050 and 84.60.070. The general law relating to the damage or destruction of public property of a code city or interferences with the duties of a police or other officer shall relate to code city's properties and officers to the same extent as such laws apply to any class of city, its property or officers.

EXPLANATORY NOTE: (1) Chapter 63.36 RCW was repealed by 1979 ex.s. c 85 § 10. The reference to this chapter has been amended to refer to a later enactment, chapter 63.21 RCW, which contains the substance of the repealed chapter.

(2) RCW 79.01.178 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.90.150, which contains the substance of the repealed section.

Sec. 73. Section 35A.81.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.81.010 are each amended to read as follows:

Motor vehicles owned and operated by any code city shall be exempt from the provisions of chapter 81.80 RCW, except where specifically otherwise provided. Urban passenger transportation systems shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used in such systems to the extent authorized by chapter 82.36 RCW. Notwithstanding any provision of the law to the contrary, every urban passenger transportation system as defined in RCW (~~82.40.047~~) 82.38.080 shall be exempt from the provisions of chapter (~~82.40~~) 82.38 RCW which requires the payment of use fuel taxes.

EXPLANATORY NOTE: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The references to this chapter have been amended to refer to a later enactment, chapter 82.38 RCW, which contains the substance of the repealed chapter.

Sec. 74. Section 35A.82.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.82.010 are each amended to read as follows:

A code city shall collect, receive and share in the distribution of state collected and distributed excise taxes to the same extent and manner as general laws relating thereto apply to any class of city or town including, but not limited to, funds distributed to cities pursuant to RCW 82.37.190 relating to motor vehicle fuel importer's tax, and RCW 82.36.020 relating to motor vehicle fuel tax, and RCW ((82.40.290)) 82.38.290 relating to use fuel tax, and RCW 82.36.275 and ((82.40.047)) 82.38.080(8).

EXPLANATORY NOTE: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The references to this chapter have been amended to refer to a later enactment, chapter 82.38 RCW, which contains the substance of the repealed chapter.

Sec. 75. Section 35A.88.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.88.030 are each amended to read as follows:

General laws relating to harbor areas within cities, including but not limited to, chapter 36.08 RCW relating to transfer of territory lying in two or more counties; RCW ((79.16.180)) 79.92.110 relating to disposition of rental from leasehold in the harbor areas; RCW ((79.01.504)) 79.92.040 reserving to cities the right to lease harbor improvements; and RCW 88.32.240 and 88.32.250 relating to joint planning by cities and counties shall apply to, benefit and obligate code cities to the same extent as such general laws apply to any class of city.

EXPLANATORY NOTE: RCW 79.16.180 and 79.01.504 were repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The references to these sections have been amended to refer to later enactments, RCW 79.92.110 and 79.92.040, respectively, which contain the substance of the repealed sections.

Sec. 76. Section 9, chapter 94, Laws of 1969 and RCW 36.26.090 are each amended to read as follows:

For good cause shown, or in any case involving a crime of widespread notoriety, the court may, upon its own motion or upon application of either the public defender or of the indigent accused, appoint an attorney other than the public defender to represent the accused at any stage of the proceedings or on appeal: PROVIDED, That the public defender may represent an accused, not an indigent, in any case of public notoriety where the court may find that adequate retained counsel is not available. The court shall award, and the county in which the offense is alleged to have been committed shall pay, such attorney reasonable compensation and reimbursement for any expenses reasonably and necessarily incurred in the presentation of the accused's defense or appeal, in accordance with the provisions of RCW 10.01.110 and ((10.01.112)) 4.88.330.

EXPLANATORY NOTE: RCW 10.01.112 was recodified as RCW 4.88.330 by 1975 1st ex.s. c 261 § 2. The reference in this section has been amended to reflect this change.

Sec. 77. Section 36.32.240, chapter 4, Laws of 1963 as last amended by section 1, chapter 52, Laws of 1974 ex. sess. and RCW 36.32.240 are each amended to read as follows:



In any county the board of county commissioners may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW (~~36.77.060~~) 36.77.065, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles: PROVIDED, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

EXPLANATORY NOTE: RCW 36.77.060 was repealed by 1980 c 40 § 2. The reference to this section has been amended to refer to a later enactment, RCW 36.77.065, which contains the substance of the repealed section.

Sec. 78. Section 36.64.060, chapter 4, Laws of 1963 and RCW 36.64-.060 are each amended to read as follows:

Whenever the board of county commissioners of a county of the first class deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW (~~36.67.020~~) 36.67.030 through 36.67.060. Such construction or aid in construction is a county purpose.

EXPLANATORY NOTE: RCW 36.67.020 was repealed by 1971 c 76 § 6. The RCW reference in this section has been amended to refer to the section numerically following the repealed section.

Sec. 79. Section 36.67.030, chapter 4, Laws of 1963 and RCW 36.67-.030 are each amended to read as follows:

Whenever any debt is incurred under the provisions of (~~either~~) RCW 36.67.010 (~~or 36.67.020~~), the board of commissioners of the county may issue its negotiable bonds in the name of the county for the purposes designated in resolution or notice of election.

EXPLANATORY NOTE: RCW 36.67.020 was repealed by 1971 c 76 § 6. The reference to this section has been deleted.

Sec. 80. Section 36.69.200, chapter 4, Laws of 1963 and RCW 36.69-.200 are each amended to read as follows:

Whenever the board of park and recreation commissioners of any district shall determine that any proposed capital improvement would be of special benefit to all or to any portion of the district, it may establish local improvement districts within its territory; levy special assessments under the

mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The method of establishment, levying, collection and enforcement of such assessments and issuance and redemption of local improvement warrants and bonds and the provisions regarding the conclusiveness of the assessment roll and the review by the superior court of any objections thereto shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class, (~~including the restraints provided for in RCW 35.43.160 through 35.43.170;~~) insofar as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer for the purposes hereof. The mode of assessment shall be determined by the board.

EXPLANATORY NOTE: RCW 35.43.160 through 35.43.170 were repealed by 1971 ex.s. c 116 § 12. The reference to these sections has been deleted.

Sec. 81. Section 36.77.070, chapter 4, Laws of 1963 and RCW 36.77-.070 are each amended to read as follows:

If the board determines that any construction should be performed by day labor, and the estimated cost of the work exceeds twenty-five hundred dollars, it shall cause to be published in one issue of a newspaper of general circulation in the county, a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the board shall cause to be published in one issue of such a newspaper a similar brief description of the work together with an accurate statement of the true and complete cost of performing such construction by day labor.

Failure to make the required publication shall subject each county commissioner to a fine of one hundred dollars for which he shall be liable individually and upon his official bond and the prosecuting attorney shall prosecute for violation of the provisions of this section and RCW (~~36.77-.060~~) 36.77.065.

EXPLANATORY NOTE: RCW 36.77.060 was repealed by 1980 c 40 § 2. The reference to this section has been amended to refer to a later enactment, RCW 36.77.065, which contains the substance of the repealed section.

Sec. 82. Section 18, chapter 72, Laws of 1967 as amended by section 8, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.180 are each amended to read as follows:

In the event of the annexation to a city or town of an area in which a county is operating a sewerage and/or water system, the property, facilities, and equipment of such sewerage and/or water system lying within the annexed area may be transferred to the city or town if such transfer will not

materially affect the operation of any of the remaining county system, subject to the assumption by the city or town of the county's obligations relating to such property, facilities, and equipment, under the procedures specified in (~~RCW 35.13.220 through 35.13.246 inclusive~~), and pursuant to the authority contained in (~~RCW 35.13.250 as now existing or hereafter amended~~), chapter 35.13A RCW.

EXPLANATORY NOTE: Chapter 35.13 RCW was repealed by 1971 ex.s. c 95 § 10. The references to sections of that chapter have been amended to refer to a later enactment, chapter 35.13A RCW, which contains the substance of the repealed chapter. The phrase "as now existing or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 83. Section 7, chapter 233, Laws of 1963 and RCW 40.06.070 are each amended to read as follows:

This chapter shall not apply to nor affect the duties concerning publications distributed by, or officers of:

- (1) The state law library; and
- (2) The statute law committee and the code reviser(~~;~~ and
- (3) ~~The secretary of state in connection with his duties under RCW 44-20.030 and 44.20.040~~).

EXPLANATORY NOTE: RCW 44.20.040 was repealed by 1982 1st ex.s. c 33 § 8. The duties of the secretary of state under RCW 44.20.030 have devolved upon the statute law committee as a result of 1969 c 6 § 2. References to these sections have been deleted.

Sec. 84. Section 8, chapter 246, Laws of 1957 and RCW 40.14.080 are each amended to read as follows:

The provisions of this chapter shall not be construed as repealing or modifying any other acts or parts of acts authorizing the destruction of public records save for those specifically named in section 9 of this act; nor shall this chapter affect the provisions of (~~RCW 40.04.020~~) chapter 40.07 RCW requiring the deposit of all state publications in the state library.

EXPLANATORY NOTE: RCW 40.04.020 was repealed by 1977 ex.s. c 232 § 12. The reference to this section has been amended to refer to a later enactment, chapter 40.07 RCW, which contains the substance of the repealed section.

Sec. 85. Section 10, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.180 are each amended to read as follows:

The provisions of RCW 40.14.010 and 40.14.100 through 40.14.180 shall not be construed as repealing or modifying any other acts or parts of acts authorizing the retention or destruction of public records nor shall RCW 40.14.010 and 40.14.100 through 40.14.180 affect the provisions of (~~RCW 40.04.020~~) chapter 40.07 RCW requiring the deposit of all state publications in the state library nor shall it affect the confidentiality of the bill drafting records of the code reviser's office.

EXPLANATORY NOTE: RCW 40.04.020 was repealed by 1977 ex.s. c 232 § 12. The reference to this section has been amended to refer to a later enactment, chapter 40.07 RCW, which contains the substance of the repealed section.

Sec. 86. Section 1, chapter 78, Laws of 1949 and RCW 41.04.040 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 41.04.040 (~~through 41.04.060~~) and 41.04.050 shall have the following meanings:

(1) "Retirement system" shall mean any pension fund or retirement system established under the statutes of this state and to which the state contributes any portion of the funds of such plan or system, except systems covering less than fifty employees each.

(2) "Member" shall mean any employee of the state of Washington or of any department or agency thereof or of any municipal corporation or instrumentality thereof, who is included in the membership of any retirement system.

(3) "Beneficiary" shall mean any person who receives a retirement allowance, pension, or other benefit provided by any retirement system.

(4) "Retirement board" shall mean the governing body of a retirement system, regardless of the name applied to such body in the statutes establishing the system.

(5) "Qualified actuary" shall mean a person who shall have passed the whole of the associateship examinations of the Actuarial Society of America or of the American Institute of Actuaries or of their successor body, the Society of Actuaries.

EXPLANATORY NOTE: RCW 41.04.060 was repealed by 1980 c 29 § 3. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 87. Section 2, chapter 78, Laws of 1949 and RCW 41.04.050 are each amended to read as follows:

The retirement board of each retirement system shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system, and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period commencing after (~~the effective date of this act~~) June 8, 1949, the retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation and other experience of the members and beneficiaries of the retirement system, and into the financial condition of the retirement system. Such investigation shall be made by a qualified actuary appointed by the retirement board; shall be commenced within six months after the close of the period to be studied and shall be completed within an additional six months by the filing with the retirement board of an adequate report on the status of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt such tables, schedules, factors, and regulations as are deemed necessary in the light of the findings of the actuary for the proper operation

of the retirement system, and for making effective the provisions of RCW 41.04.040 (~~(through 41.04.060)~~) and this section.

EXPLANATORY NOTE: RCW 41.04.060 was repealed by 1980 c 29 § 3. The reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 88. Section 7, chapter 237, Laws of 1969 ex. sess. and RCW 41.04.220 are each amended to read as follows:

Any governmental entity other than state agencies, may use the services of the department of general administration upon the approval of the director, in procuring health benefit programs as provided by RCW 41.04.180, (~~(28.76.410,)~~) 28A.58.420 and 28B.10.660: PROVIDED, That the department of general administration may charge for the administrative cost incurred in the procuring of such services.

EXPLANATORY NOTE: RCW 28.76.410 was repealed by 1969 ex.s. c 223. This reference to this section has been deleted.

Sec. 89. Section 1, chapter 73, Laws of 1975 1st ex. sess. and RCW 41.04.235 are each amended to read as follows:

Participants in a health care benefit plan approved pursuant to RCW 41.04.180, (~~(41.05.020)~~) 41.05.025, or 28A.58.420, whichever is applicable, who are retired public employees, may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance upon the approval by the retirement board of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the amount authorized to be deducted.

EXPLANATORY NOTE: RCW 41.05.020 was repealed by 1977 ex.s. c 136 § 7 and 1979 c 125 § 4. The reference to this section has been amended to refer to a later enactment, RCW 41.05.025, which contains the substance of the repealed section.

Sec. 90. Section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 125, Laws of 1979 and RCW 41.05.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW (~~(41.05.020)~~) 41.05.025.

(2) "Employee" shall include all full time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the

board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan, and also includes a health maintenance organization holding a valid certificate of registration under chapter 48.46 RCW.

(4) "Trustee" shall mean the director of personnel.

EXPLANATORY NOTE: RCW 41.05.020 was repealed by 1977 ex.s. c 136 § 7 and 1979 c 125 § 4. The reference to this section has been amended to refer to a later enactment, RCW 41.05.025, which contains the substance of the repealed section.

Sec. 91. Section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 1, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.025 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman annually. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business

in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: **PROVIDED**, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: **PROVIDED**, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: **PROVIDED FURTHER**, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and a plan to be provided by a panel medicine plan in its service area only when approved by the board. The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. Except for panel medicine plans, the board may but is not required to contract with more than one insurance carrier or health care service contractor to provide similar benefits: **PROVIDED**, That employees may choose participation in only one of the health care benefit plans sponsored by the board. Active employees, as defined in RCW ~~((41.05.020(2)))~~ 41.05.010(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be

developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

(4) The board shall review plans proposed by insurance carriers who desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

EXPLANATORY NOTE: RCW 41.05.020, which was repealed by 1977 ex.s. c 136 § 7 and 1979 c 125 § 4, was incorrectly cited as the location of the referenced definition. The definition is found in RCW 41.05.010(2), which was apparently intended.

Sec. 92. Section 1, chapter 71, Laws of 1959 and RCW 41.20.160 are each amended to read as follows:

Any person affected by this chapter who was a member of a police organization operated by a private enterprise which police organization shall be hereafter acquired before September 1, 1959, by a city of the first class as its police department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such police organization, shall have added to his period of employment as computed under this chapter his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such police organization at the time of its acquisition by the city of the first class and who remain in the service of that city until this chapter shall become applicable to such persons.

No such person shall have added to his period of employment as computed under this chapter his period of service with said private enterprise unless he or a third party shall pay to the city his contribution for the period of such service with the private enterprise, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time of his employment by the city to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added service by the amount of those private pension or retirement benefits received. The rate of such contribution shall be two percent of the wage or salary of such person



during that added period of service with the private enterprise before midnight, June 8, 1955, and four and one-half percent of such wage or salary after midnight, June 8, 1955. Such contributions shall be paid into the police relief and pension fund and shall be held subject to the provisions of RCW 41.20.150, except that all such contributions shall be deemed to have been made after June 8, 1955. Such contributions may be invested in investments permitted ~~((by RCW 35.39.040))~~ under chapter 35.39 RCW and may be kept invested until required to meet payments of benefits to such persons.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the police relief and pension fund to assume its obligations.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been amended to refer to chapter 35.39 RCW, which contains the substance of the repealed section.

Sec. 93. Section 9, chapter 207, Laws of 1939 as amended by section 2, chapter 211, Laws of 1969 ex. sess. and RCW 41.28.080 are each amended to read as follows:

(1) There is hereby created and established a board of administration in each city coming under this chapter, which shall, under the provisions of this chapter and the direction of the city council or city commission, administer the retirement system and the retirement fund created by this chapter. Under and pursuant to the direction of the city council or city commission, the board shall provide for the proper investment of the moneys in the said retirement fund.

(2) The board of administration shall consist of seven members, as follows: Three members appointed by the regular appointing authority of the city, and three employees who are eligible to membership in the retirement system, to be elected by the employees. The above six members shall appoint the seventh member.

(3) The investment of all or any part of the retirement fund shall be subject to ~~((RCW 35.39.040 or as amended or supplemented from time to time))~~ chapter 35.39 RCW.

(4) Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington.

(5) The city treasurer shall be the custodian of the retirement fund. All payments from said fund shall be made by the city treasurer but only upon warrant duly executed by the city comptroller.

(6) Except as herein provided, no member and no employee of the board of administration shall have any interest, direct or indirect, in the making of

any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of said board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an endorser or surety or become in any manner an obligor for moneys invested by the board.

EXPLANATORY NOTE: RCW 35.39.040 was repealed by 1980 c 34 § 2. The reference to this section has been amended to refer to chapter 35.39 RCW, which contains the substance of the repealed section. The phrase "as amended or supplemented from time to time" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 94. Section 7, chapter 151, Laws of 1972 ex. sess. as amended by section 10, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.193 are each amended to read as follows:

Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220, 41.40.230, (~~41.40.240~~) and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of this 1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

EXPLANATORY NOTE: RCW 41.40.240 was repealed by 1972 ex.s. c 151 § 15. The reference to this section has been deleted.

Sec. 95. Section 27, chapter 274, Laws of 1947 as last amended by section 9, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.260 are each amended to read as follows:

Subject to the provisions of RCW 41.40.280, should a member cease to be an employee, he may request upon a form provided by the retirement board a refund of all or part of the funds standing to his credit in the employees' savings fund and this amount shall be paid to him: PROVIDED, That withdrawal of all or part of the funds by a member who is eligible for a service retirement allowance in RCW 41.40.180 or a disability retirement allowance in RCW 41.40.200, 41.40.210, 41.40.220, 41.40.230, (~~41.40.240;~~) or 41.40.250 shall constitute a waiver of any service or disability retirement allowance: PROVIDED FURTHER, That the withdrawal of all or part of additional contributions made pursuant to RCW 41.40.330(2) shall not constitute a waiver.

EXPLANATORY NOTE: RCW 41.40.240 was repealed by 1972 ex.s. c 151 § 15. The reference to this section has been deleted.

Sec. 96. Section 5, chapter 195, Laws of 1974 ex. sess. as amended by section 97, chapter 169, Laws of 1977 ex. sess. and RCW 41.40.515 are each amended to read as follows:

For the purposes of this chapter, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all nonacademic employees of the University of Washington and the regional universities and The Evergreen State College, as defined in RCW (~~28B.10.015 as now or hereafter amended~~) 28B.10.016, who are presently participating, or are presently eligible to participate, in the retirement plan of their employing education institution: PROVIDED, That the following nonacademic employees of the University of Washington shall not be included as classified employees for the purposes of (~~this 1974 amendatory act~~) RCW 41.40.515 through 41.40.522: The president of the university; deans, directors, and chairmen of academic or research units; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; persons employed in a position primarily as an incident to and in furtherance of their education and training or the education and training of a spouse: PROVIDED FURTHER, That the following nonacademic employees of each of the regional universities and The Evergreen State College shall not be included as classified employees for the purposes of this 1974 amendatory act: Presidents, academic vice presidents or provosts, deans, chairmen of academic departments, and executive heads of major academic divisions and their principal assistants.

(2) "Retirement plan" shall mean the retirement systems established by the board of regents of the University of Washington and the boards of trustees of each of the regional universities and The Evergreen State College pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the retirement plan.

(5) "Applicable income" shall mean that income which would have qualified as compensation earnable within the meaning of RCW 41.40.010(8) during each month of University of Washington, regional university, or state college service from the date of such person's initial participation in the retirement plan.

(6) "Contributing membership" shall mean that period of time during which an employee was making contributions under the retirement plan for purposes of being eligible for a retirement entitlement.

EXPLANATORY NOTE: (1) RCW 28B.10.015 was repealed by 1977 ex.s. c 169 § 115. The reference to this section has been amended to refer to a later enactment, RCW 28B.10.016, which contains the substance of the repealed section. The phrase 'as now or hereafter amended' is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

(2) The phrase "this 1974 amendatory act" has been deleted and replaced by statutory references to the appropriate sections of 1974 ex.s. c 195.

Sec. 97. Section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 294, Laws of 1981 and RCW 41.50.090 are each amended to read as follows:

(1) Except as otherwise provided in this section, on the effective date of transfer as provided in RCW 41.50.030, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in RCW 41.50.030 relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: PROVIDED, That actuarial services required by the department shall be performed by the state actuary as provided in RCW 44.44.040.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW (~~(2-10-050;~~) 2.10.070, 41.26.060, 41.32.160, 41.40.020, or 43.43.140 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of the appropriate board, such rules shall become effective as provided by the administrative procedure act, chapter 34.04 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required. The director shall perform those functions with respect to disability benefits as are vested in him or her by RCW 41.26.120 and 41.26.200.

EXPLANATORY NOTE: RCW 2.10.050 was repealed by 1982 c 163 § 23. The reference to this section has been deleted.

Sec. 98. Section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington except as otherwise provided by RCW (~~(47-64-030)~~) 47.64.031, 47.64.040, 54.04.170, 54.04.180, (~~(28-72-010 through 28-72-090;~~) and chapters 41.59 and 53.18 RCW.

EXPLANATORY NOTE: (1) RCW 47.64.030 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.64.031, which contains the substance of the repealed section.

(2) RCW 28.72.010 through 28.72.090 were repealed and reenacted as RCW 28A.72.010 through 28A.72.090 by 1969 ex.s. c 223, which have subsequently been repealed. References to these sections have been deleted.

Sec. 99. Section 11, chapter 215, Laws of 1969 ex. sess. as last amended by section 18, chapter 87, Laws of 1980 and RCW 41.56.420 are each amended to read as follows:

The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW ((28.75.130 f))28B.16.130((f)), 41.06.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of each regular session of the legislature during an odd-numbered year, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee.

EXPLANATORY NOTE: RCW 28.75.130 was repealed and reenacted as RCW 28B.16.130 by 1969 ex.s. c 223. The reference to this section has been deleted.

Sec. 100. Section 3, chapter 145, Laws of 1972 ex. sess. and RCW 43.08.135 are each amended to read as follows:

The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositories in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW ((9.54.050)) 9A.56.060(1) if he maintains demand accounts in public depositories in an amount less than all treasury warrants issued and outstanding.

EXPLANATORY NOTE: RCW 9.54.050 was repealed by 1975 1st ex.s. c 260 § 9A.92.010. The reference to this section has been amended to refer to a later enactment, RCW 9A.56.060(1), which contains the substance of the repealed section.

Sec. 101. Section 43.19.015, chapter 8, Laws of 1965 as amended by section 2, chapter 115, Laws of 1981 and RCW 43.19.015 are each amended to read as follows:

The director of general administration shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 RCW concerning savings and loan associations; chapter 39.32 RCW concerning purchase of federal property; ((chapter 43.90 RCW concerning central stores)) and chapter 73.12 RCW concerning veterans' loan insurance.

EXPLANATORY NOTE: Chapter 43.90 RCW was repealed by 1959 c 178 § 21. The reference to this chapter has been deleted.

Sec. 102. Section 1, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1901 are each amended to read as follows:

The term "purchase" as used in RCW 43.19.190 through (~~43.19.210~~) 43.19.200, and as they may hereafter be amended, shall include leasing or renting: PROVIDED, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law.

EXPLANATORY NOTE: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

NEW SECTION. Sec. 103. Section 10, chapter 284, Laws of 1969 ex. sess. and RCW 43.27A.075 are each repealed.

EXPLANATORY NOTE: RCW 43.27A.075 is an obsolete section of law recommended for repeal. RCW 43.27A.070, to which RCW 43.27A.075 refers, was repealed by 1970 ex.s. c 62 § 30.

Sec. 104. Section 8, chapter 242, Laws of 1967 and RCW 43.27A.080 are each amended to read as follows:

The department shall exercise the powers, duties and functions(~~(; through divisions as provided for in RCW 43.27A.070)~~) of the following state agencies or division of state agencies, and public officials, and all their powers, duties and functions are transferred to the department of water resources:

- (1) The division of reclamation of the department of conservation;
- (2) The division of water resources of the department of conservation;
- (3) The division of flood control of the department of conservation;
- (4) The division of power resources of the department of conservation;
- (5) The Columbia basin commission;
- (6) The weather modification board;

All other powers, duties or functions now vested in the department of conservation or the director thereof are transferred to the department of water resources, except those powers which are expressly transferred to some other agency of the state by this chapter. The director in exercising the powers, duties and functions of the Columbia basin commission as set forth in chapter 43.49 RCW may create and maintain in the department a Columbia basin division.

EXPLANATORY NOTE: RCW 43.27A.070 was repealed by 1970 ex.s. c 62 § 30. The reference to this section has been deleted.

Sec. 105. Section 43.30.090, chapter 8, Laws of 1965 and RCW 43.30.090 are each amended to read as follows:

The department shall exercise the powers, duties and functions of the state capitol committee with respect to capitol building lands and resources thereon as set forth in RCW 79.24.010 through (~~(79.24.090)~~) 79.24.087, and such powers, duties and functions are hereby transferred to the department.

EXPLANATORY NOTE: RCW 79.24.090 was repealed by 1959 c 257 § 48. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

NEW SECTION. Sec. 106. Section 43.30.140, chapter 8, Laws of 1965 and RCW 43.30.140 are each repealed.

EXPLANATORY NOTE: RCW 43.30.140 is an obsolete section of law recommended for repeal. RCW 79.56.010, to which RCW 43.30.140 refers, was repealed by 1971 ex.s. c 234 § 17.

Sec. 107. Section 2, chapter 63, Laws of 1970 ex. sess. as amended by section 1, chapter 69, Laws of 1980 and RCW 43.43.610 are each amended to read as follows:

The drug control assistance unit shall provide investigative assistance for the purpose of enforcement of the provisions of ~~((chapters 69.32 and))~~ chapter 69.40 RCW.

EXPLANATORY NOTE: The substantive provisions of chapter 69.32 RCW were repealed by 1975-'76 2nd ex.s. c 103 § 3, and the remaining sections of chapter 69.32 RCW are being decodified under section 169 of this 1983 act. The reference to chapter 69.32 RCW has therefore been deleted.

Sec. 108. Section 14, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.765 are each amended to read as follows:

The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under chapter ~~((10.76))~~ 10.77 RCW or chapter 71.06 RCW for treatment or under a sentence of imprisonment for any crime as provided for in RCW 43.43.735 shall within seventy-two hours, report to the section, any interinstitutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under chapter ~~((10.76))~~ 10.77 RCW or chapter 71.06 RCW shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency.

EXPLANATORY NOTE: Chapter 10.76 RCW was repealed by 1973 1st ex.s. c 117 § 29 and 1965 ex.s. c 9 § 7. The reference to this chapter has been amended to refer to a later enactment, chapter 10.77 RCW, which contains the substance of the repealed chapter.

Sec. 109. Section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area ~~((, notwithstanding the provisions of RCW 9.61.040))~~: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

EXPLANATORY NOTE: RCW 9.61.040 was repealed by 1975 1st ex.s. c 260 § 9A.92-.010. The reference to this section has been deleted.

Sec. 110. Section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680 are each amended to read as follows:

For the protection and conservation of natural resources, and for the safety and enjoyment of the public using the beaches, the Washington state parks and recreation commission, after agreement with the Washington state (~~(highway commission)~~) department of transportation, shall establish reasonable regulations for the use and control of vehicular traffic on and along the ocean beach highways as designated and established under RCW (~~(79.16.130, 79.16.160, and 79.16.170)~~) 79.94.340, 79.94.350, and 79.94.360. The Washington state parks and recreation commission shall cooperate with county sheriffs and the state patrol in enforcing such traffic regulations: PROVIDED, That automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries to prohibit driving over clam beds.

EXPLANATORY NOTE: RCW 79.16.130, 79.16.160, and 79.16.170 were repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The references to these sections have been amended to refer to later enactments, RCW 79.94.340, 79.94.350, and 79.94.360, which contain the substance of the repealed sections.

NEW SECTION. Sec. 111. RCW 43.59.100, 43.59.110, and 43.59.120 are each decodified.

EXPLANATORY NOTE: RCW 43.59.100, 43.59.110, and 43.59.120 are sections of a temporary nature and are recommended for decodification. Chapter 43.60 RCW, to which RCW 43.59.110 refers, was repealed by 1967 ex.s. c 147 § 15.

Sec. 112. Section 15, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.905 are each amended to read as follows:

Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, (~~(43.61.050;)~~) or 43.61.070, as now or hereafter amended, except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to June 25, 1976.

EXPLANATORY NOTE: RCW 43.61.050 was repealed by 1979 ex.s. c 59 § 3. The reference to this section has been deleted.

Sec. 113. Section 43.85.190, chapter 8, Laws of 1965 as amended by section 21, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.190 are each amended to read as follows:



It is the purpose of RCW 43.85.190 through (~~(43.85.240)~~) 43.85.230 to authorize the state treasurer to make investment deposits of state moneys or funds in his custody in state depositories at a rate of interest fixed by the public deposit protection commission in accordance with RCW 39.58.120.

EXPLANATORY NOTE: RCW 43.85.240 was repealed by 1971 ex.s. c 72 § 3. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 114. Section 12, chapter 5, Laws of 1965 and RCW 43.99.120 are each amended to read as follows:

Any public body or any agency of state government authorized to acquire or improve public outdoor recreation land which desires funds from the outdoor recreation account shall submit to the committee a six-year plan for developing outdoor recreation facilities within its authority and detailed plans for the projects sought to be financed from the outdoor recreation account, including estimated cost and such other information as the committee may require. The committee shall analyze all proposed plans and projects, and(~~(; except as provided in RCW 43.99.140;)~~) shall recommend to the governor for inclusion in the budget such projects as it may approve and find to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state.

EXPLANATORY NOTE: RCW 43.99.140 was repealed by 1971 ex.s. c 140 § 3. The reference to this section has been deleted.

Sec. 115. Section 6, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.041 are each amended to read as follows:

The authority shall have the following powers and duties:

(1) To study, organize, and/or develop automated data processing systems to serve interagency and intraagency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;

(2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;

(4) To develop and publish standards to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for individual privacy and the protection of private rights in connection with data processing and communications;

(5) To purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment: PROVIDED, That in exercising such authority due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency: PROVIDED, FURTHER, That, agencies and institutions of state government are expressly prohibited from acquiring data processing equipment without such delegation of authority. The acquisition of automatic data processing equipment is exempt, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through ((43.19.210)) 43.19.200;

(6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;

(7) To develop and maintain all state-wide or interagency data processing policies, standards, and procedures;

(8) To delegate to a single agency the responsibility for maintaining interagency applications systems;

(9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;

(10) To carry out the tasks assigned in RCW 43.105.043 and to report periodically and as requested by the legislature to the legislature on its progress;

(11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter.

EXPLANATORY NOTE: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 116. Section 1, chapter 129, Laws of 1974 ex. sess. and RCW 43.105.080 are each amended to read as follows:

For the purposes of distributing and apportioning the full cost of data processing and data communication to its users and for the purpose of extending the useful life of state owned data processing and data communication equipment, and for such other purposes as may be necessary or convenient to carry out the purposes of this chapter, there is hereby created within the state treasury a revolving fund to be known as the "data processing revolving fund" which shall be used for the acquisition of data processing and data communication services, supplies and equipment handled or rented by the Washington state data processing authority or under its authority by any Washington state data processing service center designee, and the payment of salaries, wages and other costs incidental to the acquisition, operation and administration of acquired data processing services, supplies and equipment. The data processing revolving fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment and services rendered to governmental agencies. The data processing moneys presently held in, or hereafter accruing to, the present central stores revolving fund created by RCW 43.19.1923 are hereby transferred to the data processing revolving fund created by this section. As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and (~~43.19.210~~) 43.19.200.

EXPLANATORY NOTE: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 117. Section 4, chapter 156, Laws of 1965 as amended by section 115, chapter 158, Laws of 1979 and RCW 46.01.040 are each amended to read as follows:

The department of licensing is vested with all powers, functions, and duties with respect to and including the following:

- (1) The motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) The (~~use~~) special fuel tax as provided in chapter (~~82.40~~) 82.38 RCW;
- (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) The house trailer excise tax as provided in chapter 82.50 RCW;
- (5) All general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) Certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) The registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) Dealers' licenses as provided in chapter 46.70 RCW;
- (9) The licensing of motor vehicle transporters as provided in chapter 46.76 RCW;

- (10) The licensing of motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) The administration of the laws relating to ((the highway user tax structure)) reciprocal or proportional registration of motor vehicles as provided in chapter ((46.84)) 46.85 RCW;
- (12) The licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) Operators' licenses as provided in chapter 46.20 RCW;
- (14) Commercial driver training schools as provided in chapter 46.82 RCW;
- (15) Financial responsibility as provided in chapter 46.29 RCW;
- (16) Accident reporting as provided in chapter 46.52 RCW;
- (17) Disposition of revenues as provided in chapter 46.68 RCW; and
- (18) The administration of all other laws relating to motor vehicles vested in the director of licenses on June 30, 1965.

EXPLANATORY NOTE: (1) Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The reference to this chapter has been amended to refer to a later enactment, chapter 82.38 RCW, which contains provisions relating to taxation of special fuels.

(2) Chapter 46.84 RCW was repealed by 1963 c 106 § 32. The reference to this chapter has been amended to refer to a later enactment, chapter 46.85 RCW, which contains provisions relating to reciprocal or proportional registration.

Sec. 118. Section 11, chapter 200, Laws of 1973 1st ex. sess. as amended by section 144, chapter 158, Laws of 1979 and RCW 46.16.605 are each amended to read as follows:

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of licensing as a direct result of RCW 46.16.560 through 46.16.605(;) and 77.12.170 ((and 77.12.175)) shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund.

EXPLANATORY NOTE: RCW 77.12.175 was decodified by 1980 c 78 § 32. The reference to this section has been deleted.

Sec. 119. Section 2, chapter 112, Laws of 1969 and RCW 46.37.540 are each amended to read as follows:

((Except as provided by RCW 46.37.580;)) It shall be unlawful for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

EXPLANATORY NOTE: RCW 46.37.580 was repealed by 1975 c 24 § 2. The reference to this section has been deleted.

Sec. 120. Section 62, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.038 are each amended to read as follows:

Subject to such terms and conditions as it shall consider proper and on such highways as it shall deem suitable, and when it finds it to be in the public interest, the state (~~(highway commission)~~) department of transportation may by special permit authorize the operation of vehicles and combinations of vehicles other than school buses which exceed the restrictions set forth in RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.036. The fee for such permits shall be those set forth in RCW (~~(46.44.094, as amended)~~) 46.44.0941.

EXPLANATORY NOTE: (1) Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "state highway commission" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 46.44.094 expired July 1, 1967, and RCW 46.44.0941, which contains the substance of the expired section, took effect July 1, 1967. The reference to this section has been changed accordingly.

Sec. 121. Section 1, chapter 63, Laws of 1975 1st ex. sess. and RCW 46.44.150 are each amended to read as follows:

The state, county, or city authority having responsibility for the reconstruction or improvement of any public highway may, subject to prescribed conditions and limitations, authorize vehicles employed in such highway reconstruction or improvement to exceed the gross weight limitations contained in RCW (~~(46.44.040,)~~) 46.44.041 and 46.44.042 (~~(and 46.44.044)~~) without a special permit or additional fees as prescribed by chapter 46.44 RCW, but only while operating within the boundaries of project limits as defined in the public works contract or plans.

EXPLANATORY NOTE: RCW 46.44.040 and 46.44.044 were repealed by 1975-'76 2nd ex.s. c 64 § 24. The references to these sections have been amended to refer to a later enactment, RCW 46.44.041, which contains the substance of the repealed sections.

Sec. 122. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 9, chapter 342, Laws of 1981 and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-

seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted annually by the transportation commission (~~(to correspond with changes in the consumer price index for the city of Seattle)~~) pursuant to RCW (~~47.60.325~~) 47.60.326. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

EXPLANATORY NOTE: RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section. The language in this section has been adjusted to reflect the new procedure under RCW 47.60.326.

Sec. 123. Section 46.70.090, chapter 12, Laws of 1961 as last amended by section 4, chapter 152, Laws of 1981 and RCW 46.70.090 are each amended to read as follows:

(1) The department shall issue a vehicle dealer license plate which shall be attached to the rear of the vehicle only and which is capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, if a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale, and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their spouses, or by a bona fide full-time employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is operated by such individual. Any such vehicle so operated may be used to transport the dealer's own tools, parts, and equipment of a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(3) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle if a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location if the requirements of RCW (~~46.16.105 and 46.16.106~~) 46.44.170 and 46.44.175 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(4) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle may be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale, and which are in fact available for sale, by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full-time employee of the firm, if a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer if such vehicle and such item are purchased or sold as one package.

(5) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) On vehicles being moved to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(6) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer or manufacturer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(7) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate.

EXPLANATORY NOTE: RCW 46.16.105 and 46.16.106 were repealed by 1977 ex.s. c 22 § 9. The references to these sections have been amended to refer to later enactments, RCW 46.44.170 and 46.44.175, which contain the substance of the repealed sections.

Sec. 124. Section 52, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.335 are each amended to read as follows:

(1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section (~~and under RCW 46.90.350, 46.90.355, and 46.90.370~~) if within five days of the transfer he transmits to the department a seller's report of sale on a form prescribed by the director.

EXPLANATORY NOTE: RCW 46.90.350, 46.90.355, and 46.90.370 were repealed by 1980 c 65 § 9. The reference to these sections has been deleted.

Sec. 125. Section 1, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.063 are each amended to read as follows:

(1) Whenever the department (~~(of highways)~~) determines that any real property owned by the state of Washington and under the jurisdiction of the (~~(highway commission)~~) department is no longer required for highway purposes and that it is in the public interest to do so, the department may sell



the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner of the property from whom the state acquired title;
- (e) In the case of residentially improved property, a tenant of the department (~~(of highways)~~) who has resided thereon for not less than six months and who is not delinquent in paying rent to the state; and

(f) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW (~~(47.12.280)~~) 47.12.283.

(2) Sales to purchasers may at the department's option be for cash or by real estate contract.

(3) The department may agree with the owner of real property required for highway purposes to convey to such owner real property under the jurisdiction of the (~~(highway commission)~~) department which is no longer required for highway purposes as all or part consideration for the property to be acquired for highway purposes.

(4) Conveyances made pursuant to this section shall be by deed executed by the (~~(director of highways)~~) secretary of transportation and shall be duly acknowledged.

(5) All moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

EXPLANATORY NOTE: (1) Powers, duties, and functions of highway department, director of highways, and highway commission transferred to department of transportation; see RCW 47.01.031. Terms "department of highways" and "highway commission" mean department of transportation; term "director of highways" means secretary of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 47.12.280 was repealed by 1979 ex.s. c 189 § 7. The reference to this section has been amended to refer to a later enactment, RCW 47.12.283, which contains the substance of the repealed section.

NEW SECTION. Sec. 126. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.660; and

(2) Section 3, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.664.

EXPLANATORY NOTE: RCW 47.20.660 and 47.20.664 are obsolete sections of law recommended for repeal. The substantive provisions to which they refer were repealed by 1977 ex.s. c 235 § 19.

Sec. 127. Section 47.52.080, chapter 13, Laws of 1961 and RCW 47-52.080 are each amended to read as follows:

No existing public highway, road, or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in RCW (~~(47.52.072)~~) 47.52.133, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in RCW (~~(47.52.072)~~) 47.52.133 as for the taking or damaging of property for public use.

EXPLANATORY NOTE: RCW 47.52.072 was repealed by 1965 ex.s. c 75 § 7. The reference to this section has been amended to refer to a later enactment, RCW 47.52.133, which contains the substance of the repealed section.

Sec. 128. Section 47.56.220, chapter 13, Laws of 1961 as last amended by section 19, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.220 are each amended to read as follows:

Except as otherwise provided in RCW 47.56.291, 47.56.714, (~~(47.56-710;)~~) and 47.56.756, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the state department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section

shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

EXPLANATORY NOTE: RCW 47.56.710 was repealed by 1979 c 131 § 9. The reference to this section has been deleted.

Sec. 129. Section 47.56.270, chapter 13, Laws of 1961 and RCW 47.56.270 are each amended to read as follows:

The Lake Washington bridge and the Tacoma Narrows bridge in chapter ~~((47.16))~~ 47.17 RCW made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up, and repaired by the ~~((highway commission and the Washington toll bridge authority))~~ department in the manner provided in this chapter, and the cost of such operation, maintenance, upkeep, and repair shall be paid from funds appropriated for the use of the ~~((highway commission))~~ department for the construction and maintenance of the primary state highways of the state of Washington. ~~((The highway commission is authorized and empowered to enter into agreements with the Washington toll bridge authority, agreeing to construct upon a particular route and between established termini, and fixing a date for the completion thereof, portions of primary state highways or secondary state highways, as the case may be, to and connecting with the Lake Washington bridge and/or the Tacoma Narrows bridge.))~~

EXPLANATORY NOTE: (1) Chapter 47.16 RCW was repealed by 1970 ex.s. c 51 § 178. The reference to this chapter has been amended to refer to a later enactment, chapter 47.17 RCW, which contains the substance of the repealed chapter.

(2) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "highway commission" and "Washington toll bridge authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 130. Section 1, chapter 50, Laws of 1965 and RCW 47.56.271 are each amended to read as follows:

The Tacoma Narrows bridge hereinbefore by the provisions of RCW ~~((47.16.140))~~ 47.17.065 and 47.56.270 made a part of the primary state highways of the state shall be operated and maintained by the ~~((state highway commission))~~ department as a toll-free facility at such time as the present bonded indebtedness relating thereto is wholly retired and tolls equaling the present indebtedness of the toll bridge authority to the county of Pierce have been collected. It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows bridge.

EXPLANATORY NOTE: (1) RCW 47.16.140 was repealed by 1970 ex.s. c 51 § 178. The reference to this section has been amended to refer to a later enactment, RCW 47.17.065, which contains the substance of the repealed section.

(2) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "state highway commission" and "toll bridge authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 131. Section 6, chapter 197, Laws of 1963 and RCW 47.56.705 are each amended to read as follows:

The toll facility, when completed, shall become a part of the state highway system and the (~~Washington state highway commission~~) department is hereby authorized to operate and to assume the full control of said toll bridge with full power to collect tolls from the users of such bridge as established by the (~~toll bridge authority~~) department for the purpose of providing revenue which, with the pledge from the motor vehicle fund provided for in RCW 47.56.702, shall be sufficient to pay all costs and incidental expenses of location, construction, maintenance, repair, and operation of said bridge and approaches and highway approach from the vicinity of Vernita to said bridge, for the repayment of the principal and interest on its revenue bonds, and reimbursement to the motor vehicle fund of all sums expended therefrom under RCW (~~47.20.410;~~) 47.20.415(;) and 47.56.700 through 47.56.706.

EXPLANATORY NOTE: (1) RCW 47.20.410 was repealed by 1970 ex.s. c 51 § 178. The reference to this section has been deleted.

(2) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and "toll bridge authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 132. Section 7, chapter 197, Laws of 1963 and RCW 47.56.706 are each amended to read as follows:

Except as specifically provided in RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706, the provisions of RCW 47.56.010 through 47.56.257 shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706. Nothing in RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the (~~Washington toll bridge authority~~) department except as such powers and duties are amplified or modified by the special provisions of RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706 for the uses and purposes herein set forth, and the provisions of RCW (~~47.20.410;~~) 47.20.415 and 47.56.700 through 47.56.706 shall be additional to such existing statutes and concurrent therewith.

EXPLANATORY NOTE: (1) RCW 47.20.410 was repealed by 1970 ex.s. c 51 § 178. The reference to this section has been deleted.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

NEW SECTION. Sec. 133. Section 23, chapter 3, Laws of 1963 ex. sess., section 17, chapter 195, Laws of 1971 ex. sess. and RCW 47.60.045 are each repealed.

EXPLANATORY NOTE: RCW 47.60.045 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1975 1st ex.s. c 268 § 9.

Sec. 134. Section 47.60.115, chapter 13, Laws of 1961 and RCW 47.60.115 are each amended to read as follows:

The bonds herein authorized shall, in the discretion of the (~~Washington toll bridge authority~~) department, be exchanged at the best possible price for the bonds being refunded, or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, (~~47.60.070~~) 47.60.080, 47.60.100, 47.60.110, and 47.60.120.

EXPLANATORY NOTE: (1) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 47.60.070 was repealed by 1979 ex.s. c 67 § 18. The reference to this section has been deleted.

Sec. 135. Section 47.60.150, chapter 13, Laws of 1961 as amended by section 5, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.150 are each amended to read as follows:

Subject to the provisions of RCW (~~47.60.325~~) 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the (~~authority~~) commission so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation, and all moneys in the Puget Sound reserve account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the (~~authority~~) department as a separate trust fund and to be segregated and disbursed upon order of the (~~authority~~) department: PROVIDED, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in

such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

EXPLANATORY NOTE: (1) RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section.

(2) Powers, duties and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein, except in the first sentence where "authority" has been changed to "commission" in light of RCW 47.60.326.

Sec. 136. Section 47.60.290, chapter 13, Laws of 1961 as amended by section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290 are each amended to read as follows:

Subject to the provisions of RCW (~~(47.60.325)~~) 47.60.326, the (~~Washington toll bridge authority~~) department is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries.

EXPLANATORY NOTE: (1) RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 137. Section 47.60.310, chapter 13, Laws of 1961 as amended by section 1, chapter 29, Laws of 1977 and RCW 47.60.310 are each amended to read as follows:

The (~~authority~~) department is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the (~~authority~~) department shall give prior notice of the review to the (~~board of county commissioners~~) legislative authority of each county wherein a terminal of the Washington state ferries is located and the (~~board of county commissioners~~) legislative authority of any other county adjacent to Puget Sound or the Strait of Juan de Fuca which by resolution has notified the (~~authority~~) department of its intent to participate in the reviews. Each such (~~board of~~) county (~~commissioners~~) legislative authority is hereby directed to appoint a committee to consist of no more than five members to serve as an advisory committee to the (~~authority~~) department or its designated representative in such review. The committees to be appointed by the (~~boards of~~) county (~~commissioners~~) legislative authorities shall serve without fee or compensation. It is not the intent of RCW 47.60.290 through (~~47.60.320~~) 47.60.310 that any powers or duties now prescribed and delegated to the (~~authority~~) department shall be assumed by any other board or committee.

EXPLANATORY NOTE: (1) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" when referring to toll bridge authority means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) References to "boards of county commissioners" have been changed to "county legislative authority," a more general term encompassing both county councils and boards of commissioners.

(3) RCW 47.60.320 was repealed by 1972 ex.s. c 24 § 9. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 138. Section 21, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.380 are each amended to read as follows:

Notwithstanding the provisions of RCW 47.60.360 the treasurer shall never transfer any moneys from the Puget Sound reserve account for use by the ~~((state highway commission))~~ department for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds, or reserves as required by any pledge of the Puget Sound reserve account. Whenever the ~~((authority))~~ department shall have pledged any moneys in said account for the purposes authorized in RCW 47.60.370, the state agrees to continue to deposit in the Puget Sound reserve account the motor vehicle fuel taxes and ~~((use))~~ special fuel taxes as provided in RCW 82.36.020 and ~~((82.40.290))~~ 82.38.290, and further agrees that so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes.

EXPLANATORY NOTE: (1) Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "state highway commission" and "authority" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 82.40.290, a provision of the use fuel tax, was repealed by 1971 ex.s. c 175 § 33. The reference to this section has been amended to refer to a later enactment, RCW 82.38.290, which contains the substance of the repealed section.

Sec. 139. Section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 7, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.440 are each amended to read as follows:

The Washington state ferry system shall be efficiently managed, operated, and maintained as a revenue-producing undertaking. Subject to the provisions of RCW ~~((47.60.325))~~ 47.60.326 the ~~((authority))~~ commission shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and Hood Canal bridge which together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation and all moneys in the Puget Sound reserve account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements, and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470 and all other outstanding parity bonds hereafter issued in connection with the said ferry system and Hood Canal bridge and

any other facility hereafter constructed by the ((~~authority~~)) department to facilitate the crossing of Puget Sound, but shall not include payments into the ferry improvement fund.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the ((~~authority~~)) commission but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

EXPLANATORY NOTE: (1) RCW 47.60.325 was repealed by 1981 c 344 § 10. The reference to this section has been amended to refer to a later enactment, RCW 47.60.326, which contains the substance of the repealed section.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015. Amendments to this effect are made herein, except in the second and last sentences where "authority" has been changed to "commission" in light of RCW 47.60.326.

Sec. 140. Section 1, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.650 are each amended to read as follows:

(1) The ((~~Washington state toll bridge authority~~)) department shall, no later than January 1, 1980, negotiate a contract with any shipbuilding firm, which has prequalified under RCW 47.60.660, for the construction of one or more ferry vessels for the Washington state ferries. Whenever the ((~~toll bridge authority~~)) department begins such negotiations, it shall proceed in the manner provided by this section.

(2) Whenever the ((~~Washington state toll bridge authority~~)) department decides to procure one or more ferry vessels for the Washington state ferries by negotiated contract pursuant to this section, it shall determine the number of vessels to be constructed, the money available for these purposes, any performance criteria or requirements which the boat, as constructed, must meet, and any other information or requirements related to the procurement which the ((~~toll bridge authority~~)) department deems pertinent.

(3) Whenever the ((~~toll bridge authority~~)) department decides to negotiate a contract for the design and/or construction of one or more ferry vessels, it shall publish a notice of its intent to negotiate such a contract once a week for at least two consecutive weeks in one trade paper and one other paper, both of general circulation in the state. In addition, the ((~~authority~~)) department shall mail said notice to any firm known to the ((~~authority~~)) department which has expressed an interest in constructing ferries for the Washington state ferry system within the previous ten years. The notice shall contain, but not be limited to, the following information:

(a) The number of ferry vessels to be built, their vehicular and passenger capacity, and the proposed delivery date for each vessel;

(b) A short summary of the requirements for prequalification contained in RCW 47.60.660, including a statement explaining that prequalification is a prerequisite to consideration by the ((~~toll bridge authority~~)) department of any ferry vessel proposal;



(c) An address and telephone number which may be used to obtain the application forms for prequalification and the request for proposal.

(4) The ~~((authority))~~ department shall send to any firm which shall request it a request for proposal outlining the design and construction requirements for the ferry vessels. The request for proposal shall include, but not be limited to, the following information:

(a) Solicitation of a proposal which provides complete design specifications and details sufficient for the construction of ferry vessels which meet or exceed performance criteria specified by the ~~((authority))~~ department;

(b) The number of vessels to be contracted for;

(c) The proposed delivery date for each vessel, the port on Puget Sound where delivery will be taken, and the location where acceptance trials will be held;

(d) The maximum funds which can be expended for procurement and an explanation that no proposal will be considered which quotes a price greater than that amount;

(e) The amount of the contractor's bond;

(f) A copy of any contract plans and specifications for ferry vessels possessed by the department ~~((of highways))~~ which the ~~((authority))~~ department determines might be useful to firms in preparing proposals;

(g) The date by which proposals for ferry vessel design and construction must be received by the ~~((authority))~~ department in order to be considered;

(h) A requirement that all designs submitted shall conform to the American bureau of shipping and the United States coast guard standards for the design of passenger vessels;

(i) A statement that any proposal submitted shall constitute an offer and shall remain open until ninety days after the deadline for submitting proposals, unless the firm submitting it shall withdraw it by formal written notice received by the ~~((toll-bridge authority))~~ department prior to the ~~((authority's))~~ department's selection of the firm submitting the most advantageous proposal, together with an explanation of the requirement that all proposals submitted be accompanied by a deposit in the amount of five percent of the proposed cost; and

(j) A copy of chapter 47.60 RCW.

(5) The ~~((authority))~~ department shall evaluate all timely proposals received from prequalified firms for compliance with the requirements specified in the request for proposal, and, in addition, shall estimate the operation and maintenance costs of each firm's vessel design by applying appropriate criteria developed by the ~~((authority))~~ department for this purpose.

(6) Upon concluding its evaluation, the ~~((toll-bridge authority))~~ department shall:

(a) Select the firm presenting the proposal most advantageous to the state, taking into consideration the requirements stated in the request for

proposal (~~and the in-state preference provided in RCW 47.60.670~~), and rank the remaining firms in order of preference, judging them by the same standards; or

(b) Reject all proposals as not in compliance with the requirements contained in the request for proposals.

The ~~((authority))~~ department shall immediately notify those firms, which were not selected as the firm presenting the most advantageous proposal, of the ~~((authority's))~~ department's decision. The ~~((authority's))~~ department's decision shall be conclusive unless appeal therefrom shall be taken by an aggrieved firm to the superior court of Thurston county within five days after receiving notice of the ~~((authority's))~~ department's final decision. The appeal shall be heard summarily within ten days after the same is taken and on five days notice thereof to the ~~((toll-bridge authority))~~ department. The court shall hear any such appeal on the administrative record which was before the ~~((authority))~~ department. The court may affirm the decision of the ~~((authority))~~ department, or it may reverse the decision if it determines the action of the ~~((authority))~~ department is arbitrary or capricious.

(7) Upon selecting that firm which has presented the most advantageous proposal and ranking the remaining firms in order of preference, the ~~((authority))~~ department shall:

(a) Negotiate a contract with the firm presenting the most advantageous proposal; or

(b) In the event that a final agreement cannot be negotiated with the firm presenting the most advantageous proposal which is satisfactory to the ~~((authority))~~ department, the ~~((authority))~~ department may then negotiate with the firm ranked next highest in order of preference. Should it be necessary, the ~~((authority))~~ department may repeat this procedure and negotiate with each firm in order of rank until the list of firms has been exhausted.

(8) In negotiating such a contract for the design and/or construction of ferry vessels, the ~~((authority))~~ department may, subject to the provisions of RCW 39.25.020, authorize the use of foreign-made materials and components in the construction of ferries in order to minimize costs.

(9) Proposals submitted by firms pursuant to this section shall constitute an offer and shall remain open for ninety days. When submitted, each proposal shall be accompanied by a deposit in cash, certificated check, cashier's check, or surety bond in the amount equal to five percent of the amount of the proposed contract price, and no proposal shall be considered unless the deposit is enclosed therewith. If the ~~((authority))~~ department awards a contract to a firm pursuant to the procedure set forth in this section and the firm fails to enter into the contract and furnish a satisfactory bond as required by RCW 39.08.090 within twenty days, exclusive of the day of the award, his deposit shall be forfeited to the state and be deposited by the

state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry construction contract all proposal deposits shall be returned.

~~((+0) The authority may delegate any of the powers or duties conferred upon it by this section to the department of highways, and the department shall assume or perform those powers or duties.))~~

EXPLANATORY NOTE: (1) Powers, duties, and functions of toll bridge authority and highway department transferred to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "department of highways" mean department of transportation; see RCW 47.04.015. Amendments to this effect are made herein.

(2) RCW 47.60.670 was repealed by 1980 c 2 § 4. The reference to this section has been deleted.

Sec. 141. Section 14, chapter 165, Laws of 1947 and RCW 47.68.140 are each amended to read as follows:

The ~~((commission))~~ department may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty-five years the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state: PROVIDED, That no such person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the ~~((commission))~~ department might not have undertaken under RCW ~~((+4.04.130))~~ 47.68.130.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.130 was recodified as RCW 47.68.130 by 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 142. Section 7, chapter 252, Laws of 1945 as amended by section 16, chapter 165, Laws of 1947 and RCW 47.68.160 are each amended to read as follows:

The ~~((commission))~~ department is authorized to accept, receive, receipt for, disburse, and expend federal moneys, and other moneys public or private, made available to accomplish, in whole or in part, any of the purposes of this section. All federal moneys accepted under this section shall be accepted and expended by the ~~((commission))~~ department upon such terms and conditions as are prescribed by the United States. In accepting federal moneys under this section, the ~~((commission))~~ department shall have the same authority to enter into contracts on behalf of the state as is granted to the ~~((commission))~~ department under RCW ~~((+4.04.090))~~ 47.68.090 with respect to federal moneys accepted on behalf of municipalities. All moneys received by the ~~((commission))~~ department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such

moneys are hereby appropriated for the purpose of which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.090 was recodified as RCW 47.68.090 pursuant to 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 143. Section 2, chapter 207, Laws of 1967 and RCW 47.68.233 are each amended to read as follows:

The ~~((commission))~~ department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this state shall be registered with the ~~((state aeronautics commission))~~ department for each calendar year by January 31st thereof. The ~~((commission))~~ department shall charge an annual fee not to exceed five dollars for each such registration. Registration under this section shall be required thirty days after June 8, 1967. All registration certificates issued pursuant to this section shall expire on December 31st of each year.

The registration fee imposed by this section shall be used by the ~~((commission))~~ department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the director ~~((of aeronautics;))~~ and (b) safety and education.

Registration shall be effected by filing with the ~~((commission))~~ department a certified written statement, containing the information reasonably required by the ~~((commission))~~ department. The ~~((commission))~~ department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of such certificates.

The provisions of this section shall not apply to:

(1) The pilot who operates an aircraft exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia;

(2) A pilot registered under the laws of a foreign country;

(3) A pilot engaged exclusively in commercial flying constituting an act of interstate or foreign commerce;

(4) Any person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section shall be deemed to be a violation of RCW ~~((14.04.230))~~ 47.68.230 and shall subject the offender to the penalties incident thereto.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission and director of aeronautics transferred to department of transportation; see RCW 47.01.031. Terms "state aeronautics commission" and "commission" mean department of transportation;

terms "director of aeronautics" and "director" in chapter 47.68 RCW mean secretary of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.230 was recodified as RCW 47.68.230 pursuant to 1977 ex.s. c 151 § 79. The reference in this section has been amended to reflect this change.

Sec. 144. Section 3, chapter 207, Laws of 1967 and RCW 47.68.236 are each amended to read as follows:

There is hereby created in the general fund of the state of Washington an account to be known as the aircraft search and rescue, safety, and education fund. All moneys received by the ((commission)) department under RCW ((~~14.04.233~~)) 47.68.233 shall be deposited in such account.

EXPLANATORY NOTE: (1) Powers, duties, and functions of the aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.233 was recodified as RCW 47.68.233 pursuant to 1977 ex.s. c 151 § 79. The reference in this section have been amended to reflect this change.

Sec. 145. Section 24, chapter 165, Laws of 1947 and RCW 47.68.240 are each amended to read as follows:

Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both such fine and imprisonment: PROVIDED, That any person violating any of the provisions of RCW ((~~14.04.220 or 14.04.230~~)) 47.68.220 or 47.68.230 shall be guilty of a gross misdemeanor which shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or by both in any proceeding brought in superior court and by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both in any proceedings brought in justice court. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

EXPLANATORY NOTE: RCW 14.04.220 and 14.04.230 were recodified as RCW 47.68.220 and 47.68.230 pursuant to 1977 ex.s. c 151 § 79. The references in this section have been amended to reflect this change.

Sec. 146. Section 33, chapter 165, Laws of 1947 and RCW 47.68.330 are each amended to read as follows:

The ((commission)) department is authorized to report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violation of RCW ((~~14.04.220 and 14.04.230~~)) 47.68.220 and 47.68.230 and all penalties, of which it has knowledge, imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules, regulations, or orders of

the ~~((commission))~~ department. The ~~((commission))~~ department is authorized to receive reports of penalties and other data from agencies of the federal government and other states and, when necessary, to enter into agreements with federal agencies and the agencies of other states governing the delivery, receipt, exchange, and use of reports and data. The ~~((commission))~~ department may make the reports and data of the federal agencies, the agencies of other states, and the courts of this state available, with or without request therefor, to any and all courts of this state.

EXPLANATORY NOTE: (1) Powers, duties, and functions of aeronautics commission transferred to department of transportation; see RCW 47.01.031. Term "commission" means department of transportation; see RCW 47.68.015. Amendments to this effect are made herein.

(2) RCW 14.04.220 and 14.04.230 were recodified as RCW 47.68.220 and 47.68.230 pursuant to 1977 ex.s. c 151 § 79. The references in this section have been amended to reflect these changes.

Sec. 147. Section 4, chapter 263, Laws of 1961 and RCW 47.68.360 are each amended to read as follows:

RCW~~((14.04.340 and 14.04.350))~~ 47.68.340 and 47.68.350 shall not apply to structures required to be marked by federal regulations.

EXPLANATORY NOTE: RCW 14.04.340 and 14.04.350 were recodified as RCW 47.68.340 and 47.68.350 pursuant to 1977 ex.s. c 151 § 79. The references in this section have been amended to reflect these changes.

Sec. 148. Section .10.30, chapter 79, Laws of 1947 and RCW 48.10.300 are each amended to read as follows:

(1) Subject to the special surplus requirements of RCW ~~((48.11.120(3)))~~ 48.05.360, if a reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital stock required of a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee the commissioner shall issue his certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this state, and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state for so long as all such surplus remains unimpaired.

(2) Upon impairment of such surplus, the commissioner shall forthwith revoke the certificate. No policy shall thereafter be issued or renewed without providing for the contingent assessment liability of subscribers.

(3) The commissioner shall not authorize a domestic reciprocal insurer so to extinguish the contingent liability of any of its subscribers or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its subscribers and in all such policies for all kinds of insurance transacted by it. Except, that if required by the laws of another state in which the insurer is transacting insurance as an authorized insurer, the insurer may issue policies providing for the contingent liability of such of its

subscribers as may acquire such policies in such state, and need not extinguish the contingent liability applicable to policies theretofore in force in such state.

EXPLANATORY NOTE: RCW 48.11.120 was repealed by 1963 c 195 § 10. The reference to this section has been amended to refer to a later enactment, RCW 48.05.360, which contains the substance of the repealed section.

Sec. 149. Section .11.14, chapter 79, Laws of 1947 as amended by section 2, chapter 225, Laws of 1959 and RCW 48.11.140 are each amended to read as follows:

(1) No insurer shall retain any fire or surety risk on any one subject of insurance, whether located or to be performed in this state or elsewhere, in an amount exceeding ten percent of its surplus to policyholders, except that:

(a) Domestic mutual insurers may insure up to the applicable limits provided by RCW (~~(48.09.081)~~) 48.05.340, if greater.

(b) In the case of fire risks adequately protected by automatic sprinklers or fire risks principally of noncombustible construction and occupancy, an insurer may retain fire risks as to any one subject in an amount not exceeding twenty-five percent of the sum of (i) its unearned premium reserve and (ii) its surplus to policyholders.

(2) For the purposes of this section, a "subject of insurance" as to insurance against fire includes all properties insured by the same insurer which are reasonably subject to loss or damage from the same fire.

(3) Reinsurance in an alien reinsurer not qualified under RCW 48.05.300 may not be deducted in determining risk retained for the purposes of this section.

(4) In the case of surety insurance, the net retention shall be computed after deduction of reinsurances, the amount assumed by any co-surety, the value of any security deposited, pledged, or held subject to the consent of the surety and for the protection of the surety.

(5) This section shall not apply to insurance of marine risks or marine protection and indemnity risks.

EXPLANATORY NOTE: RCW 48.09.081 was repealed by 1980 c 135 § 3. The reference to this section has been amended to refer to a later enactment, RCW 48.05.340, which contains the substance of the repealed section.

Sec. 150. Section 5, chapter 104, Laws of 1969 as last amended by section 2, chapter 157, Laws of 1979 and RCW 48.18A.050 are each amended to read as follows:

The provisions of RCW 48.23.020, 48.23.030, 48.23.080 through 48.23.120, 48.23.140, 48.23.150, 48.23.200 through 48.23.240, 48.23.310, 48.23.350, and 48.23.360, (~~(and section 5 of this 1979 act)~~) and the provisions of chapter 48.24 RCW shall be inapplicable to variable contracts; nor shall any provision in the code requiring contracts to be participating be deemed

applicable to variable contracts. Except as otherwise provided in this chapter, all pertinent provisions of the insurance code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance or individual variable annuity contract delivered or issued for delivery in this state shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such contracts, and any such variable life insurance contract shall provide that the investment experience of the separate account shall in no event operate to reduce the death benefit below an amount equal to the face amount of the contract at the time the contract was issued. Any individual variable life insurance contract may contain a provision for deduction from the death proceeds of amounts of due and unpaid premiums or of indebtedness which are appropriate to such contracts. The reserve liability for variable annuities shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

EXPLANATORY NOTE: 1979 c 157 § 5 was vetoed by the governor. The reference to this section has been deleted.

Sec. 151. Section 31, chapter 70, Laws of 1965 [ex. sess.] and RCW 48.21A.050 are each amended to read as follows:

Any association formed for the purposes of this chapter may hold title to property, may enter into contracts, and may limit the liability of its members to their respective pro rata shares of the liability of such association. Any such association may sue and be sued in its associate name and for such purpose only shall be treated as a domestic corporation. Service of process against such association, made upon a managing agent, any member thereof or any agent authorized by appointment to receive service of process, shall have the same force and effect as if such service had been made upon all members of the association. Such association's books and records shall also be subject to examination under the provisions of RCW 48.03.010 through ~~((48.03.080))~~ 48.03.070, inclusive, either separately or concurrently with examination of any of its member insurers.

EXPLANATORY NOTE: RCW 48.03.080 was repealed by 1967 c 237 § 28. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 152. Section .25.10, chapter 79, Laws of 1947 and RCW 48.25.100 are each amended to read as follows:

There shall be a provision for nonforfeiture benefits as required by chapter 48.76 RCW (~~((48.23.350))~~).

EXPLANATORY NOTE: RCW 48.23.350 was repealed by 1982 1st ex.s. c 9 § 36. The reference to this section has been amended to refer to a later enactment, chapter 48.76 RCW, which contains the substance of the repealed section.

Sec. 153. Section .25.11, chapter 79, Laws of 1947 and RCW 48.25.110 are each amended to read as follows:



There shall be a provision for a cash surrender value as required by chapter 48.76 RCW (~~(48.23.350)~~).

EXPLANATORY NOTE: RCW 48.23.350 was repealed by 1982 1st ex.s. c 9 § 36. The reference to this section has been amended to refer to a later enactment, chapter 48.76 RCW, which contains the substance of the repealed section.

Sec. 154. Section 10, chapter 199, Laws of 1979 ex. sess. and RCW 48.30.157 are each amended to read as follows:

Notwithstanding the provisions of RCW 48.30.140, 48.30.150, and 48.30.155, the commissioner may permit an agent or broker to enter into reasonable arrangements with insureds and prospective insureds in situations where services are provided beyond the scope of services customarily provided in connection with the solicitation and procurement of insurance, so that an overall charge to an insured or prospective insured is reasonable taking into account receipt of commissions and fees and their relation, proportionally, to the value of the total work performed.

~~((Such arrangements, when prior authorization from the commissioner is obtained, shall not constitute violations subject to RCW 48.30.160.))~~

EXPLANATORY NOTE: RCW 48.30.160 was repealed by 1981 c 339 § 26. The reference to this section has been deleted.

Sec. 155. Section .32.37, chapter 79, Laws of 1947 and RCW 48.36.370 are each amended to read as follows:

Any society entering into such insurance agreements shall maintain in all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in RCW (~~(48.36.360)~~) 48.36.230: PROVIDED, That a society may provide that when a child reaches the minimum age for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other forms of certificate issued by the society. Upon the issuance of such new certificate, any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contribution, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate to be left to the child so admitted to benefit membership.

EXPLANATORY NOTE: RCW 48.36.360 was repealed by 1973 c 79 § 2. The reference to this section has been amended to refer to a later enactment, RCW 48.36.230, which contains the substance of the repealed section.

Sec. 156. Section 3, chapter 51, Laws of 1973 and RCW 49.12.123 are each amended to read as follows:

In implementing state policy to assure the attendance of children in the public schools it shall be required of any person, firm or corporation employing any minor under the age of eighteen years to obtain a work permit as set forth in RCW (~~(49.12.120)~~) 49.12.121 and keep such permit on file

during the employment of such minor, and upon termination of such employment of such minor to return such permit to the industrial welfare committee of the department of labor and industries.

EXPLANATORY NOTE: RCW 49.12.120 was repealed by 1973 2nd ex.s. c 16 § 19. The reference to this section has been amended to refer to a later enactment, RCW 49.12.121, which contains the substance of the repealed section.

Sec. 157. Section 8, chapter 294, Laws of 1959 as amended by section 117, chapter 81, Laws of 1971 and RCW 49.46.080 are each amended to read as follows:

(1) As new regulations or changes or modification of previously established regulations are proposed, the director shall call a public hearing for the purpose of the consideration and establishment of such regulations following the procedures used in the promulgation of standards of safety under ~~((RCW 49.16.080, 49.16.090 and 49.16.100, as amended))~~ chapter 49.17 RCW.

(2) Any interested party may obtain a review of the director's findings and order in the superior court of county of petitioners' residence by filing in such court within sixty days after the date of publication of such regulation a written petition praying that the regulation be modified or set aside. A copy of such petition shall be served upon the director. The finding of facts, if supported by evidence, shall be conclusive upon the court. The court shall determine whether the regulation is in accordance with law. If the court determines that such regulation is not in accordance with law, it shall remand the case to the director with directions to modify or revoke such regulation. If application is made to the court for leave to adduce additional evidence by any aggrieved party, such party shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence before the director. If the court finds that such evidence is material and that reasonable grounds exist for failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the director with directions that such additional evidence be taken before the director. The director may modify the findings and conclusions, in whole or in part, by reason of such additional evidence.

(3) The judgment and decree of the court shall be final except that it shall be subject to review by the supreme court or the court of appeals as in other civil cases.

(4) The proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued under the provisions of this chapter. The court shall not grant any stay of an administrative regulation unless the person complaining of such regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which

the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

EXPLANATORY NOTE: RCW 49.16.080, 49.16.090, and 49.16.100 were repealed by 1973 c 80 § 28. The reference to these sections has been amended to refer to a later enactment, chapter 49.17 RCW, which contains the substance of the repealed sections. The phrase "as amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Sec. 158. Section 12, chapter 265, Laws of 1951 and RCW 50.20.115 are each amended to read as follows:

When an unemployed individual is qualified for receipt of unemployment compensation benefits by the specific provisions of RCW 50.20.010, 50.20.120 and 50.20.130, and such individual is not specifically disqualified from receiving such benefits by reason of the provisions of RCW ((~~50.20.030, 50.20.040;~~) 50.20.090, 50.20.050, 50.20.060, 50.20.070 or 50.20.080, he shall, for all purposes of the unemployment compensation act, be deemed to be involuntarily unemployed and entitled to unemployment compensation benefits: PROVIDED, That the cessation of operations by an employer for the purpose of granting vacations, whether by union contract or other reasons, shall in no manner be construed to be a voluntary quit nor a voluntary unemployment on the part of the employees.

EXPLANATORY NOTE: RCW 50.20.030 was repealed by 1975 1st ex.s. c 228 § 18, and RCW 50.20.040 was repealed by 1955 c 286 § 4. The references to these sections have been deleted.

Sec. 159. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 44, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.060 are each amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.

(4) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.

(5) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.

(6) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.

(7) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.

(8) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.

(9) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.

(10) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.

(11) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.

(12) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(14) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter((§)) 51.36 RCW and ((51.40)) RCW 51.04.105.

(15) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection (14) of this section.

EXPLANATORY NOTE: Chapter 51.40 RCW was repealed by 1977 ex.s. c 323 § 28 and 1981 c 260 § 18. The reference to this chapter has been amended to refer to RCW 51.04-.105, which provides for the continuation of obligations under chapter 51.40 RCW.

NEW SECTION. Sec. 160. RCW 51.44.034 is hereby decodified.

**EXPLANATORY NOTE:** RCW 51.44.034, which was enacted to transfer certain monies to the industrial insurance supplement pension fund on July 1, 1971, has no present effect or vitality. Therefore, it has been decodified.

Sec. 161. Section 1, chapter 176, Laws of 1953 as amended by section 2, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.110 are each amended to read as follows:

Whenever the cost of any work to be done or the purchase of any materials, supplies, or equipment, will exceed the sum of twenty-five hundred dollars, the same shall be done by contract after a call for bids which shall be awarded to the lowest responsible bidder (~~(in accordance with the terms of RCW 39.24.010)~~): PROVIDED, That where the cost of work to be done or materials, supplies, or equipment to be purchased involves the construction or improvement of any fire station or other buildings the same shall be done by contract after call for bids whenever the estimated cost exceeds one thousand dollars. Notice of the call for bids shall be given by posting notice thereof in three public places in the district and by publication once each week for two consecutive weeks, said posting and first publication to be at least two weeks before the date fixed for opening of the bids, and such publication to be in a newspaper of general circulation within the district. The commissioners shall have the power by resolution to reject any and all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without any further call.

**EXPLANATORY NOTE:** RCW 39.24.010 was repealed by 1967 ex.s. c 101 § 1. The reference to this section has been deleted.

Sec. 162. Section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070 are each amended to read as follows:

Any port district organized under the laws of this state shall, in addition to the powers otherwise provided by law, have the power to raise revenue by the levy and collection of an annual tax on all taxable property within such port district of not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district, for dredging, canal construction, or land leveling or filling purposes, the proceeds of any such levy to be used exclusively for such dredging, canal construction, or land leveling and filling purposes: PROVIDED, That no such levy for dredging, canal construction, or land leveling or filling purposes under the provisions of RCW 53.36.070 and 53.36.080 shall be made unless and until the question of authorizing the making of such additional levy shall have been submitted to a vote of the electors of the district in the manner provided by law for the submission of the question of making additional levies in school districts of the first class at an election held under the provisions of RCW (~~(29.13.030)~~) 29.13.020 and shall have been authorized by a majority of the electors voting thereon.

EXPLANATORY NOTE: RCW 29.13.030 was repealed by 1965 c 123 § 9. The reference to this section has been amended to refer to a later enactment, RCW 29.13.020, which contains the substance of the repealed section.

Sec. 163. Section 18, chapter 114, Laws of 1929 as last amended by section 73, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.20.100 are each amended to read as follows:

A district may, in addition to the levies mentioned in RCW 57.16.020, 57.16.040 and 57.20.010, levy a general tax on all property located in the district each year not to exceed fifty cents per thousand dollars of assessed value against the assessed valuation of the property where such water district maintains a fire department as authorized by RCW 57.16.010 to 57.16.040, inclusive, but such levy shall not be made where any property within such water district lies within the boundaries of any fire protection district created under RCW (~~(52.04.010)~~) 52.04.020 to 52.04.160, inclusive. The taxes so levied shall be certified for collection as other general taxes, and the proceeds, when collected, shall be placed in such water district funds as the commissioners may direct and paid out on warrants issued for water district purposes.

EXPLANATORY NOTE: RCW 52.04.010 was added by the 1941 Code Committee and was decodified since it has no session law background. The reference in this section has been amended to refer to the section numerically following the decodified section.

Sec. 164. Section 2, chapter 263, Laws of 1957 as last amended by section 17, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.410 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 to (~~(66.24.470, as now or hereafter amended)~~) 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010(~~(+6)~~), except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 to (~~(66.24.470, as now or hereafter amended)~~) 66.24.450, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400 to (~~(66.24.470, as now or hereafter amended)~~) 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW: PROVIDED, That any such hotel shall be provided with special space and accommodations where, in consideration of payment, food is habitually furnished to the public: PROVIDED FURTHER, That the board shall be satisfied that such hotel is maintained in a substantial manner as a place for preparing, cooking and serving of

complete meals. The service of only fry orders, sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

EXPLANATORY NOTE: (1) RCW 66.24.470, which was recodified as RCW 66.98.070, does not use any of the terms defined in this section. The RCW references in this section to RCW 66.24.470 have been amended to refer to the numerically preceding section which uses the defined terms. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

(2) Amendments to RCW 66.04.010 have renumbered subsection (10) of that section. To avoid ambiguity, the subsection reference has been deleted.

Sec. 165. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 26, Laws of 1982 1st ex. sess. and RCW 66.28.040 are each amended to read as follows:

No brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 (~~or 66.28.025~~) shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a brewery, winery, or wholesaler from furnishing beer or wine for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

EXPLANATORY NOTE: RCW 66.28.025 was repealed by 1982 c 85 § 12. The reference to this section has been deleted.

NEW SECTION. Sec. 166. Section 6, chapter 90, Laws of 1961 and RCW 68.08.290 are each repealed.

EXPLANATORY NOTE: RCW 68.08.290 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1969 c 80 § 10.

Sec. 167. Section 43, chapter 247, Laws of 1943 and RCW 68.20.020 are each amended to read as follows:

Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the businesses of a cemetery, either for or without profit to its members or stockholders. A nonprofit cemetery corporation may be organized in

the manner provided in chapter ((24.16)) 24.03 RCW. A profit corporation may be organized in the manner provided in the general corporation laws of the state of Washington.

EXPLANATORY NOTE: Chapter 24.16 RCW was repealed by 1967 c 235 § 100 (Washington Nonprofit Corporation Act). The reference to this chapter has been amended to refer to a later enactment, chapter 24.03 RCW, which contains the substance of the repealed chapter.

Sec. 168. Section 10, chapter 121, Laws of 1967 ex. sess. and RCW 69-.07.100 are each amended to read as follows:

The provisions of this chapter shall not apply to establishments issued a permit or licensed under the provisions of:

- (1) Chapter 15.32 RCW, the Dairies and dairy products act;
- (2) Chapter 69.12 RCW, the Bakeries and bakery products act;
- (3) Chapter 69.16 RCW, the Macaroni and macaroni products act;
- (4) Chapter 69.20 RCW, the Confections act;
- (5) Chapter ((69.24)) 69.25 RCW, the Washington wholesome eggs and egg products act;
- (6) Chapter 69.28 RCW, the Washington state honey act;
- (7) Chapter 16.49 RCW, the Meat inspection act;
- (8) Title 66 RCW, relating to alcoholic beverage control; and
- (9) Chapter 69.30 RCW, the Sanitary control of shellfish act: PROVIDED, That if any such establishments process foods not specifically provided for in the above entitled acts, such establishments shall be subject to the provisions of this chapter.

The provisions of this chapter shall not apply to restaurants or food service establishments.

EXPLANATORY NOTE: Chapter 69.24 RCW was repealed by 1975 1st ex.s. c 201 § 40 and 1955 c 193 § 36. The reference to this chapter has been amended to refer to a later enactment, chapter 69.25 RCW, which contains the substance of the repealed chapter.

NEW SECTION. Sec. 169. RCW 69.32.010, 69.32.030, 69.32.060, 69-.32.096, 69.32.900, 69.32.910, 69.32.920, 69.32.930, 69.32.940, 69.32.950, and 69.32.960 are each decodified.

EXPLANATORY NOTE: The RCW sections listed above are obsolete sections of law recommended for decodification. The substantive provisions of which they were a part were repealed by 1975-'76 2nd ex.s. c 103 § 3.

Sec. 170. Section 2, chapter 190, Laws of 1943 as amended by section 2, chapter 46, Laws of 1945 and RCW 70.12.040 are each amended to read as follows:

Any such fund may be established in the county treasurer's office or the city treasurer's office of a first class city according to the type of local health department organization existing.

In a district composed of more than one county, the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of receipts and



disbursements; and shall draw and the county treasurer shall honor and pay all such warrants.

Into any such fund so established may be paid:

- (1) All grants from any state fund for county public health work;
- (2) ~~((All county funds collected by county levy as set forth in RCW 70.12.010;~~
- ~~(3))~~ (3) Any county current expense funds appropriated for the health department;
- ~~((4))~~ (3) Any other money appropriated by the county for health work;
- ~~((5))~~ (4) City funds appropriated for the health department;
- ~~((6))~~ (5) All moneys received from any governmental agency, local, state or federal which may contribute to the local health department; and
- ~~((7))~~ (6) Any contributions from any charitable or voluntary agency or contributions from any individual or estate.

Any school district may contract in writing for health services with the health department of the county, first class city or health district, and place such funds in the public health pooling fund in accordance with the contract.

EXPLANATORY NOTE: RCW 70.12.010 was repealed by 1975 1st ex.s. c 291 § 24. The reference to this section has been deleted.

Sec. 171. Section 15, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.010 are each amended to read as follows:

The following words and phrases shall have the designated meanings in this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 ~~((and 70.32.090))~~ unless the context clearly indicated otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Secretary" means the secretary of the department of social and health services or his designee;
- (3) "Tuberculosis hospital" and "tuberculosis hospital facility" refer to hospitals for the care of persons suffering from tuberculosis;
- (4) "Tuberculosis control" refers to the procedures administered in the counties for the control and prevention of tuberculosis, but does not include hospitalization.

EXPLANATORY NOTE: RCW 70.32.090 was repealed by 1975 1st ex.s. c 291 § 24. The reference to this section has been deleted.

Sec. 172. Section 16, chapter 277, Laws of 1971 ex. sess. as amended by section 2, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.020 are each amended to read as follows:

From and after August 9, 1971, the secretary shall have responsibility for establishing standards for the control, prevention and treatment of tuberculosis and shall have administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 ~~((and 70.32.090))~~ and for

providing, either directly or through agreement, contract or purchase, hospital, nursing home and other appropriate facilities and services including laboratory services for persons who are, or may be suffering from tuberculosis except as otherwise provided by RCW 70.30.061, 70.33.020, 70.33.030, and 70.33.040 (~~and 70.35.040~~).

Pursuant to that responsibility, the secretary shall have the following powers and duties:

(1) To develop and enter into such agreements, contracts or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home or other appropriate facilities and services for persons who are or may be suffering from tuberculosis, or to provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;

(2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 (~~and 70.32.090~~);

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 (~~and 70.32.090~~).

EXPLANATORY NOTE: RCW 70.32.090 and 70.35.040 were repealed by 1975 1st ex.s. c 291 § 24. The references to these sections have been deleted.

Sec. 173. Section 17, chapter 277, Laws of 1971 ex. sess. as amended by section 3, chapter 213, Laws of 1973 1st ex. sess. and RCW 70.33.030 are each amended to read as follows:

The medical director of any tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 (~~and 70.32.090~~) and RCW 70.30.061, 70.33.020, 70.33.030, and 70.33.040 (~~and 70.35.040~~) shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

(1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;

(2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary: PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary.

EXPLANATORY NOTE: RCW 70.32.090 and 70.35.040 were repealed by 1975 1st ex.s. c 291 § 24. The references to these sections have been deleted.

Sec. 174. Section 9, chapter 32, Laws of 1951 as amended by section 2, chapter 86, Laws of 1972 ex. sess. and RCW 70.79.090 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220(;) and 70.79.240 through (~~70.79-340~~) 70.79.330:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

(2) Steam boilers used exclusively for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

(3) Hot water heating boilers carrying a pressure of not more than thirty pounds per square inch and which are located in private residences or in apartment houses of less than six families;

(4) Approved pressure vessels (hot water heaters listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of one hundred twenty gallons or less having a heat input of two hundred thousand b.t.u.'s per hour or less, used for hot water supply at pressure of one hundred sixty pounds per square inch or less, and at temperatures of two hundred degrees Fahrenheit or less: PROVIDED, HOWEVER, That such pressure vessels are not installed in schools, child care centers, public and private hospitals, nursing and boarding homes, churches, public buildings owned or leased and maintained by the state or any political subdivision thereof, and assembly halls;

(5) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families;

(6) Unfired pressure vessels containing liquified petroleum gases.

EXPLANATORY NOTE: RCW 70.79.340 was repealed by 1970 ex.s. c 21 § 3. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 175. Section 1, chapter 38, Laws of 1977 ex. sess. and RCW 70.94.041 are each amended to read as follows:

Except as otherwise provided in this section, any building or structure listed on the national register of historic sites, structures, or buildings established pursuant to 80 Stat. 915, 16 U.S.C. Sec. 470a, or on the state register established pursuant to RCW (~~43.51.770~~) 43.51A.080, shall be permitted to burn wood as it would have when it was a functioning facility as an authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94.710 through 70.94.730.

EXPLANATORY NOTE: RCW 43.51.770 was repealed by 1977 ex.s. c 195 § 22. The reference to this section has been amended to refer to a later enactment, RCW 43.51A.080, which contains the substance of the repealed section.

Sec. 176. Section 31, chapter 238, Laws of 1967 as last amended by section 1, chapter 59, Laws of 1974 ex. sess. and RCW 70.94.181 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology where it has regulatory authority under RCW 70.94.390, 70.94.395, 70.94.410, and 70.94.420, or board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the department of ecology or board may require. The department of ecology or board may grant such variance, but only after public hearing or due notice, if it finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.

(b) If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the department of ecology may impose as to climatic conditions and hours during which burning of such hulks may be carried out: PROVIDED, HOWEVER, That any variance granted hereunder shall be of no force and effect after July 1, 1970.

(c) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance

granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(d) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in item (a), (b) and (c) of this subparagraph, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the state board or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department of ecology or board shall give public notice of such application in accordance with rules and regulations of the department of ecology or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.04 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW (~~70.94.415~~) 70.94.710 through 70.94.730 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance.

EXPLANATORY NOTE: RCW 70.94.415 was repealed by 1971 ex.s. c 194 § 7. The reference to this section has been amended to refer to later enactments, RCW 70.94.710 through 70.94.730, which contain the substance of the repealed section.

Sec. 177. Section 40, chapter 238, Laws of 1967 and RCW 70.94.232 are each amended to read as follows:

(1) Any local or regional air pollution control program formed as a district under chapter 70.94 RCW prior to June 8, 1967 which is composed of one or more counties and the cities and towns therein, and whose boundaries are coextensive with the boundaries of one or more counties, shall, upon June 8, 1967, be considered an activated authority, provided that within six

months of June 8, 1967 the board of directors shall be reorganized to conform to the provisions of RCW 70.94.100, 70.94.110 and 70.94.120.

(2) Nothing in this chapter except those sections which do so expressly shall be construed to supersede or nullify the ordinances, resolutions, rules or regulations of any local or regional air pollution control program in operation on June 8, 1967, but such local or regional programs shall be subject to the provisions of RCW 70.94.230, 70.94.231, 70.94.232, 70.94.380, 70.94.395, 70.94.400 and ~~((70.94.415))~~ 70.94.710 through 70.94.730.

EXPLANATORY NOTE: RCW 70.94.415 was repealed by 1971 ex.s. c 194 § 7. The reference to this section has been amended to refer to later enactments, RCW 70.94.710 through 70.94.730, which contain the substance of the repealed section.

Sec. 178. Section 4, chapter 41, Laws of 1971 ex. sess. and RCW 70.104.040 are each amended to read as follows:

(1) In any case where an emergency relating to pesticides occurs that represents a hazard to the public due to toxicity of the material, the quantities involved or the environment in which the incident takes place, such emergencies including but not limited to fires, spillage, and accidental contamination, the person or agent of such person having actual or constructive control of the pesticides involved shall immediately notify the department of social and health services by telephone or the fastest available method.

(2) Upon notification or discovery of any pesticide emergency the department of social and health services shall:

(a) Make such orders and take such actions as are appropriate to assume control of the property and to dispose of hazardous substances, prevent further contamination, and restore any property involved to a nonhazardous condition. In the event of failure of any individual to obey and carry out orders pursuant to this section, the department of social and health services shall have all power and authority to accomplish those things necessary to carry out such order. Any expenses incurred by the department of social and health services as a result of intentional failure of any individual to obey its lawful orders shall be charged as a debt against such individual.

(3) In any case where the department of social and health services has assumed control of property pursuant to this chapter, such property shall not be reoccupied or used until such time as written notification of its release for use is received from the secretary of the department of social and health services or his designee. Such action shall take into consideration the economic hardship, if any, caused by having the department assume control of property, and release shall be accomplished as expeditiously as possible. Nothing in this chapter shall prevent a farmer from continuing to process his crops and/or animals provided that it does not endanger the public health.

(4) The department shall recognize the pesticide industry's responsibility and active role in minimizing the effect of pesticide emergencies and shall provide for maximum utilization of these services.

(5) Nothing in this chapter shall be construed in any way to infringe upon or negate the authority and responsibility of the department of agriculture in its application and enforcement of the Washington Pesticide Control Act, chapter ~~((15.57))~~ 15.58 RCW and the Washington Pesticide Application Act, chapter 17.21 RCW. The department of social and health services shall work closely with the department of agriculture in the enforcement of this chapter and shall keep it appropriately advised.

EXPLANATORY NOTE: Chapter 15.57 RCW was repealed by 1971 ex.s. c 190 § 47. The reference to this chapter has been amended to refer to a later enactment, chapter 15.58 RCW, which contains the substance of the repealed chapter.

Sec. 179. Section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 145, Laws of 1974 ex. sess. and RCW 71-.05.030 are each amended to read as follows:

Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter ~~((10.76))~~ 10.77 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

EXPLANATORY NOTE: Chapter 10.76 RCW was repealed by 1973 1st ex.s. c 117 § 29 and 1965 ex.s. c 9 § 7. The reference to this chapter has been amended to refer to a later enactment, chapter 10.77 RCW, which contains the substance of the repealed chapter.

Sec. 180. Section 71.12.590, chapter 25, Laws of 1959 and RCW 71-.12.590 are each amended to read as follows:

Failure to comply with any of the provisions of RCW 71.12.550 through ~~((71.12.580))~~ 71.12.570 shall constitute grounds for revocation of license: PROVIDED, HOWEVER, That nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any establishment, as defined in this chapter conducted in accordance with the practice and principles of the body known as Church of Christ, Scientist.

EXPLANATORY NOTE: RCW 71.12.580 was repealed by 1973 1st ex.s. c 142 § 66. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 181. Section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71-.20.030 are each amended to read as follows:

Each state department or agency administering federal or state funds which provide services to the mentally retarded, or research or staff training in the field of mental retardation, ~~((shall consult with the mental retardation and mental health advisory council established pursuant to RCW 71-16.020 and))~~ shall:

(1) Investigate and determine the nature and extent of services within its legal authority which are presently available to mentally retarded persons in this state;

(2) Develop and prepare any state plan or application which may be necessary to establish the eligibility of the state or any community to participate in any program established by the federal government relating to mentally retarded persons;

(3) Cooperate with other state agencies providing services to the mentally retarded to determine the availability of services and facilities within the state, and to coordinate state and local services in order to maximize services to mentally retarded persons and their families;

(4) Review and approve proposed plans required to be submitted for the expenditure of funds in community mental retardation services submitted by any community under the provisions of this chapter;

(5) Provide consultant and staff training for state and local personnel working in the field of mental retardation.

EXPLANATORY NOTE: RCW 71.16.020 was repealed by 1979 c 141 § 386. The reference to this section has been deleted.

Sec. 182. Section 4, chapter 110, Laws of 1967 ex. sess. as amended by section 3, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.040 are each amended to read as follows:

The county commissioners of any county or the boards of county commissioners of more than one county by joint action, are authorized to appoint a community board to plan services for the mentally retarded and other developmentally disabled, to provide directly or indirectly a continuum of care and services to mentally retarded and other developmentally disabled persons and their families, and to coordinate all of the local mental retardation and developmental disability services within the county or counties served by such community board. Members to be appointed to the board shall include but not be limited to representatives of public, private or voluntary agencies, and local governmental units which participate in a program for mentally retarded and other developmentally disabled persons, and private citizens knowledgeable or interested in services to the mentally retarded and other developmentally disabled in the community.

The board shall consist of not less than nine nor more than fifteen members who shall be appointed by the board or boards of county commissioners for three year terms, and until their successors are appointed and qualified. The members of the community board shall not be compensated for the performance of their duties as members of the community board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW (~~36.17.030 as now or hereafter amended~~) 42.24.090.

EXPLANATORY NOTE: RCW 36.17.030 was repealed by 1974 ex.s. c 24 § 1. The reference to this section has been amended to refer to a later enactment, RCW 42.24.090, which contains the substance of the repealed section. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.



Sec. 183. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1980 and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability, or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property in the county to be used for such purposes: PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation, other developmental disability, and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters (~~71.16~~) 71.20, 71.24, and 71.28 RCW, all as now or hereafter amended.

The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

EXPLANATORY NOTE: Chapter 71.16 RCW was repealed by 1979 c 141 § 386. The reference to this chapter has been deleted.

Sec. 184. Section 72.01.260, chapter 28, Laws of 1959 as amended by section 156, chapter 141, Laws of 1979 and RCW 72.01.260 are each amended to read as follows:

Nothing contained in RCW 72.01.210 through (~~72.01.250~~) 72.01.240 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the secretary may prescribe.

EXPLANATORY NOTE: RCW 72.01.250 was repealed by 1971 ex.s. c 189 § 17. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 185. Section 8, chapter 122, Laws of 1967 ex. sess. as last amended by section 97, chapter 136, Laws of 1981 and RCW 72.15.060 are each amended to read as follows:

All female persons convicted in the superior courts of a felony and sentenced to a term of confinement, shall be committed to the Washington correctional institution for women. Female persons sentenced to death shall be committed to the Washington correctional institution for women, notwithstanding the provisions of RCW (~~10.70.060~~) 10.95.170, except that

the death warrant shall provide for the execution of such death sentence at the Washington state penitentiary as provided by RCW (~~10-70.050~~) 10-95.160, and the secretary of corrections shall transfer to the Washington state penitentiary any female offender sentenced to death not later than seventy-two hours prior to the date fixed in the death warrant for the execution of the death sentence. The provisions of this section shall not become effective until the secretary of corrections certifies to the chief justice of the supreme court, the chief judge of each division of the court of appeals, the superior courts and the prosecuting attorney of each county that the facilities and personnel for the implementation of commitments are ready to receive persons committed to the Washington correctional institution for women under the provisions of this section.

EXPLANATORY NOTE: RCW 10.70.060 and 10.70.050 were repealed by 1981 c 138 § 24. The references to these sections have been amended to refer to later enactments, RCW 10-95.170 and 10.95.160, which contain the substance of the repealed sections.

Sec. 186. Section 6, chapter 287, Laws of 1959 as amended by section 293, chapter 141, Laws of 1979 and RCW 72.70.060 are each amended to read as follows:

If any agreement between this state and any other state party to the Western Interstate Corrections Compact enables the release of an inmate of this state confined in an institution of another state to be released in such other state in accordance with Article IV(g) of this compact, then the secretary is authorized to provide clothing, transportation and funds to such inmate in accordance with the provisions of (~~RCW 72.08.343~~) chapter 72.02 RCW.

EXPLANATORY NOTE: RCW 72.08.343 was repealed by 1971 ex.s. c 171 § 3. The reference to this section has been amended to refer to a later enactment, chapter 72.02 RCW, which contains the substance of the repealed section.

Sec. 187. Section 4, chapter 298, Laws of 1957 and RCW 72.99.100 are each amended to read as follows:

For the purpose of providing means for paying the costs of the projects authorized by RCW 72.99.070 through 72.99.160, and to pay costs incident to the issuance and sale of bonds by RCW 72.99.070 through 72.99.160, the state finance committee is authorized to issue and sell limited obligation bonds of the state of Washington. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee may, in its discretion, provide for the issuance of said bonds to be dated, issued and sold from time to time in such amounts as may be necessary to make the payments provided for by RCW 72.99.070 through 72.99.160. Said bonds:

- (1) Shall be
  - (a) Either registered or in coupon form; and
  - (b) Issued in denominations of not less than one hundred dollars;
- (2) Shall state

- (a) The date of issue; and
- (b) The series of the issue and be consecutively numbered within the series; and
- (c) That the bond is payable out of the special fund established for the purposes of RCW 72.99.070 through 72.99.160;
- (3) Shall bear interest, payable either annually or semiannually, as the state finance committee may determine, at a rate not to exceed six percent per annum;
- (4) Shall be payable solely out of the special fund created for the purposes of RCW 72.99.070 through 72.99.160;
- (5) Shall be payable at such times over a period of not to exceed thirty years from date of issuance, in such manner and at such place or places, and with such reserved rights of prior redemption, as the state finance committee may prescribe to be specified therein;
- (6) Shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile.

Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York, as to principal alone or as to both principal and interest under such regulations as the state treasurer may prescribe. Said bonds shall distinctly state that they shall not be a general obligation of the state of Washington, but shall be payable from that portion of the retail sales tax allocated to said fund in the manner prescribed in RCW 72.99.070 through 72.99.160. Said bonds and the interest thereon shall, so long as any portion thereof shall remain unpaid, constitute a prior charge upon the retail sales tax allocated to the state building construction bond redemption fund herein provided for, subject to and inferior only to the charge thereon created by ((~~chapters 229 and 230, Laws of 1949 [RCW 28A.47.130-28A.47.180 and 72.99.010-72.99.060]~~)) RCW 28A.47.130 through 28A.47.180, and shall be payable at such places as the state finance committee shall provide. All bonds issued under the provisions of RCW 72.99.070 through 72.99.160 may be sold in such manner and such amounts and at such times and on such terms and conditions as the state finance committee may prescribe: PROVIDED, That if such bonds are sold to any persons other than the state of Washington they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provision of RCW 72.99.070 through 72.99.160 shall be legal investment for any of the funds of the state not restricted by any constitutional prohibition.

EXPLANATORY NOTE: RCW 72.99.010 through 72.99.060 (1949 c 230) were repealed by 1979 ex.s. c 67 § 18. The reference to these statutes has been deleted, and 1949 c 229 has been translated to refer to the RCW numbers under which it is codified.

Sec. 188. Section 6, chapter 298, Laws of 1957 as amended by section 37, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.120 are each amended to read as follows:

There is hereby created in the state treasury a special fund to be known as the state building construction bond redemption fund, which fund shall be exclusively devoted for the retirement of said bonds upon maturity and the payment of interest as it falls due. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and the state treasurer shall thereupon deposit such amount in said state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by ~~((chapters 229 and 230, Laws of 1949 [RCW 28A.47.130-28A.47.180 and 72.99.010-72.99.060])~~) RCW 28A.47.130 through 28A.47.180. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 72.99.070 through 72.99.160, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 72.99.070 through 72.99.160 shall have been paid.

EXPLANATORY NOTE: RCW 72.99.010 through 72.99.060 (1949 c 230) were repealed by 1979 ex.s. c 67 § 18. The reference to these statutes has been deleted, and 1949 c 229 has been translated to refer to the RCW numbers under which it is codified.

Sec. 189. Section 3, chapter 51, Laws of 1973 1st ex. sess. as amended by section 2, chapter 137, Laws of 1980 and RCW 74.08.550 are each amended to read as follows:

(1) The department of social and health services is authorized to develop a program to provide for those services enumerated in RCW ~~((74.08.540))~~ 74.08.541.

(2) The department shall endeavor to assure that, for each individual receiving in-home services, a single caseworker is responsible for coordinating the delivery of all necessary in-home services for which the recipient is eligible.

(3) The department may provide assistance in the recruiting of providers of the services enumerated in RCW ~~((74.08.540))~~ 74.08.541 and seek to assure the timely provision of services in emergency situations.

(4) The department shall assure that all providers of the services enumerated in RCW (~~74.08.540~~) 74.08.541 are compensated for the delivery of the services on a prompt and regular basis.

EXPLANATORY NOTE: RCW 74.08.540 was repealed by 1981 1st ex. s. c 6 § 28. The reference to this section has been amended to refer to a later enactment, RCW 74.08.541, which contains the substance of the repealed section.

Sec. 190. Section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560 are each amended to read as follows:

In developing the program set forth in RCW 74.08.550, the department shall, to the extent possible, and consistent with federal law, enlist the services of persons receiving grants under the provisions of chapter 74.08 RCW and chapter 74.12 RCW to carry out the services enumerated under RCW (~~74.08.540 herein~~) 74.08.541. To this end, the department shall establish appropriate rules and regulations designed to determine eligibility for employment under this section, as well as regulations designed to notify persons receiving such grants of eligibility for such employment. The department shall further establish a system of compensation to persons employed under the provisions of this section which provides that any grants they receive under chapter 74.08 RCW or chapter 74.12 RCW shall be diminished by such percentage of the compensation received under this section as the department shall establish by rules and regulations.

EXPLANATORY NOTE: RCW 74.08.540 was repealed by 1981 1st ex. s. c 6 § 28. The reference to this section has been amended to refer to a later enactment, RCW 74.08.541, which contains the substance of the repealed section.

Sec. 191. Section 24, chapter 228, Laws of 1963 and RCW 74.12.280 are each amended to read as follows:

The department is hereby authorized to promulgate rules and regulations which will provide for coordination between the services provided pursuant to chapter 74.13 RCW (~~74.12.130~~) and the services provided under the aid to families with dependent children program in order to provide welfare and related services which will best promote the welfare of such children and their families and conform with the provisions of Public Law 87-543 (HR 10606).

EXPLANATORY NOTE: RCW 74.12.130 was repealed by 1965 c 30 § 5. The reference to this section has been amended to refer to a later enactment, chapter 74.13 RCW, which contains the substance of the repealed section.

Sec. 192. Section 1, chapter 172, Laws of 1967 as amended by section 70, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.010 are each amended to read as follows:

The purpose of chapter 74.15 RCW (~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031 is:

- (1) To safeguard the well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes;
- (2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a

child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups.

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

EXPLANATORY NOTE: RCW 74.32.040 through 74.32.055 were repealed by 1971 ex.s. c 189 § 17 and 1967 c 172 § 23. The reference to these sections have been deleted.

Sec. 193. Section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100 are each amended to read as follows:

(1) The director of fisheries may at his discretion and with the approval of the commissioner of public lands issue licenses for the harvesting of geoduck clams for commercial purposes from specific tracts of beds of navigable waters of the state of Washington for which harvest rights have been granted by the department of natural resources except that he may not authorize harvesting for commercial purposes on bottoms which are shallower than eighteen feet below mean lower low water (o.o. ft.), or which lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to said line of ordinary high tide. If the director shall determine that the numbers of units of gear are sufficient to harvest the known available crop and that additional units of gear might prove damaging to the resource or its habitat, he may suspend the issuance of such additional licenses for the balance of any given year or until he determines there is need for additional units of gear to achieve a sustained harvest. All harvesting shall be done with hand held, manually operated water jet or suction device guided and controlled from under water by scuba or other diver. The director shall also determine from time to time the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit and he may require modification of the gear or cessation of its use if he determines that it is being operated in a wasteful or destructive manner or that its operation tends to cause permanent damage to the bottom or adjacent shellfish populations.

(2) Any person, including the person's agents or representatives, who is issued or currently holds a license under subsection (1) of this section shall

comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979 (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.). Violations of these safety standards and regulations shall be deemed to be violations of this subsection: **PROVIDED**, That for the purposes of this section and RCW ((79.01.570)) 79.96.080 all persons who dive for geoducks are deemed to be "employees" as defined by the federal occupational safety and health act. Violations of this subsection are grounds for suspension or cancellation of the license upon ten days written notice to the licensee and following a hearing on the matter. In no event shall a license be suspended or canceled if the violation has been corrected within ten days. If there is a substantial probability that a particular violation of the commercial diving standards could result in death or serious physical harm to any person engaged in harvesting geoduck clams, the license shall be suspended immediately until the violation causing the probability of death or serious physical harm has been corrected: **PROVIDED FURTHER**, That for the purposes of this subsection, if the licensee is the holder of a tract license and contracts with another entity for the harvesting of geoducks, the license shall not be suspended or canceled if the licensee terminates its business relationship with such entity until compliance with this subsection is secured.

EXPLANATORY NOTE: RCW 79.01.570 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.96.080, which contains the substance of the repealed section.

Sec. 194. Section 1, chapter 100, Laws of 1963 as amended by section 1, chapter 49, Laws of 1971 ex. sess. and RCW 76.01.060 are each amended to read as follows:

Any authorized assistants, employees, agents, appointees or representatives of the department of natural resources may, in the course of their inspection and enforcement duties as provided for in chapters 76.04, 76.06, ((76.08)) 76.09, 76.16, 76.36 and 76.40 RCW, enter upon any lands, real estate, waters or premises except the dwelling house or appurtenant buildings in this state whether public or private and remain thereon while performing such duties. Similar entry by the department of natural resources may be made for the purpose of making examinations, locations, surveys and/or appraisals of all lands under the management and jurisdiction of the department of natural resources; or for making examinations, appraisals and, after five days' written notice to the landowner, making surveys for the purpose of possible acquisition of property to provide public access to public lands. In no event other than an emergency such as fire fighting shall motor vehicles be used to cross a field customarily cultivated, without prior consent of the owner. None of the entries herein provided for shall constitute trespass, but nothing contained herein shall limit or diminish any liability which

would otherwise exist as a result of the acts or omissions of said department or its representatives.

EXPLANATORY NOTE: Chapter 76.08 RCW was repealed by 1974 ex.s. c 137 § 34. The reference to this chapter has been amended to refer to a later enactment, chapter 76.09 RCW, which contains the substance of the repealed chapter.

Sec. 195. Section 1, chapter 47, Laws of 1969 ex. sess. and RCW 76-.12.072 are each amended to read as follows:

Whenever the board of county commissioners of any county shall determine that forest lands, that were acquired from such county by the state pursuant to RCW 76.12.030 and that are under the administration of the department of natural resources, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board of natural resources for the transfer of such forest lands.

Upon the filing of an application by the board of county commissioners, the department of natural resources shall cause notice of the impending transfer to be given in the manner provided by RCW (~~(42.32.010)~~) 42.32.060. If the department of natural resources determines that the proposed use is in accordance with the state outdoor recreation plan, it shall reconvey said forest lands to the requesting county to have and to hold for so long as the forest lands are developed, maintained, and used for the proposed public park purpose. This reconveyance may contain conditions to allow the department of natural resources to coordinate the management of any adjacent state owned lands with the proposed park activity to encourage maximum multiple use management and may reserve rights of way needed to manage other state owned lands in the area. The application shall be denied if the department of natural resources finds that the proposed use is not in accord with the state outdoor recreation plan. If the land is not, or ceases to be, used for public park purposes the land shall be conveyed back to the department of natural resources upon request of the department.

EXPLANATORY NOTE: RCW 42.32.010 was repealed by 1971 ex.s. c 250 § 15. The reference to this section has been amended to refer to a later enactment, RCW 42.30.060, which contains the substance of the repealed section.

Sec. 196. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 310, Laws of 1981 and RCW 77.16.020 are each amended to read as follows:

(1) It is unlawful to hunt, fish, possess, or control a species of game bird, game animal, or game fish during the closed season for that species except as provided in RCW (~~(77.16.030)~~) 77.12.105.

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

(3) It is unlawful to hunt within a game reserve or to fish for game fish within closed waters.



(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, stock game fish, or collect wildlife for research or display, without having in possession the license, permit, tag, stamp, or punchcard required by chapter 77.32 RCW or rule of the commission. The activities described in this subsection shall be conducted in accordance with rules of the commission.

EXPLANATORY NOTE: RCW 77.16.030 was recodified as RCW 77.12.105 by 1980 c 78 § 24. The reference in this section has been amended to reflect this change.

Sec. 197. Section 4, chapter 45, Laws of 1899 and RCW 78.08.075 are each amended to read as follows:

The term "lode" as used in RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115 shall be construed to mean ledge, vein or deposit.

EXPLANATORY NOTE: RCW 78.08.140 was repealed by 1979 ex.s. c 30 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 198. Section 5, chapter 45, Laws of 1899 and RCW 78.08.080 are each amended to read as follows:

If at any time the locator of any quartz or lode mining claim heretofore or hereafter located, or his assigns, shall learn that his original certificate was defective or that the requirements of the law had not been complied with before filing, or shall be desirous of changing his surface boundaries or of taking in any additional ground which is subject to location, or in any case the original certificate was made prior to the passage of this law, and he shall be desirous of securing the benefits of RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115, such locator or his assigns may file an amended certificate of location, subject to the provisions of RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115, regarding the making of new locations.

EXPLANATORY NOTE: RCW 78.08.140 was repealed by 1979 ex.s. c 30 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 199. Section 12, chapter 45, Laws of 1899 and RCW 78.08.115 are each amended to read as follows:

All locations of quartz or placer formations or deposits hereafter made shall conform to the requirements of RCW 78.08.050 through ~~((78.08.140))~~ 78.08.115 insofar as the same are respectively applicable thereto.

EXPLANATORY NOTE: RCW 78.08.140 was repealed by 1979 ex.s. c 30 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 200. Section 3, chapter 56, Laws of 1965 and RCW 79.01.618 are each amended to read as follows:

The department of natural resources shall have the authority to promulgate all reasonable rules and regulations necessary for carrying out the

mineral leasing provisions of RCW (~~79.01.614~~) 79.01.616 through 79.01-.650. Such rules and regulations shall be enacted under the provisions of chapter 34.04 RCW. The department may amend or rescind any rules or regulations promulgated under the provisions of this section. The department shall publish these rules and regulations in pamphlet form for the information of the public.

EXPLANATORY NOTE: RCW 79.01.614 was repealed by 1967 c 163 § 7. The RCW reference in this section has been amended to refer to the section numerically following the repealed section.

Sec. 201. Section 1, chapter 184, Laws of 1955 and RCW 79.08.170 are each amended to read as follows:

The duties of the county auditor in class AA and class A counties with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.01.100, 79.01.104, (~~79.01.436, 79.16.460;~~) and (~~79.48-170~~) 79.94.040 are transferred to the county treasurer.

EXPLANATORY NOTE: (1) RCW 79.01.436 was repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 79.94.040, which contains the substance of the repealed section.

(2) RCW 79.16.460 and 79.48.170 were repealed by 1982 1st ex.s. c 21 § 183, effective July 1, 1983, and 1977 c 12 § 1, respectively. The references to these sections have been deleted.

Sec. 202. Section 2, chapter 85, Laws of 1923 and RCW 79.28.050 are each amended to read as follows:

The commissioner of public lands shall have the power to issue permits for the grazing of livestock on the lands described in RCW 79.28.040 in such manner and upon such terms, as near as may be, as permits are, or shall be, issued by the United States for the grazing of livestock on national forest reserve lands and for such fees as he shall deem adequate and advisable, and shall have the power to enter into such arrangements as may be deemed advisable and to cooperate with the officers of the United States having charge of the grazing of livestock on forest reserve lands for the protection and preservation of the grazing areas on the state lands contiguous to national forests and for the administration of the provisions of RCW 79.28.040 (~~(through 79.28.060)~~) and 79.28.050.

EXPLANATORY NOTE: RCW 79.28.060 was repealed by 1979 ex.s. c 109 § 23. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 203. Section 6, chapter 178, Laws of 1961 and RCW 79.64.060 are each amended to read as follows:

The board shall adopt such rules as it deems necessary and proper for the purpose of carrying out the provisions of RCW 79.64.010 through (~~79-64.080~~) 79.64.070.

EXPLANATORY NOTE: RCW 79.64.080 was repealed by 1967 ex.s. c 63 § 8. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 204. Section 7, chapter 178, Laws of 1961 and RCW 79.64.070 are each amended to read as follows:

If any provision of RCW 79.64.010 through ~~((79.64.080))~~ 79.64.070, or its application to any person or circumstance is held invalid, the remainder of RCW 79.64.010 through ~~((79.64.080))~~ 79.64.070, or the application of the provision to other persons or circumstances is not affected.

EXPLANATORY NOTE: RCW 79.64.080 was repealed by 1967 ex.s. c 63 § 8. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 205. Section 2, chapter 110, Laws of 1974 ex. sess. as last amended by section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW (~~80.50.070~~) 80.50.071, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.

EXPLANATORY NOTE: RCW 80.50.070 was repealed by 1977 ex.s. c 371 § 19. The reference to this section has been amended to refer to a later enactment, RCW 80.50.071, which contains the substance of the repealed section.

Sec. 206. Section 81.24.050, chapter 14, Laws of 1961 and RCW 81.24.050 are each amended to read as follows:

In fixing the percentage rates of gross operating revenue to be paid by companies under RCW 81.24.010, 81.24.020, and 81.24.030 (~~and 81.24.040~~), the commission shall consider all moneys then in the public service revolving fund and the fees currently to be paid into such fund, to the end that the fees collected from the companies, or classes of companies, covered by each respective section shall be approximately the same as the reasonable cost of supervising and regulating such companies, or classes of companies, respectively.

EXPLANATORY NOTE: RCW 81.24.040 was repealed by 1981 c 13 § 6. The reference to this section has been deleted.

Sec. 207. Section 81.40.030, chapter 14, Laws of 1961 and RCW 81.40.030 are each amended to read as follows:

Each train or engine run in violation of RCW 81.40.010 (~~or 81.40.020~~) shall constitute a separate offense: PROVIDED, That nothing in RCW 81.40.010 (~~through~~) and 81.40.030 shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, wrecking trains, or to any line, or part of line, where not more than two trains are run in each twenty-four hours.

Any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway in the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who shall violate any of the provisions of RCW 81.40.010 (~~through~~) and 81.40.030 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

It shall be the duty of the commission to enforce RCW 81.40.010 (~~through~~) and 81.40.030.

EXPLANATORY NOTE: RCW 81.40.020 was repealed by 1967 c 2 § 1. The reference to this section has been deleted.

Sec. 208. Section 81.44.050, chapter 14, Laws of 1961 and RCW 81.44.050 are each amended to read as follows:

The commission shall, as soon as practicable, after the taking effect of chapter 117, Laws of 1911, designate the number, dimensions, location and manner of application of the appliances provided for in RCW (~~81.44.030~~) 81.44.031 and 81.44.040, or such as may be prescribed by the commission, and shall give notice of such designation to all railroad companies and street railroad companies subject to the provisions of this title, by such means as the commission may deem proper, and thereafter such number, dimensions, location, and manner of application as designated by the commission shall remain as the standards of equipment to be used on all cars and locomotives subject to the provisions of this title. The commission shall have power to add to, change, or modify said standards of equipment at any time or to provide different standards under different circumstances and conditions: PROVIDED, That the commission may, upon full hearing, for good cause, extend the period within which any railroad or street railroad may comply with the provisions of RCW (~~81.44.030~~) 81.44.031 through 81.44.060 with respect to the equipment of locomotives or cars actually in service on the date of passage of chapter 117, Laws of 1911. The commission is hereby given authority to fix the time within which such modification or change shall become effective or obligatory. After the time so fixed it shall be unlawful to use any car, motor, or locomotive which does not comply with the standards so prescribed by the commission: PROVIDED, That when any car, motor, or locomotive shall have been properly equipped as provided in this title, and such equipment shall have become defective or insecure while such car, motor, or locomotive was being used by such railroad company upon its line of railroad, such car, motor, or locomotive may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car, motor, or locomotive can be repaired, without liability for the penalties imposed herein if such movement is necessary to make such repairs, and such repairs cannot reasonably be made except at such repair point. Nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars in revenue trains, or in association with other cars that are commercially used, unless such defective cars contain livestock or perishable freight.

EXPLANATORY NOTE: RCW 81.44.030 was repealed by 1977 ex.s. c 263 § 3. The reference to this section has been amended to refer to a later enactment, RCW 81.44.031, which contains the substance of the repealed section.

Sec. 209. Section 81.44.060, chapter 14, Laws of 1961 and RCW 81-44.060 are each amended to read as follows:

It shall be unlawful for any railroad company or street railroad company to use or operate any car, motor, locomotive, or train that is defective, or any car, motor, locomotive, or train upon which any appliance, machinery, or attachment thereto belonging is defective, or to knowingly operate its train over any defective track, bridge, or other structure, excepting in cases

of emergency and under proper precautions: PROVIDED, That RCW ((~~81.44.030~~) 81.44.031 through 81.44.060 shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks or of logging trucks and a passenger car or caboose at the rear end thereof, or of logging trucks and not to exceed five freight cars at the rear end thereof.

EXPLANATORY NOTE: RCW 81.44.030 was repealed by 1977 ex.s. c 263 § 3. The reference to this section has been amended to refer to a later enactment, RCW 81.44.031, which contains the substance of the repealed section.

Sec. 210. Section 81.53.220, chapter 14, Laws of 1961 and RCW 81-53.220 are each amended to read as follows:

Whenever, to carry out any work ordered under RCW ((~~81.52.080 through 81.52.300 and 81.52.330 through 81.52.380~~) 81.53.010 through 81.53.281 and 81.54.010, it is necessary to erect and maintain posts, piers, or abutments in a highway, the right and authority to erect and maintain the same is hereby granted: PROVIDED, That, in case of a state highway the same shall be placed only at such points on such state highway as may be approved by the state ((~~director of highways~~) secretary of transportation and fixed after such approval by order of the commission.

EXPLANATORY NOTE: (1) RCW 81.52.080 through 81.52.300 and 81.52.330 through 81.52.380 were reenacted by 1961 c 14 as RCW 81.53.010 through 81.53.290; part of RCW 81.52.080 was reenacted as RCW 81.54.010. RCW 81.53.260 through 81.53.290 were subsequently repealed by 1969 c 134 § 9 and later enacted as RCW 81.53.261 through 81.53.281. The references to these sections have been amended to refer to their later enactments that contain the substance of the reenacted and repealed sections.

(2) Powers, duties, and functions of director of highways transferred to department of transportation; see RCW 47.01.031. Term "director of highways" means "secretary of transportation"; see RCW 47.04.015. Amendments to this effect are made herein.

Sec. 211. Section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190 are each amended to read as follows:

Any person having received notice of a denial of a petition or a notice of determination made under RCW 82.32.160(;) or 82.32.170((~~83.24.025; or 83.58.120~~)) may appeal, within thirty days from the date of the notice of such denial or determination, to the board of tax appeals. In the notice of appeal the taxpayer shall set forth the amount of the tax which he contends should be reduced or refunded and the reasons for such reduction or refund, in accordance with rules of practice and procedure prescribed by the board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department of revenue within the time specified herein and by filing the original thereof with proof of service with the clerk of the board: PROVIDED, HOWEVER, That if the notice of appeal relates to an application made to the department of revenue under chapter 82.34 RCW, the taxpayer shall set forth the amount to which the taxpayer claims the credit or exemption should apply, and the grounds for such contention, in accordance

with rules of practice and procedure prescribed by the board. If the taxpayer intends that the hearing before the board be held pursuant to the administrative procedure act (chapter 34.04 RCW), the notice of appeal shall also so state. In the event that the notice of appeal does not so state, the department may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to the administrative procedure act.

**EXPLANATORY NOTE:** Chapters 83.24 and 83.58 RCW were repealed by 1981 2nd ex.s. c 7 § 82.100.160. See RCW 83.100.900. The references to RCW 83.24.025 and 83.58.120 have been deleted.

Sec. 212. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, (~~82.04.275~~) and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

**EXPLANATORY NOTE:** RCW 82.04.275 was repealed by 1981 c 172 § 11. The reference to this section has been deleted.

Sec. 213. Section 82.04.300, chapter 15, Laws of 1961 as last amended by section 4, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.300 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, (~~82.04.275~~), 82.04.280 and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: PROVIDED,

FURTHER, That the department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

EXPLANATORY NOTE: RCW 82.04.275 was repealed by 1981 c 172 § 11. The reference to this section has been deleted.

NEW SECTION. Sec. 214. Section 82.04.420, chapter 15, Laws of 1961 and RCW 82.04.420 are each repealed.

EXPLANATORY NOTE: RCW 82.04.420 is an obsolete section of law recommended for repeal. The substantive provisions to which it refers were repealed by 1973 1st ex.s. c 218 § 29.

Sec. 215. Section 82.08.170, chapter 15, Laws of 1961 and RCW 82.08.170 are each amended to read as follows:

On the first day of the months of January, April, July and October of each year, the state treasurer shall make the apportionment and distribution of all moneys in the liquor excise tax fund to the counties, cities and towns in the following proportions: Twenty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the counties of the state in accordance with the provisions of RCW (~~43.66.100 as now existing or as hereafter amended~~) 66.08.200; eighty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW (~~43.66.110 as now existing or as hereafter amended~~) 66.08.210.

EXPLANATORY NOTE: RCW 43.66.100 and 43.66.110 are now codified as RCW 66.08.200 and 66.08.210. The references in this section have been amended to reflect this change. The phrase "as now existing or as hereafter amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 216. Section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the



terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of (~~RCW 82.14.047~~;) section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, or three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) except that in the case of a metropolitan municipal corporation created pursuant to chapter 35.58 RCW within a class AA county, the rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent. The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2) (a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045, as now or hereafter amended.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, as now or hereafter amended.

EXPLANATORY NOTE: RCW 82.14.047 was repealed by 1975 1st ex.s. c 270 § 28, effective July 1, 1975. The reference to this RCW section, but not its session law citation, has been deleted.

Sec. 217. Section 7, chapter 157, Laws of 1972 ex. sess. as amended by section 1, chapter 22, Laws of 1975 1st ex. sess. and RCW 82.24.260 are each amended to read as follows:

Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by RCW 82.24.020, 82.24.025, and 28A.47.440(~~(, and 73.32.130;)~~) and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter(~~(;)~~) and RCW 28A.47.440 (~~and 73.32.130~~) if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by RCW 82.24.020, 82.24.025, and 28A.47.440 (~~and 73.32.130~~).

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

EXPLANATORY NOTE: RCW 73.32.130 was repealed by 1979 ex.s. c 59 § 3. The reference to this section has been amended to refer to a later enactment, RCW 82.24.025, which contains the substance of the repealed section.

Sec. 218. Section 82.26.100, chapter 15, Laws of 1961 and RCW 82.26.100 are each amended to read as follows:

Every distributor shall report and make returns as provided in RCW ((82.04.490 and as it may be amended)) 82.32.045. Every registered distributor outside of this state shall in like manner report and make returns.

EXPLANATORY NOTE: RCW 82.04.490 was repealed by 1981 c 7 § 4. The reference to this section has been amended to refer to a later enactment, RCW 82.32.045, which contains the substance of the repealed section. The phrase "as it may be amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 219. Section 82.32.010, chapter 15, Laws of 1961 as amended by section 12, chapter 148, Laws of 1981 and RCW 82.32.010 are each amended to read as follows:

The provisions of this chapter shall apply with respect to the taxes imposed under chapters 82.04 through ((82.28)) 82.27 RCW of this title and under RCW 84.33.071 in such manner and to such extent as indicated in each such chapter.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 220. Section 82.32.020, chapter 15, Laws of 1961 and RCW 82.32.020 are each amended to read as follows:

For the purposes of this chapter:

The meaning attributed in chapters 82.01 through ((82.28)) 82.27 RCW to the words and phrases "tax year," "taxable year," "person," "company," "gross proceeds of sales," "gross income of the business," "business," "engaging in business," "successor," "gross operating revenue," "gross income," "taxpayer," and "value of products" shall apply equally to the provisions of this chapter.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 221. Section 82.32.070, chapter 15, Laws of 1961 as amended by section 2, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.070 are each amended to read as follows:

Every person liable for any fee or tax imposed by chapters 82.04 through ((82.28)) 82.27 RCW shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of any tax for which he may be liable, which records shall include copies of all federal income tax and state tax returns and reports made by him. All his books, records, and invoices shall be open for examination at any time by the department of revenue. In the case of an out-of-state person or concern which does not keep the necessary books and records within this state, it shall be sufficient if it produces within the state such books and records as shall be required by the department of revenue, or permits the examination by an agent authorized or designated by the department of revenue at the

place where such books and records are kept. Any person who fails to comply with the requirements of this section shall be forever barred from questioning, in any court action or proceedings, the correctness of any assessment of taxes made by the department of revenue based upon any period for which such books, records, and invoices have not been so kept and preserved.

Any person claiming a credit against the tax imposed by chapter 82.04 RCW by reason of the provisions of RCW 82.04.435 shall keep and preserve until the claim has been verified or allowed by the department of revenue sufficient books, records and invoices to prove the right to and amount of such claim for credit, and no such claim shall be allowed by the department of revenue unless such books, records and invoices have been kept and preserved.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 222. Section 82.32.300, chapter 15, Laws of 1961 as amended by section 90, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.300 are each amended to read as follows:

The administration of this and chapters 82.04 through ~~((82.28))~~ 82.27 RCW of this title is vested in the department of revenue which shall prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder.

The department of revenue shall make and publish rules and regulations, not inconsistent therewith, necessary to enforce their provisions, which shall have the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from.

The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees shall be fixed by the department and shall be charged to the proper appropriation for the department.

The department shall exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

EXPLANATORY NOTE: Chapter 82.28 RCW was repealed by 1973 1st ex.s. c 218 § 29. The reference in this section has been amended to refer to the chapter numerically preceding the repealed chapter.

Sec. 223. Section 2, chapter 22, Laws of 1963 ex. sess. as last amended by section 225, chapter 158, Laws of 1979 and RCW 82.37.020 are each amended to read as follows:

The following words, terms, and phrases when used in this chapter have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Commercial motor vehicle" means any motor vehicle used or maintained for the transportation of persons for hire, or any vehicle designed, used or maintained primarily for the transportation of commodities, merchandise, produce, freight and animals.

(2) "Motor carrier" means and includes a natural person, individual, partnership, firm, association, or private or public corporation, which is engaged in interstate commerce and which operates or causes to be operated on any highway in this state any commercial motor vehicle.

(3) "Operations", when applied to a motor carrier, means operations of all commercial motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated into or out of or through this state.

(4) "Motor vehicle fuel" means gasoline or any other inflammable liquids, by whatsoever name such liquid may be known or sold, the use of which is as fuel for the propulsion of commercial motor vehicles except fuel as defined in chapter (~~(82.40)~~) 82.38 RCW.

(5) "Use" means and includes the consumption of motor vehicle fuel by any motor carrier in a commercial motor vehicle for the propulsion thereof upon the public highways of this state.

(6) "Motor vehicle fuel importer for use" means and includes any motor carrier importing motor vehicle fuel into this state in the fuel supply tank or tanks of any commercial motor vehicle for use in propelling said vehicle upon the highways of this state.

(7) "Public highways" means and includes every way, lane, road, street, boulevard, and every way or place open as a matter of right to public vehicular travel both inside and outside the limits of cities and towns.

(8) "Director" means the director of licensing.

EXPLANATORY NOTE: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. The reference to this chapter has been amended to refer to a later enactment, chapter 82.38 RCW, which contains the substance of the repealed chapter.

Sec. 224. Section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100 are each amended to read as follows:

As used in RCW 84.33.110 through (~~(84.33.150)~~) 84.33.140:

(1) "Forest land" is synonymous with timberland and means all land in any contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber and means the land only.

(2) "Owner" means the party or parties having the fee interest in land, except where land is subject to a real estate contract "owner" means the contract vendee.

EXPLANATORY NOTE: RCW 84.33.150 was repealed by 1981 c 148 § 14. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 225. Section 16, chapter 294, Laws of 1971 ex. sess. and RCW 84-33.160 are each amended to read as follows:

Land approved for classification pursuant to RCW 84.28.020 (~~(or RCW 84.32.030)~~) prior to May 21, 1971 under chapter 84.28 RCW as reforestation lands (~~(or under chapter 84.32 RCW as forest lands)~~), and the timber on such lands, shall be assessed and taxed in accordance with the applicable provision of ~~((those))~~ chapter ~~((s))~~ 84.28 RCW and shall not be subject to this chapter ~~((, RCW 84.33.071))~~ and RCW 28A.41.130. However, after May 21, 1971, no additional land shall be classified under chapter 84.28 ~~((or 84.32))~~ RCW.

EXPLANATORY NOTE: (1) Chapter 84.32 RCW was repealed by 1972 ex.s. c 148 § 8. References to this chapter have been deleted.

(2) RCW 84.33.071 is included in the term "this chapter" since its recodification to chapter 84.33 RCW from RCW 82.04.291 by 1979 c 6 § 1 and is therefore deleted.

Sec. 226. Section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84-33.170 are each amended to read as follows:

Notwithstanding any provision of this chapter ~~((or RCW 84.33.071))~~ to the contrary, this chapter shall not exempt from the ad valorem tax nor subject to the excise tax imposed by RCW 84.33.071, Christmas trees which are grown on land which has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such Christmas trees, and such land on which such Christmas trees stand shall not be taxed as provided in RCW 84.33.100 through ~~((84-33-150))~~ 84.33.140.

EXPLANATORY NOTE: (1) RCW 84.33.071 is included in the term "this chapter" since its recodification in chapter 84.33 RCW from RCW 82.04.291 by 1979 c 6 § 1 and is therefore deleted.

(2) RCW 84.33.150 was repealed by 1981 c 148 § 14. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 227. Section 2, chapter 87, Laws of 1970 ex. sess. as amended by section 2, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on

such conditions as may be reasonably required by the legislative body granting the open space classification.

(2) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to the production of livestock or agricultural commodities for commercial purposes; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(3) "Timber land" means land in any contiguous ownership of five or more acres which is devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to chapter 84.28 RCW (~~(, or as land classified for deferred taxation under chapter 84.32 RCW)~~). Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the county assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

EXPLANATORY NOTE: Chapter 84.32 RCW was repealed by 1972 ex.s. c 148 § 8. The reference to this chapter has been deleted.

Sec. 228. Section 1, chapter 249, Laws of 1963 and RCW 84.40.031 are each amended to read as follows:

Based upon the study as directed by house concurrent resolution No. 10 of the thirty-seventh session of the legislature relating to the taxation of timber and timberlands, the legislature hereby establishes the criteria set forth in RCW 84.40.031 through (~~(84.40.035)~~) 84.40.033 as standards for the valuation of timber and timberlands for tax purposes.

EXPLANATORY NOTE: RCW 84.40.035 was repealed by 1971 ex.s. c 294 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 229. Section 2, chapter 249, Laws of 1963 and RCW 84.40.032 are each amended to read as follows:

As used in RCW 84.40.031 through ((84.40.035)) 84.40.033 "timberlands" means land primarily suitable and used for growing a continuous supply of forest products, whether such lands be cutover, selectively harvested, or contain merchantable or immature timber, and includes the timber thereon. Timberlands are lands devoted to reforestation within the meaning of Article VII, section 1 of the state Constitution as amended.

EXPLANATORY NOTE: RCW 84.40.035 was repealed by 1971 ex.s. c 294 § 20. The RCW reference in this section has been amended to refer to the section numerically preceding the repealed section.

Sec. 230. Section 30, chapter 176, Laws of 1913 as last amended by section 9, chapter 46, Laws of 1923 and RCW 85.08.410 are each amended to read as follows:

At such hearing, which may be adjourned from time to time and from place to place, until finally completed, the board of county commissioners shall carefully examine and consider said schedule and any objections filed or made thereto and shall correct, revise, raise, lower, change or modify such schedule or any part thereof, or strike therefrom any property not benefited, or set aside such schedule and order that such apportionment be made de novo, as to such body shall appear equitable and just. The board shall cause the clerk of the board to enter on such schedule all such additions, cancellations, changes, modifications and reapportionments, all credits for damages allowed or awarded to the owner of any piece of property benefited, but not paid, as provided in RCW 85.08.200; also a credit in favor of the county on any apportionment against the county, of all sums paid on account of said improvement, as provided in RCW 85.08.210; and all sums allowed the county on account of services rendered by the county engineer or prosecuting attorney, as provided in RCW 85.08.360; and all credits allowed to property owners constructing crossings as provided in RCW ((85-08-350)) 85.08.340. When the board of county commissioners shall have finally determined that the apportionment as filed or as changed and modified by the board is a fair, just and equitable apportionment, and that the proper credits have been entered thereon, the members of the board approving the same shall sign the schedule and cause the clerk of the board to attest their signature under his seal, and shall enter an order on the journal approving the final apportionment and all proceedings leading thereto and in connection therewith, and shall levy the amounts so apportioned against the property benefited, and the determination by the board of county commissioners in fixing and approving such apportionment and making such levy shall be final and conclusive.



The board of county commissioners shall also at said hearing, levy, in the manner hereinafter provided for the levy of maintenance assessments, such assessment as they shall deem necessary to provide funds for the maintenance of the system of improvement until the first annual assessment for maintenance shall fall due.

EXPLANATORY NOTE: RCW 85.08.350 was decodified. The reference to this section has been amended to refer to RCW 85.08.340 which contains the session law contents of the decodified section.

Sec. 231. Section 2, chapter 125, Laws of 1975 1st ex. sess. and RCW 88.16.180 are each amended to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any oil tanker, whether enrolled or registered, of fifty thousand deadweight tons or greater, shall be required to take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW (~~88.16.030 as now or hereafter amended~~) 88.16.035.

EXPLANATORY NOTE: RCW 88.16.030 was repealed by 1977 ex.s. c 337 § 17. The reference to this section has been amended to refer to a later enactment, RCW 88.16.035, which contains the substance of the repealed section. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and has therefore been deleted.

Passed the Senate January 18, 1983.

Passed the House January 28, 1982 [1983].

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

## CHAPTER 4

[Senate Bill No. 3038]

### UTILITIES AND TRANSPORTATION COMMISSION—OBSOLETE REFERENCES CORRECTED

AN ACT Relating to state government; amending section 2, chapter 25, Laws of 1974 ex. sess. as amended by section 2, chapter 68, Laws of 1980 and RCW 18.27.090; amending section 4, chapter 130, Laws of 1913 and RCW 19.29.040; amending section 2, chapter 221, Laws of 1939 and RCW 19.90.020; amending section 12, chapter 221, Laws of 1939 and RCW 19.90.120; amending section 2, chapter 130, Laws of 1945 and RCW 54.04.100; amending section 81, chapter 255, Laws of 1927 and RCW 79.01.324; amending section 2, chapter 312, Laws of 1927 and RCW 79.36.240; amending section 5, chapter 312, Laws of 1927 and RCW 79.36.270; amending section 7, chapter 312, Laws of 1927 and RCW 79.36.280; amending section 80.08.105, chapter 14, Laws of 1961 and RCW 80.08.105; amending section 81.08.105, chapter 14, Laws of 1961 and RCW 81.08.105; and declaring an emergency.

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

Sec. 1. Section 2, chapter 25, Laws of 1974 ex. sess. as amended by section 2, chapter 68, Laws of 1980 and RCW 18.27.090 are each amended to read as follows:

This chapter shall not apply to: