

## CHAPTER 133

[House Bill No. 1004]

INTESTATE ESTATES HAVING ESCHEAT PROPERTY—ADMINISTRATION BY  
THE DIRECTOR OF REVENUE AUTHORIZED

AN ACT Relating to revenue and taxation; and amending RCW 11.28.120 and 43.10.067.

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

Sec. 1. Section 11.28.120, chapter 145, Laws of 1965 and RCW 11.28.120 are each amended to read as follows:

Administration of the estate of the person dying intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving husband or wife, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

(4) One or more of the principal creditors.

~~((4))~~ (5) If the persons so entitled shall fail for more than forty days after the death of the intestate to present a petition for letters of administration, or if it appear to the satisfaction of the court that there are no relatives or next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

Sec. 2. Section 43.10.067, chapter 8, Laws of 1965 as amended by section 1, chapter 268, Laws of 1981 and RCW 43.10.067 are each amended to read as follows:

No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: PROVIDED, That RCW 43.10.040, and RCW 43.10.065 through 43.10.080 shall not apply to the administration of the judicial council, the judicial qualifications commission, the state law library, the

law school of the state university, ((or)) the administration of the state bar act by the Washington State Bar Association, or the representation of an estate administered by the director of the department of revenue or the director's designee pursuant to chapter 11.28 RCW.

The authority granted by chapter 1.08 RCW(~~(, RCW 44.24.050,)~~) and RCW 44.28.140 shall not be affected hereby.

Passed the House March 19, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor April 23, 1985.

Filed in Office of Secretary of State April 23, 1985.

## CHAPTER 134

[House Bill No. 1006]

EXCISE TAXES—CONSUMER—DEFINITION EXPANDED TO INCLUDE PERSONS MOVING DIRT AND CLEARING LAND FOR FEDERAL GOVERNMENT

AN ACT Relating to excise tax definitions; and amending RCW 82.04.190.

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

Sec. 1. Section 82.04.190, chapter 15, Laws of 1961 as last amended by section 27, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.190 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right