

(3) The proportionate reduction of special assessments imposed by a county, city, town, or special district in the aquifer protection area for any of the facilities described in subsection (2) of this section.

NEW SECTION. Sec. 5. A county legislative authority may dissolve an aquifer protection area upon a finding that such dissolution is in the public interest.

A ballot proposition to dissolve an aquifer protection district shall be placed on the ballot for the approval or rejection of the voters residing in an aquifer protection area, when a petition requesting such a ballot proposition is signed by at least twenty percent of the voters residing in the aquifer protection area and is filed with the county legislative authority of the county originally creating the aquifer protection area. The ballot proposition shall be placed on the ballot at the next general election occurring sixty or more days after the petition has been filed. Approval of the ballot proposition by a simple majority vote shall cause the dissolution of the aquifer protection area.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 21, 1985.

Filed in Office of Secretary of State May 21, 1985.

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## CHAPTER 426

[Engrossed Senate Bill No. 4302]

### LIE DETECTORS—USE IN EMPLOYMENT UNLAWFUL

AN ACT Relating to lie detectors; amending RCW 49.44.120 and 49.44.130; adding a new section to chapter 49.44 RCW; and prescribing penalties.

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

Sec. 1. Section 1, chapter 152, Laws of 1965 as amended by section 1, chapter 145, Laws of 1973 and RCW 49.44.120 are each amended to read as follows:

It shall be unlawful for any person, firm, corporation or the state of Washington, its political subdivisions or municipal corporations to require, directly or indirectly, that any employee or prospective employee ((to)) take or be subjected to any lie detector or similar tests as a condition of employment or continued employment: PROVIDED, That this section shall not apply to persons making initial application for employment with any law

enforcement agency: PROVIDED FURTHER, That this section shall not apply to either the initial application for employment or continued employment of persons who manufacture, distribute, or dispense controlled substances as defined in chapter 69.50 RCW, or to persons in sensitive positions directly involving national security(~~(, or to persons in the field of public law enforcement who are seeking promotion to a rank of captain or higher)~~).

Nothing in this section shall be construed to prohibit the use of psychological tests as defined in RCW 18.83.010.

Sec. 2. Section 2, chapter 152, Laws of 1965 and RCW 49.44.130 are each amended to read as follows:

(1) Any person violating the provisions of RCW 49.44.120 shall be guilty of a ~~((gross))~~ misdemeanor.

(2) As used in this section, "person" includes any individual, firm, corporation, or agency or political subdivision of the state.

(3) Nothing in this section or RCW 49.44.120 may be construed as limiting any statutory or common law rights of any person illegally denied employment or continued employment under RCW 49.44.120 for purposes of any civil action or injunctive relief.

NEW SECTION. Sec. 3. A new section is added to chapter 49.44 RCW to read as follows:

In a civil action alleging a violation of RCW 49.44.120, the court may:

(1) Award a penalty in the amount of five hundred dollars to a prevailing employee or prospective employee in addition to any award of actual damages;

(2) Award reasonable attorneys' fees and costs to the prevailing employee or prospective employee; and

(3) Pursuant to RCW 4.84.185, award any prevailing party against whom an action has been brought for a violation of RCW 49.44.120 reasonable expenses and attorneys' fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

Passed the Senate April 24, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 21, 1985.

Filed in Office of Secretary of State May 21, 1985.

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## CHAPTER 427

[Engrossed House Bill No. 758]

### PUBLIC UTILITY METER TAMPERING OR CIRCUMVENTION

AN ACT Relating to public utilities; amending RCW 80.28.080; adding a new section to chapter 80.28 RCW; and prescribing penalties.

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