

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

NEW SECTION. Sec. 26. RCW 43.41.900, 43.41.910, 43.41.920, 43.41.930, 43.41.960, 47.01.111, and 47.01.121 are each decodified.

NEW SECTION. Sec. 27. Section 21, chapter 125, Laws of 1984 and RCW 43.63A.045 are each repealed.

Passed the Senate January 21, 1985.

Passed the House March 25, 1985.

Approved by the Governor April 2, 1985.

Filed in Office of Secretary of State April 2, 1985.

CHAPTER 7

[Senate Bill No. 3041]

OBSELETE STATUTORY REFERENCES AND NOMENCLATURE CORRECTED

AN ACT Relating to obsolete statutory references and nomenclature in the Revised Code of Washington; amending RCW 3.58.010, 9A.64.030, 13.04.093, 18.08.150, 18.08.190, 18.08.220, 18.11.080, 18.11.100, 18.11.110, 18.22.060, 18.22.081, 18.22.120, 18.25.020, 18.25.040, 18.25.050, 18.25.070, 18.28.030, 18.29.020, 18.29.040, 18.29.060, 18.29.070, 18.32.110, 18.32.120, 18.32.170, 18.32.180, 18.32.210, 18.32.225, 18.34.070, 18.35.040, 18.35.060, 18.35.080, 18.35.090, 18.36.040, 18.36.050, 18.36.115, 18.39.050, 18.39.120, 18.39.130, 18.39.145, 18.39.150, 18.43.050, 18.43.080, 18.43.100, 18.43.110, 18.43.130, 18.44.010, 18.50.050, 18.50.102, 18.52.130, 18.53.050, 18.53.070, 18.55.040, 18.55.050, 18.57.050, 18.57.130, 18.57A.040, 18.59.110, 18.64.009, 18.64.160, 18.71A.040, 18.72.380, 18.74.050, 18.74.060, 18.78.080, 18.78.090, 18.83.105, 18.88.160, 18.88.190, 18.88.200, 18.92.115, 18.92.140, 18.92.145, 18.96.080, 18.96.100, 18.96.110, 18.96.140, 18.106.090, 18.108.060, 18.108.160, 19.16.140, 19.16.150, 19.31.040, 19.31.140, 23A.28.240, 26.26.030, 26.26.190, 28A.24.172, 28A.41.143, 28A.52.070, 28A.56.020, 28A.56.050, 28A.58.131, 28A.58.137, 28A.58.435, 28B.05.040, 30.04.160, 31.12A.010, 31.12A.030, 35.58.274, 35A.27.010, 35A.82.010, 35A.88.030, 36.18.020, 36.64.060, 40.10.020, 41.56.020, 43.10.067, 43.131.323, 43.220.070, 46.16.340, 46.68.124, 47.56.286, 48.46.120, 48.46.360, 50.04.225, 52.06.085, 52.08.025, 52.08.041, 52.16.130, 52.18.010, 52.18.020, 53.08.320, 63.21.080, 63.40.050, 63.42.060, 67.70.220, 70.105A.030, 70.120.030, 70.120.110, 70.136.030, 74.13.100, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.46.180, 74.46.520, 74.46.760, 75.44.100, 81.80.300, 81.80.318, 82.04.460, 82.49.070, and 84.40.405; reenacting and amending RCW 46.16.015 and 80.50.030; and decodifying RCW 47.56.620.

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

Sec. 1. Section 100, chapter 299, Laws of 1961 as last amended by section 2, chapter 186, Laws of 1983 and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time district court judge shall be ninety percent of the salary of a judge of a superior court: PROVIDED, That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an

amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That a member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, (~~2.04.090; 2.06.060; 2.08.090~~) 2.04.092, 2.06.062, 2.08.092, and 3.58.010(~~(as now or hereafter amended);~~) shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator.

EXPLANATORY NOTE: RCW 2.04.090, 2.06.060, and 2.08.090 were repealed by 1984 c 258 § 404, effective July 1, 1985. The reference to these sections has been amended to refer to later enactments, RCW 2.04.092, 2.06.062, and 2.08.092, respectively, that contain the substance of the repealed sections. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 2. Section 2, chapter 135, Laws of 1984 and RCW 9.46.116 are each amended to read as follows:

The commission shall charge fees or increased fees on pull tabs sold over-the-counter and on sales from punchboards and pull tab devices at levels necessary to assure that the increased revenues are equal or greater to the amount of revenue lost by removing the special tax on coin-operated gambling devices (~~(in section 1 of this act)~~) by the 1984 repeal of RCW 9.46.115.

EXPLANATORY NOTE: "Section 1 of this act" is amendatory language in 1984 c 135 § 2 referring to 1984 c 135 § 1 which repealed RCW 9.46.115.

Sec. 3. Section 3, chapter 85, Laws of 1980 and RCW 9A.64.030 are each amended to read as follows:

- (1) It is unlawful for any person to sell or purchase a minor child.
- (2) A transaction shall not be a purchase or sale under subsection (1) of this section if any of the following exists:
 - (a) The transaction is between the parents of the minor child; or
 - (b) The transaction is between a person receiving or to receive the child and (~~(a benevolent or charitable society)~~) an agency recognized under RCW (~~(26.37.010, as now existing or hereafter amended)~~) 26.33.020; or
 - (c) The transaction is between the person receiving or to receive the child and a state agency or other governmental agency; or
 - (d) The transaction is pursuant to chapter 26.34 RCW(~~(as now existing or hereafter amended)~~); or
 - (e) The transaction is pursuant to court order; or
 - (f) The only consideration paid by the person receiving or to receive the child is intended to pay for the prenatal hospital or medical expenses

involved in the birth of the child, or attorneys' fees and court costs involved in effectuating transfer of child custody.

(3) Child selling is a class C felony and child buying is a class C felony.

EXPLANATORY NOTE: RCW 26.37.010 was repealed by 1984 c 155 § 39, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.020, that contains the substance of the repealed section. The phrase "as now existing or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 4. Section 9, chapter 291, Laws of 1977 ex. sess. as amended by section 6, chapter 165, Laws of 1979 ex. sess. and RCW 13.04.093 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings under RCW 72.23.070. It shall be the duty of the prosecuting attorney to handle delinquency cases under ~~((Title [chapter]))~~ chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under ~~((Title [chapter]))~~ chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW ~~((26.32.034(2)))~~ 26.33.100 or approving or disapproving alternative residential placement: **PROVIDED**, That in class 1 through 9 counties the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

EXPLANATORY NOTE: RCW 26.32.034 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.100, that contains the substance of the repealed section.

Sec. 5. Section 6, chapter 323, Laws of 1959 as amended by section 1, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.08.150 are each amended to read as follows:

All applications for examination must be filed with the director not less than sixty days prior to the date set for the examination. The application fee shall be determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086. Should the director deny issuance of a certificate of registration to any applicant, the examination fee shall not be refundable. Graduates of an approved architectural college may apply for and take the examination but shall not be granted certificates of registration until their required office experience is completed.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 6. Section 10, chapter 323, Laws of 1959 as last amended by section 2, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.08.190 are each amended to read as follows:

Certificates of registration shall expire on the last day of June following their issuance or renewal. The director shall set the yearly fee for renewal which fee shall be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. Renewal may be effected during the month of June by payment to the director of the fee set. In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee: PROVIDED, That any registrant in good standing may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 7. Section 13, chapter 323, Laws of 1959 as amended by section 3, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.08.220 are each amended to read as follows:

The director may reinstate a certificate of registration to any person whose certificate has been revoked, if three or more members of the board vote in favor of such reissuance, whenever the board shall find that the circumstances or conditions that brought about the revocation are not likely to recur and that the person is then sufficiently trustworthy and reliable that the best interests of the public will be served by reinstatement of his registration. A new certificate of registration to replace any certificate lost, destroyed, or mutilated may be issued by the director and a charge determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 shall be made for such issuance.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 8. Section 3, chapter 205, Laws of 1982 and RCW 18.11.080 are each amended to read as follows:

The department shall license each applicant for a certificate of registration under this chapter who applies in writing on a form prescribed by the director with such information as the director requires. The director shall set license and renewal fees in accordance with RCW (~~43.24.085~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 9. Section 8, chapter 205, Laws of 1982 and RCW 18.11.100 are each amended to read as follows:

(1) A nonresident of this state may be licensed as an auctioneer upon complying with the rules of the department and this chapter.

(2) The department may accept, in lieu of the recommendations and statements otherwise required to accompany the application for a license, an auctioneer's license issued to the applicant by the state of his or her domicile upon the payment by the applicant of the proper license fee and filing with the department of a certified copy of the license issued by the other state. This section shall only apply to licensed auctioneers of those states under the laws of which similar recognition and courtesies are extended to licensed auctioneers of this state.

(3) The application of a person for a nonresident auctioneer's license under this chapter shall constitute the appointment of the secretary of state as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to the business of an auctioneer.

(4) Nonresidents must pay the issuance fee, annual renewal fees, and such other fees as prescribed by the director under RCW (~~(43.24.085)~~) 43.24.086, and file the bond or proof of the establishment of a trust account as required by this chapter.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 10. Section 9, chapter 205, Laws of 1982 and RCW 18.11.110 are each amended to read as follows:

Upon application and the payment of a fee as provided under RCW (~~(43.24.085)~~) 43.24.086, the department shall issue a trainee auctioneer's license to a person under the age of eighteen years if the department finds that:

(1) The applicant meets the other qualifications and requirements for an applicant for a license as an auctioneer;

(2) An auctioneer licensed under this chapter has given written notice to the department that he or she has agreed to employ the applicant as a trainee auctioneer, that he or she will assume responsibility for acts of the applicant in the conduct of auction business and sales, and that he or she will be present and supervise any auction sale conducted by the applicant; and

(3) The applicant has furnished security as required by RCW 18.11.120 or proof that the bond or trust account of the employer auctioneer under RCW 18.11.120 requires the auctioneer to pay all legal claims which

may accrue in favor of any person arising out of auction business transacted under the auctioneer's direction.

No trainee licensed under this section may sell his or her own property at an auction sale which the trainee conducts, or sell any property by auction unless the employer auctioneer is present at the time of the auction sale.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 11. Section 14, chapter 52, Laws of 1957 as last amended by section 7, chapter 21, Laws of 1982 and RCW 18.22.060 are each amended to read as follows:

Every applicant for a license to practice podiatry shall pay to the state treasurer a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

An applicant who fails to pass an examination satisfactorily is entitled to reexamination at a meeting called for the examination of applicants, upon the payment of a fee for each reexamination determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 12. Section 3, chapter 97, Laws of 1965 as last amended by section 12, chapter 21, Laws of 1982 and RCW 18.22.081 are each amended to read as follows:

Any applicant who has been examined and licensed under the laws of another state which grants the holders of certificates from the proper authorities of this state the full privileges of practice within its borders or an applicant who has satisfactorily passed examinations given by the national board of podiatry examiners may, in the discretion of the board and after examination by the board in the clinical application of dermatology, biomechanics, surgery, medicine, podiatric medicine, radiology, pharmacology, laboratory procedures, and any other subjects the board may require by regulation, be granted a license on the payment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 to the state treasurer if the applicant has not previously failed to pass an examination held in this state. If the applicant was licensed in another state, the applicant must file with the director a copy of the license certified by the proper authorities of the issuing state to be a full and true copy thereof, and must show that the standards, eligibility requirements, and examinations of that state are at least equal in all respects to those of this state.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 13. Section 6, chapter 149, Laws of 1955 as last amended by section 14, chapter 21, Laws of 1982 and RCW 18.22.120 are each amended to read as follows:

Every person practicing podiatry must renew his or her license each year and pay a renewal fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

Failure to register and pay the annual renewal fee invalidates the license, but it shall be reinstated upon written application to the director and payment to the state of a penalty of ten dollars, together with all delinquent annual renewal fees: PROVIDED, That a person who fails to renew his or her license for a period of three years is not entitled to renewal under this section but must file an original application as provided in this chapter, and pay the required fee. The board may permit an applicant whose license has lapsed in this manner to be licensed without examination if it determines that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of podiatry.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 14. Section 5, chapter 5, Laws of 1919 as last amended by section 19, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.020 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him to do so, shall make application therefor to the director, upon such form and in such manner as may be adopted and directed by the director. Each applicant who matriculates after January 1, 1975, shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the board of chiropractic examiners and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his educational advantages, his experience in matters pertaining to a knowledge of the care of the sick, how long he has studied chiropractic, under what teachers, what

collateral branches, if any, he has studied, the length of time he has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the director by each applicant for a license, a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 which shall accompany application and a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, which shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 15. Section 14, chapter 5, Laws of 1919 as last amended by section 20, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.040 are each amended to read as follows:

Persons licensed to practice chiropractic under the laws of any other state having equal requirements of this chapter, may, in the discretion of the board of chiropractic examiners, and after examination by the board in principles of chiropractic, x-ray, and adjusting, as taught by chiropractic schools and colleges, be issued a license to practice in this state without further examination, upon payment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 16. Section 8, chapter 5, Laws of 1919 as last amended by section 2, chapter 277, Laws of 1981 and RCW 18.25.050 are each amended to read as follows:

(1) The director may refuse to grant or may revoke a license to practice chiropractic in this state upon any of the following grounds, to wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this chapter; the practice of chiropractic under a false or assumed name, or the impersonation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, controlled substances, or stimulants to such an extent as to incapacitate him or her for the performance of his or her professional duties; exploiting or advertising through the press, or by the use of handbills, circulars, or other periodicals, other than professional cards, giving only name, address, profession, office hours, and

telephone connections. Any person who is a licentiate, or who is an applicant for a license to practice chiropractic against whom any of the foregoing grounds for revoking or refusing a license, is presented to said director with a view of having the director revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before said director in person or by attorney, and witnesses may be examined by said director respecting the guilt or innocence of said accused.

(2) Said director may at any time within two years of the refusal or revocation or cancellation of registration under this section, issue a new license or grant a license to the person affected, restoring him to, or conferring upon him all the rights and privileges of, and pertaining to the practice of chiropractic as defined and regulated by this chapter. Any person to whom such have been restored shall pay to the director a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 upon issuance of a new license.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 17. Section 10, chapter 5, Laws of 1919 as last amended by section 2, chapter 51, Laws of 1980 and RCW 18.25.070 are each amended to read as follows:

(1) Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance of at least twenty-five hours during the preceding three-year period, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners: PROVIDED, That the board may, for good cause shown, waive said attendance. The following guidelines for such symposiums shall apply:

(a) Symposiums which shall be approved by the board for licensees practicing or residing within the state of Washington are those sponsored or conducted by any chiropractic association in the state or an approved chiropractic college or other institutions or organizations which devote themselves to lectures or demonstrations concerning matters which are recognized in the state of Washington chiropractic licensing laws;

(b) Rules shall be adopted by the board for licensees practicing and residing outside the state who shall meet all requirements established by the board by rules and regulations.

(2) Every person practicing chiropractic within this state shall pay on or before the first day of September of each year, after a license is issued to him as herein provided, to said director a renewal license fee to be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. The director shall, thirty days or more before September first of each year, mail to all chiropractors in the state a notice of

the fact that the renewal fee will be due on or before the first of September. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

The failure of any licensed chiropractor to pay his annual license renewal fee by the first day of October following the date on which the fee was due shall work a forfeiture of his license. It shall not be reinstated except upon evidence that continuing educational requirements have been fulfilled and the payment of a penalty to be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. Should the licentiate allow his license to elapse for more than three years, he must be reexamined as provided for in RCW 18.25.040.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 18. Section 3, chapter 201, Laws of 1967 as last amended by section 23, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.28.030 are each amended to read as follows:

An application for a license shall be in writing, under oath, and in the form prescribed by the director. The application shall contain such relevant information as the director may require, but in all cases shall contain the name and residential and business addresses of each individual applicant, and of each member when the applicant is a partnership or association, and of each director and officer when the applicant is a corporation.

Except as provided hereinafter in this section the applicant shall pay an investigation fee and a licensing fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086: PROVIDED, That a branch office of a licensed debt adjusting agency need not pay an investigation fee but only the licensing fee. If a license is not issued in response to the application, the director shall return the licensing fee to the applicant. An annual license fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, shall be paid to the director by January 1st of each year. If the annual license fee is not paid by January 1st, the licensee shall be assessed a penalty for late payment determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. And if the fee and penalty are not paid by January 31st, reapplication for a new license will be necessary, which may include taking any examination prescribed by the director.

The applicant shall file a surety bond with the director or in lieu thereof the applicant may file with the director a cash deposit or other negotiable security acceptable to the director and under conditions set forth in RCW 18.28.040: PROVIDED, That each branch office of a debt adjusting

agency shall be required to be bonded as provided herein, but no bond will be required of an individual applicant while he is employed by a bonded debt adjusting agency or branch thereof.

The applicant shall furnish the director with such proof as the director may reasonably require to establish the qualifications set forth in RCW 18.28.060.

If the applicant is an individual person making an original license application he shall pay an examination fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

If the applicant is applying for a debt adjusting agency license it shall furnish the director with complete forms of all contracts and assignments designed for execution by debtors making any assignments to or placing any property with the applicant for the purpose of paying the creditors of such debtors, and complete forms of all contracts and agreements designed for execution by creditors to whom payments are made by the applicant. Only such forms furnished the director and not disapproved by him shall be used by a debt adjusting agency licensee.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 19. Section 28, chapter 16, Laws of 1923 as last amended by section 30, chapter 158, Laws of 1979 and RCW 18.29.020 are each amended to read as follows:

Any citizen of this state of good moral character who shall have attained the age of eighteen years may file his application for license as a dental hygienist in the manner provided by law on forms furnished by the director of licensing and shall submit with said application proof of said applicant's graduation from a training school for dental hygienists. Said application shall be signed and sworn to by said applicant. Each applicant shall pay a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 which shall accompany his application.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 20. Section 33, chapter 16, Laws of 1923 as last amended by section 25, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.040 are each amended to read as follows:

Applicants licensed as dental hygienists under the laws of other states whose requirements are equal to those of this state and who have been engaged in the lawful practice of dental hygiene for a period of not less than three years in such state may, upon the payment of a fee determined by the

director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, be granted licenses as dental hygienists in this state without examination: PROVIDED, HOWEVER, That the privileges of this section shall be extended only to those states which extend to this state the same privilege.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 21. Section 31, chapter 16, Laws of 1923 as last amended by section 4, chapter 277, Laws of 1981 and RCW 18.29.060 are each amended to read as follows:

Upon passing an examination as provided in RCW (~~(18.29.030)~~) 18.29.031 the director of licensing shall issue to the successful applicant a license as dental hygienist. The license shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

EXPLANATORY NOTE: RCW 18.29.030 was repealed by 1983 c 168 § 15. The reference to this section has been amended to refer to a later enactment, RCW 18.29.031, that contains the substance of the repealed section.

Sec. 22. Section 32, chapter 16, Laws of 1923 as last amended by section 33, chapter 158, Laws of 1979 and RCW 18.29.070 are each amended to read as follows:

Every person licensed as a dental hygienist shall pay on or before the first day of October of each year after a license is issued to him a license renewal fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 and the license renewal certificate which shall be thereupon issued by the director of licensing shall be displayed with the license of said licensee.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 23. Section 29, chapter 52, Laws of 1957 as last amended by section 27, chapter 30, Laws of 1975 1st ex sess. and RCW 18.32.110 are each amended to read as follows:

Except as otherwise provided in RCW 18.32.210, as now or hereafter amended each applicant shall pay a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, which shall accompany his application: PROVIDED, That applicants not licensed in another state and not residents of this state for at least six consecutive months shall pay an additional investigation fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW

43.24.086, that 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 is therefore deleted.

Sec. 24. Section 5, chapter 93, Laws of 1953 as last amended by section 28, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.120 are each amended to read as follows:

When the application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board at a time and place to be fixed by the director, which time shall be not less than sixty days after the receipt of such application by the director.

Examination shall be made in writing in all theoretic subjects. Both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery.

The examination papers, and all grading thereon, and the grading of the practical work, shall be deemed public documents, and preserved for a period of not less than three years after the board has made and published its decisions thereon. All examinations shall be conducted by the board under fair and wholly impartial methods.

Any applicant who fails to make the required grade in his first examination is entitled to take as many subsequent examinations as he desires upon the prepayment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 for each subsequent examination. At least two examinations shall be given in each calendar year.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 25. Section 25, chapter 52, Laws of 1957 as amended by section 29, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.170 are each amended to read as follows:

A fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 shall be charged for every duplicate license issued by the director.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 26. Section 24, chapter 112, Laws of 1935 as last amended by section 30, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.180 are each amended to read as follows:

Every person granted a license under this chapter shall pay to the director a license renewal fee determined by the director as provided in RCW

~~((43.24.085 as now or hereafter amended))~~ 43.24.086 for the year commencing with the first day of October next following the issuance of his license, and annually thereafter. Payment must be made within thirty days following the commencement of the year for which the same accrues. The license renewal certificate issued by the director shall be indispensable evidence that the same has been made.

The failure of any licensed dentist to pay his annual license renewal fee by the first day of November following the date on which the fee was due shall work a forfeiture of his license. It shall not be reinstated except upon written application and the payment of a penalty determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 27. Section 13, chapter 112, Laws of 1935 as last amended by section 32, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.210 are each amended to read as follows:

Any dentist who has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dentistry or dental surgery which in the opinion of the board is equal to that at the time maintained in this state, and who has been lawfully and continuously engaged in the practice of dentistry for five years or more immediately before filing his application to practice in this state and who shall deposit in person with the director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying to the fact of his registration and of his being a person of good moral character and of professional attainments, may, upon the payment of a fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086 and after satisfactory practical examination demonstrating his proficiency, be granted a license to practice dentistry in this state, without being required to take an examination in theory: PROVIDED, HOWEVER, That no license shall be issued to any such applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state, and removing to such other state: AND PROVIDED FURTHER, That the Washington state board of dental examiners shall have power to enter into reciprocal relations with similar boards of other states whose laws are practically identical with the provisions of this chapter.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 28. Section 15, chapter 112, Laws of 1935 as amended by section 33, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.225 are each amended to read as follows:

The fee for issuing a certificate to a legal practitioner of this state under RCW 18.32.220 shall be determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 and in each case the fee shall be paid to the director before the certificate shall be issued.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 29. Section 7, chapter 43, Laws of 1957 as last amended by section 34, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.34.070 are each amended to read as follows:

Any applicant for a license shall be examined if he pays an examination fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 and certifies under oath that:

- (1) He is eighteen years or more of age; and
- (2) He has graduated from an accredited high school; and
- (3) He is a citizen of the United States or has declared his intention of becoming such citizen in accordance with law; and
- (4) He is of good moral character; and
- (5) He has either:
 - (a) Had at least three years of apprenticeship training; or
 - (b) Successfully completed a prescribed course in opticianry in a college or university approved by the director; or
 - (c) Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 30. Section 4, chapter 106, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 39, Laws of 1983 and RCW 18.35.040 are each amended to read as follows:

An applicant for license shall be at least eighteen years of age and shall pay a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086. An applicant shall not be issued a license under the provisions of this chapter unless the applicant:

- (1) Satisfactorily completes the examination required by this chapter;
or
- (2) Holds a current, unsuspended, unrevoked license or certificate from a state or jurisdiction with which the department has entered into a reciprocal agreement, and shows evidence satisfactory to the department that the applicant is licensed in good standing in the other jurisdiction; and
- (3) Provides proof satisfactory to the department that the licensee has obtained the surety bond coverage required under this chapter.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 31. Section 6, chapter 106, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 39, Laws of 1983 and RCW 18.35.060 are each amended to read as follows:

- (1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that:
- (a) The applicant is at least eighteen years of age;
- (b) If issued a trainee license, would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed in good standing as a fitter-dispenser for at least one year unless otherwise approved by the council; and
- (c) Has paid an application fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, to the department.

The provisions of RCW 18.35.030 (~~and~~), 18.35.110 (~~(through 18.35.130)~~), and 18.35.120 shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and that person shall execute an acknowledgment of responsibility for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if the trainee is under the direct supervision of a person licensed under this chapter in a capacity other than as a trainee. Direct supervision by a licensed fitter-dispenser shall be required whenever the trainee is engaged in the fitting or dispensing of hearing aids during the trainee's first three months of full-time employment. The council shall develop and adopt guidelines on any additional supervision or training it deems necessary.

(4) The trainee license shall expire one year from the date of its issuance except that on recommendation of the council the license may be reissued for one additional year only.

(5) No person licensed under this chapter may assume the responsibility for more than two trainees at any one time, except that the department may approve one additional trainee if none of the trainees is within the initial ninety-day period of direct supervision and the licensee demonstrates to the department's satisfaction that adequate supervision will be provided for all trainees.

EXPLANATORY NOTE: (1) RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

(2) RCW 18.35.130 was repealed by 1983 c 39 § 25. The reference to RCW 18.35.130 in this section has been amended to refer to the only remaining code section within the original reference.

Sec. 32. Section 8, chapter 106, Laws of 1973 1st ex. sess. as amended by section 38, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.35.080 are each amended to read as follows:

The department shall license each applicant, without discrimination, who satisfactorily completes the required examination and, upon payment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 to the department, shall issue to the applicant a license. The license shall be effective until December 31st of the year in which it is issued.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 33. Section 9, chapter 106, Laws of 1973 1st ex. sess. as amended by section 7, chapter 39, Laws of 1983 and RCW 18.35.090 are each amended to read as follows:

Each person who engages in the fitting and dispensing of hearing aids shall annually, on the anniversary of his or her license, or as the department prescribes by rule, pay to the department a fee established by the director under RCW (~~43.24.085~~) 43.24.086 for a renewal of the license and shall keep the license conspicuously posted in the place of business at all times. A thirty-day grace period shall be allowed after the applicable renewal date during which licenses may be renewed on payment of a penalty fee established by the director under RCW (~~43.24.085~~) 43.24.086. Any person who fails to renew his or her license prior to the expiration of the grace period must satisfy the requirements of this chapter for initial licensure, including taking a new examination. The director may by rule establish mandatory continuing education requirements and/or continued competency standards to be met by licensees as a condition for license renewal.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 34. Section 3, chapter 36, Laws of 1919 as amended by section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040 are each amended to read as follows:

Only persons desiring to practice drugless therapeutics in this state shall apply to said director for a license and pay a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, which sum in no case shall be refunded. If at a time appointed, or at the next regular examination, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said director, or if the school attendance of said applicant was prior to the passage of RCW 18.36.010 through 18.36.165 a diploma from a chartered drugless school, the entrance requirements of which was a common school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: PROVIDED, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical and manual manipulation. After such examination the director shall grant the applicant a license to practice drugless therapeutics in the state of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the director, but the following subjects, to wit: anatomy, physiology, hygiene, urinalysis, and gynecology, shall be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of said subjects: PROVIDED, after 1921, the following subjects shall be construed as common to all systems, to wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy, and gynecology. The director may refuse to grant a license to, or may revoke the license of any person guilty of unprofessional conduct, subject to the right of appeal within ninety days, to the superior court of the county where the board met when said license was refused, or revocation made. Any license granted without a full and fair compliance with the provisions of RCW 18.36.010 through 18.36.165 may be canceled in any action brought in the name of the state by the prosecuting attorney of the county where the examination was held, or said action may be brought by the attorney general; and if a license is denied an applicant shall have the right to petition the

superior court where said examination was held for an order compelling said board to issue said license.

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 35. Section 11, chapter 36, Laws of 1919 as amended by section 40, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.050 are each amended to read as follows:

The examination held by the director under RCW 18.36.010 through 18.36.165 shall be conducted in accordance with the following regulations:

(1) Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

(2) A fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five percent, and should be denied a license, such applicant shall, without paying a further fee and without losing his classification under the provisions of RCW 18.36.010 through 18.36.165, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of RCW 18.36.010 through 18.36.165 and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and the papers of candidates shall be known by numbers which shall be arranged as follows: Envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the director. Each candidate shall place on his paper the number given him and the year of graduation.

(4) The director shall examine the papers and place the mark opposite each candidate's number. When the markings are completed, the envelopes

containing the names are to be opened and the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

(6) Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject.

(7) No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

(8) All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the director within thirty days after said license has been granted or refused.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 36. Section 1, chapter 83, Laws of 1953 as last amended by section 41, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.115 are each amended to read as follows:

Every person heretofore or hereafter granted a license under this chapter shall pay to the director an annual license renewal fee to be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual license renewal fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, together with all delinquent annual license renewal fees.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 37. Section 6, chapter 108, Laws of 1937 as last amended by section 21, chapter 66, Laws of 1982 and RCW 18.39.050 are each amended to read as follows:

Every application for an initial license or a license renewal under this chapter shall be made in writing on a form prescribed by the director with such information as the director requires. The director shall set license fees in accordance with RCW (~~43.24.085 as now existing or hereafter amended~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section. The phrase "as now existing or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 38. Section 10, chapter 108, Laws of 1937 as last amended by section 7, chapter 43, Laws of 1981 and RCW 18.39.120 are each amended to read as follows:

Every person engaged in the business of funeral directing or embalming, who employs an apprentice to assist in the conduct of the business, shall register the name of each apprentice with the director at the beginning of the apprenticeship, and shall also forward notice of the termination of the apprenticeship. The registration shall be renewed annually and shall expire on the anniversary of the apprentice's birthdate. Fees determined under RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 shall be paid for the initial registration of the apprentice, and for each annual renewal.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 39. Section 15, chapter 108, Laws of 1937 as last amended by section 22, chapter 66, Laws of 1982 and RCW 18.39.130 are each amended to read as follows:

The director may recognize licenses issued to funeral directors or embalmers from other states if the applicant's qualifications are comparable to the requirements of this chapter. Upon presentation of the license and payment by the holder of a fee determined under RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, the director may issue a funeral director's or embalmer's license under this chapter. The license may be renewed annually upon payment of the renewal license fee as herein provided by license holders residing in the state of Washington.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 40. Section 3, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.145 are each amended to read as follows:

The director shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

(1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;

(2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW (~~43.24.085~~) 43.24.086.

The director shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the director. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 41. Section 8, chapter 108, Laws of 1937 as last amended by section 10, chapter 43, Laws of 1981 and RCW 18.39.150 are each amended to read as follows:

Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 before the license may be issued. Applications under this section shall be made within one year after the expiration of the previous license. If the application is not made within three years, the applicant shall be required to take an examination or submit other satisfactory proof of continued competency approved by the director and pay the license fee, as required by this chapter in the case of initial applications, together with all unpaid license fees and penalties.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 42. Section 8, chapter 283, Laws of 1947 as amended by section 46, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.050 are each amended to read as follows:

Application for registration shall be on forms prescribed by the board and furnished by the director, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

The registration fee for professional engineers shall be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, which shall accompany the application. The director shall also determine a fee as provided in RCW (~~43.24.085 as now or hereafter~~

~~amended~~) 43.24.086 to be paid upon issuance of the certificate. The fee for engineer-in-training shall be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate. When registration as a professional engineer is completed by an engineer-in-training an additional fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 shall be paid before issuance of certificate as professional engineer.

The registration fee for land surveyors shall be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate. The registration fee for professional engineers also qualified as land surveyors shall be the same as for professional engineers.

Should the board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 43. Section 4, chapter 260, Laws of 1981 and RCW 18.43.080 are each amended to read as follows:

Certificates of registration, and certificates of authorization and renewals thereof shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the administrator of the division of professional licensing to notify every person, firm or corporation registered under this chapter, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its renewal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within ninety days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year's fee.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 44. Section 13, chapter 283, Laws of 1947 as last amended by section 48, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.100 are each amended to read as follows:

The board may, upon application therefor, and the payment of a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 issue a certificate without further examination as a professional engineer or land surveyor to any person who holds a certificate of qualification of registration issued to him following examination by proper authority, of any state or territory or possession of the United States, the District of Columbia, or of any foreign country, provided: (1) That the applicant's qualifications meet the requirements of the chapter, and the rules established by the board, (2) that the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country; and (3) that the said state, territory, possession, district, or foreign country gives like consideration on a reciprocal basis to those persons who have been registered by examination in this state.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 45. Section 14, chapter 283, Laws of 1947 as last amended by section 1, chapter 37, Laws of 1982 and RCW 18.43.110 are each amended to read as follows:

The board shall have the exclusive power to fine and reprimand the registrant and suspend or revoke the certificate of registration of any registrant who is found guilty of:

The practice of any fraud or deceit in obtaining a certificate of registration; or

Any gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered engineer or land surveyor.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred. All procedures related to hearings on such charges shall be in accordance with rules for a contested case, chapter 34.04 RCW, the Administrative Procedure Act.

If, after such hearing, a majority of the board vote in favor of finding the accused guilty, the board shall revoke or suspend the certificate of registration of such registered professional engineer or land surveyor.

The board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked or suspended,

providing a majority of the board vote in favor of such issuance. A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated may be issued, subject to the rules of the board, and a charge determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 shall be made for such issuance.

Any person who shall feel aggrieved by any action of the board in denying or revoking his certificate of registration may appeal therefrom to the superior court of the county in which such person resides, and after full hearing, said court shall make such decree sustaining or revoking the action of the board as it may deem just and proper.

Fines imposed by the board shall not exceed one thousand dollars for each offense.

In addition to the imposition of civil penalties under this section, the board may refer violations of this chapter to the appropriate prosecuting attorney for charges under RCW 18.43.120.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 46. Section 16, chapter 283, Laws of 1947 as last amended by section 50, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.130 are each amended to read as follows:

This chapter shall not be construed to prevent or affect:

(1) The practice of any other legally recognized profession or trade; or
 (2) The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year: PROVIDED, Such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter; or

(3) The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter: PROVIDED, That such person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications of obtaining a certificate of registration are not lower than those specified in this chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: PROVIDED, That such work does not include final design or decisions and is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; or

(5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: PROVIDED, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter; or

(6) The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for said government; or

(7) Nonresident engineers employed for the purpose of making engineering examinations; or

(8) The practice of engineering in this state by a corporation or joint stock association: PROVIDED, That

(a) Such corporation shall file with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether such corporation is qualified in accordance with the provisions of this chapter to practice engineering in this state;

(b) Such corporation shall file with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: PROVIDED, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(c) Such corporation shall file with the board a designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in

writing and filed with the board within thirty days after the effective date of such changes;

(d) Upon the filing with the board of the application for certificate for authorization, certified copy of resolution, affidavit and designation of persons specified in subparagraphs (a), (b), and (c) of this section the board shall issue to such corporation a certificate of authorization to practice engineering in this state upon a determination by the board (1) that:

(i) The bylaws of the corporation contain provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the specified engineer in responsible charge, or other responsible engineers under his direction or supervision;

(ii) The application for certificate of authorization states the type, or types, of engineering practiced, or to be practiced by such corporation;

(iii) A current certified financial statement accurately reflecting the financial condition of the corporation has been filed with the board and is available for public inspection;

(iv) The applicant corporation has the ability to provide through qualified engineering personnel, professional services or creative work requiring engineering experience, and that with respect to the engineering services which the corporation undertakes or offers to undertake such personnel have the ability to apply special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects;

(v) The application for certificate of authorization states the professional records of the designated person or persons who shall be in responsible charge of each project and each major branch of engineering activities in which the corporation shall specialize;

(vi) The application for certificate of authorization states the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and states the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington;

(vii) The applicant corporation meets such other requirements related to professional competence in the furnishing of engineering services as may be established and promulgated by the board in furtherance of the objectives and provisions of this chapter; and

(2) Upon a determination by the board based upon an evaluation of the foregoing findings and information that the applicant corporation is possessed of the ability and competence to furnish engineering services in the public interest.

The board may in the exercise of its discretion refuse to issue or may suspend and/or revoke a certificate of authorization to a corporation where the board shall find that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of such corporation has committed misconduct or malpractice as defined in RCW 18.43.105 or has been found personally responsible for misconduct or malpractice under the provisions of subsections (f) and (g) hereof.

The certificate of authorization shall specify the major branches of engineering of which the corporation has designated a person or persons in responsible charge as provided in subsection (8) (c) of this section.

(e) In the event a corporation, organized solely by a group of engineers, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to such corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in this subsection. In the event the ownership of such corporation shall be altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners, if exclusively engineers or, otherwise, under the qualifications required by subparagraphs (a), (b), (c), and (d) hereof.

(f) Any corporation authorized to practice engineering under this chapter, together with its directors and officers for their own individual acts, are responsible to the same degree as an individual registered engineer, and must conduct its business without misconduct or malpractice in the practice of engineering as defined in this chapter.

(g) Any corporation which has been duly certified under the provisions of this chapter and has engaged in the practice of engineering shall have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board shall find that the corporation has committed misconduct or malpractice as defined in RCW 18.43.105. In such case any individual engineer holding a certificate of registration under this chapter, involved in such malpractice or misconduct, shall have his certificate of registration suspended or revoked also.

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued under the provisions of this subsection (8) of this section there shall be paid an initial fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 and an annual renewal fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

(9) The practice of engineering and/or land surveying in this state by partnership: PROVIDED, That

(a) A majority of the members of the partnership are engineers or architects or land surveyors duly certificated by the state of Washington or by a state, territory, possession, district, or foreign country meeting the reciprocal provisions of RCW 18.43.100: PROVIDED, That at least one of the members is a professional engineer or land surveyor holding a certificate issued by the director under the provisions of RCW 18.43.070; and

(b) Except where all members of the partnership are professional engineers or land surveyors or a combination of professional engineers and land surveyors or where all members of the partnership are either professional engineers or land surveyors in combination with an architect or architects all of which are holding certificates of qualification therefor issued under the laws of the state of Washington, the partnership shall file with the board an instrument executed by a partner on behalf of the partnership designating the persons responsible for the practice of engineering by the partnership in this state and in all other respects such person so designated and such partnership shall meet the same qualifications and shall be subject to the same requirements and the same penalties as those pertaining to corporations and to the responsible persons designated by corporations as provided in subsection (8) of this section.

For each certificate of authorization issued under the provisions of this subsection (9) of this section there shall be paid an initial fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 and an annual renewal fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 47. Section 1, chapter 153, Laws of 1965 as last amended by section 42, chapter 158, Laws of 1979 and RCW 18.44.010 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing, or his duly authorized representative.

(3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by

such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(4) "Escrow agent" means any sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.

(5) "Certificated escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter.

(6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

(7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

(8) "Escrow commission" means the escrow commission of the state of Washington created by RCW (~~(18.44.210)~~) 18.44.208.

(9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

EXPLANATORY NOTE: RCW 18.44.210 was repealed by 1983 1st ex.s. c 27 § 15. The reference to this section has been amended to refer to a later enactment, RCW 18.44.208, that contains the substance of the repealed section.

Sec. 48. Section 3, chapter 160, Laws of 1917 as amended by section 51, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.50.050 are each amended to read as follows:

If the application is approved and the candidate shall have deposited an examination fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 with the director, the candidate shall be admitted to the examination, and in case of failure to pass the examination, may be reexamined at any regular examination within one year without the payment of an additional fee, said fee to be retained by the director after failure to pass the second examination.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 49. Section 13, chapter 53, Laws of 1981 and RCW 18.50.102 are each amended to read as follows:

Every person licensed to practice midwifery shall register with the director of licensing annually and pay an annual renewal registration fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 on or before the licensee's birth anniversary date. The license of the person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid. The license shall be reinstated upon written application to the director, payment to the state of a penalty fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, and payment to the state of all delinquent annual license renewal fees. Any person who fails to renew his or her license for a period of three years shall not be entitled to renew such license under this section. Such person, in order to obtain a license to practice midwifery in this state, shall file a new application under this chapter, along with the required fee. The director, in the director's discretion, may permit the applicant to be licensed without examination if satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of midwifery.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 50. Section 13, chapter 57, Laws of 1970 ex. sess. as amended by section 55, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.130 are each amended to read as follows:

Upon receipt of an application fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 and an annual license fee, the director may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction: PROVIDED, That the board finds that the standards for licensing in such other jurisdiction are at least the substantial equivalent of those prevailing in this state, and that the applicant is otherwise qualified. In the event that there is developed a nationally recognized standard for the licensing of nursing home administrators which is in fact utilized in licensing procedures on a reasonably uniform basis the board may by rule or regulation provide for granting reciprocal licensing on a showing of compliance with such standard.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 51. Section 13, chapter 144, Laws of 1919 as last amended by section 8, chapter 168, Laws of 1983 and RCW 18.53.050 are each amended to read as follows:

Every registered optometrist shall annually or on the date specified by the director pay to the state treasurer a renewal fee, to be determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, and failure to pay such fee within the prescribed time shall cause the suspension of his or her certificate.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 52. Section 5, chapter 260, Laws of 1981 and RCW 18.53.070 are each amended to read as follows:

The fees for application for examination and for issuing a certificate of registration shall be determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, which shall be paid to the director as he shall prescribe.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 53. Section 4, chapter 101, Laws of 1980 and RCW 18.55.040 are each amended to read as follows:

(1) No applicant for a license shall be registered under this chapter until the applicant pays an examination fee as shall be determined by the director as provided in RCW (~~(43.24.085)~~) 43.24.086, and certifies under oath that the applicant:

- (a) Is eighteen years or more of age;
- (b) Has graduated from high school;
- (c) Is of good moral character; and
- (d) Has either:
 - (i) Had at least five years of apprenticeship training under a licensed ocularist in the state of Washington; or
 - (ii) Successfully completed a prescribed course in ocularist training programs in a college, teaching facility, or university approved by the director; or
 - (iii) Been principally engaged in practicing as an ocularist outside the state of Washington for eight years and shall have been employed by a licensed ocularist or physician for one year in the state of Washington; and
 - (iv) Successfully passes with a grade of at least seventy-five percent, an examination, conducted by the director, which shall determine whether the applicant has a thorough knowledge of the principles governing the practice of an ocularist.

(2) The director shall issue a license without examination to any person who makes application therefor within six months after June 12, 1980, pays

a fee as determined by the director, and certifies under oath that the applicant has been actually and principally engaged in the practice of an ocularist in the state of Washington for a period of not less than five years immediately preceding June 12, 1980.

(3) Any person who on June 12, 1980 (a) is employed as apprentice by a person who is principally engaged in the practice of an ocularist, (b) registers with the director prior to one hundred twenty days after June 12, 1980, and (c) furnishes the director a statement, under oath, and certified as correct by the employer, as to the length of time of such employment shall be given credit for such period towards compliance with the requirement for five years' apprenticeship.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 54. Section 7, chapter 101, Laws of 1980 and RCW 18.55.050 are each amended to read as follows:

Every licensee under this chapter shall pay an annual renewal registration fee determined by the director, as provided by RCW ((43.24.085)) 43.24.086, on or before the 1st day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. An application for renewal shall be on the form provided by the director and shall be filed with the department of licensing not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee as shall be determined by the director. Any license not renewed as provided in this section shall render the license invalid but such licensee shall be reinstated upon written application therefore to the director and payment of a renewal fee to the director as provided in RCW ((43.24.085)) 43.24.086, together with all delinquent annual renewal license fees.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 55. Section 6, chapter 4, Laws of 1919 as last amended by section 12, chapter 117, Laws of 1979 and RCW 18.57.050 are each amended to read as follows:

Each applicant on making application shall pay the director a fee determined by the director as provided in RCW ((43.24.085 as now or hereafter amended)) 43.24.086 which shall be paid to the state treasurer by said director and used to defray the expenses and compensation of said director. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of fifteen dollars shall be returned. All persons licensed to practice osteopathy or osteopathic medicine and surgery within this state who are engaged in active practice shall pay on or before the first day of May of each year to the director a renewal license fee determined by the director as provided in RCW ((43.24.085 as now or

~~hereafter amended~~) 43.24.086. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Licenses not so renewed will not be valid. The director shall thirty days or more before May 1st of each year mail to all active practitioners of osteopathy or osteopathic medicine and surgery in this state at their last known address a notice of the fact that the renewal fee will be due on or before the first of May. Nothing in this chapter shall be construed so as to require that the receipt shall be recorded as original licenses are required to be recorded.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 56. Section 17, chapter 4, Laws of 1919 as last amended by section 15, chapter 117, Laws of 1979 and RCW 18.57.130 are each amended to read as follows:

Any person who meets the requirements of RCW 18.57.020 as now or hereafter amended and has been examined and licensed to practice osteopathic medicine and surgery by a state board of examiners of another state or the duly constituted authorities of another state authorized to issue licenses to practice osteopathic medicine and surgery upon examination, shall upon approval of the board be entitled to receive a license to practice osteopathic medicine and surgery in this state upon the payment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 to the state treasurer and filing a copy of his license in such other state, duly certified by the authorities granting the license to be a full, true, and correct copy thereof, and certifying also that the standard of requirements adopted by such authorities as provided by the law of such state is equal to that provided for by the provisions of this chapter: PROVIDED, That no license shall issue without examination to any person who has previously failed in an examination held in this state: PROVIDED, FURTHER, That all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this chapter: PROVIDED, FURTHER, That no one shall be permitted to practice surgery under this chapter who has not a license to practice osteopathic medicine and surgery.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 57. Section 10, chapter 30, Laws of 1971 ex. sess. as amended by section 60, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57A.040 are each amended to read as follows:

No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the osteopathic physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. Whenever it appears to the board that an osteopathic physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with RCW 18.57.180.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 58. Section 12, chapter 9, Laws of 1984 and RCW 18.59.110 are each amended to read as follows:

The director shall prescribe and publish fees in amounts determined by the director as provided in RCW (~~43.24.085~~) 43.24.086 for the following purposes:

- (1) Application for examination;
- (2) Initial license fee;
- (3) Renewal of license fee;
- (4) Late renewal fee; and
- (5) Limited permit fee.

The fees shall be set in such an amount as to reimburse the state, to the extent feasible, for the cost of the services rendered.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 59. Section 1, chapter 82, Laws of 1969 ex. sess. as amended by section 4, chapter 90, Laws of 1979 and RCW 18.64.009 are each amended to read as follows:

Employees of the Washington state board of pharmacy, who are designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 18.64, ~~((18.81,))~~ 69.04, 69.36, 69.40, 69.41, and 69.50 RCW and all other laws administered by the board.

EXPLANATORY NOTE: Chapter 18.81 RCW was repealed by 1984 c 153 § 22. The reference to this chapter has been deleted.

Sec. 60. Section 10, chapter 213, Laws of 1909 as last amended by section 12, chapter 153, Laws of 1984 and RCW 18.64.160 are each amended to read as follows:

The board of pharmacy shall have the power to refuse, suspend, or revoke the license of any pharmacist or intern upon proof that:

(1) His or her license was procured through fraud, misrepresentation, or deceit;

(2) He or she has been convicted of a felony relating to his or her practice as a pharmacist;

(3) He or she has committed any act involving moral turpitude, dishonesty, or corruption, if the act committed directly relates to the pharmacist's fitness to practice pharmacy. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent pharmacist of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;

(4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, drugs, controlled substances, or any other substance which impairs the performance of professional duties;

(5) He or she exhibits behavior which may be due to physical or mental impairment, which creates an undue risk of causing harm to him or herself or to other persons when acting as a licensed pharmacist or intern;

(6) He or she has incompetently or negligently practiced pharmacy, creating an unreasonable risk of harm to any individual;

(7) His or her legal authority to practice pharmacy, issued by any other properly constituted licensing authority of any other state, has been and is currently suspended or revoked;

(8) In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, the pharmacist shall automatically have his or her license suspended by the board upon the entry of the judgment, regardless of the pendency of an appeal;

(9) He or she has knowingly violated or permitted the violation of any provision of any state or federal law, rule, or regulation governing the possession, use, distribution, or dispensing of drugs, including, but not limited to, the violation of any provision of this chapter, ~~((chapter 18.81 RCW,))~~ Title 69 RCW, or rule or regulation of the board;

(10) He or she has knowingly allowed any unlicensed person to take charge of a pharmacy or engage in the practice of pharmacy, except a pharmacy intern or pharmacy assistant acting as authorized in this chapter or chapter 18.64A RCW in the presence of and under the immediate supervision of a licensed pharmacist;

(11) He or she has compounded, dispensed, or caused the compounding or dispensing of any drug or device which contains more or less than the equivalent quantity of ingredient or ingredients specified by the person who prescribed such drug or device: PROVIDED, HOWEVER, That nothing herein shall be construed to prevent the pharmacist from exercising professional judgment in the preparation or providing of such drugs or devices.

In any case of the refusal, suspension, or revocation of a license by said board of pharmacy under the provisions of this chapter, said board shall proceed in accordance with chapter 34.04 RCW.

EXPLANATORY NOTE: Chapter 18.81 RCW was repealed by 1984 c 153 § 22. The reference to this chapter has been deleted.

Sec. 61. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 64, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.71A.040 are each amended to read as follows:

No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with RCW 18.71.140.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 62. Section 1, chapter 71, Laws of 1983 and RCW 18.72.380 are each amended to read as follows:

There is hereby levied to be collected by the department of licensing from every physician and surgeon licensed pursuant to chapter 18.71 RCW an annual medical disciplinary assessment equal to the license renewal fee established under RCW (~~(43.24.085)~~) 43.24.086. The assessment levied pursuant to this subsection is in addition to any license renewal fee established under RCW (~~(43.24.085)~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 63. Section 5, chapter 239, Laws of 1949 as last amended by section 9, chapter 116, Laws of 1983 and RCW 18.74.050 are each amended to read as follows:

The director shall furnish a license upon the authority of the board to any person who applies and who has qualified under the provisions of this chapter. At the time of applying, the applicant shall pay to the state treasurer a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, provided no person registered or licensed on July 24, 1983, as a physical therapist shall be required to pay an additional fee for a license under this chapter.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 64. Section 6, chapter 239, Laws of 1949 as last amended by section 10, chapter 116, Laws of 1983 and RCW 18.74.060 are each amended to read as follows:

Upon the recommendation of the board, the director shall license as a physical therapist and shall furnish a license to any person who is a physical therapist registered or licensed under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration or license required of the applicant were substantially equal to the requirements under this chapter. At the time of making application, the applicant shall pay to the state treasurer a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 65. Section 9, chapter 222, Laws of 1949 as last amended by section 65, chapter 158, Laws of 1979 and RCW 18.78.080 are each amended to read as follows:

All applicants applying for a license to practice as a licensed practical nurse with or without examination, as provided in this chapter, shall pay a license fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 to the department of licensing; PROVIDED, HOWEVER, That the applicant applying for a reexamination shall pay a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 66. Section 10, chapter 222, Laws of 1949 as last amended by section 10, chapter 55, Laws of 1983 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall renew the license with the department of licensing and shall pay a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086. Any failure to register and pay the renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application herefor and upon payment to the state of a penalty fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, together with all delinquent license renewal fees.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 67. Section 22, chapter 70, Laws of 1965 as amended by section 75, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.105 are each amended to read as follows:

The board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution. These certificates of qualification certify that the holder has been examined by the board and is deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions will be specified on the certificate issued by the board. Such applicant shall pay to the board of examiners a fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086 for certification in a single area of qualification and a fee for amendment of the certificate to include each additional area of qualification. Upon petition by a holder the board of examiners may grant authority to function without immediate supervision.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 68. Section 16, chapter 202, Laws of 1949 as last amended by section 77, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.160 are each amended to read as follows:

Each applicant for a license to practice as a registered nurse or a specialized or advanced registered nurse shall pay a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 to the state treasurer.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 69. Section 19, chapter 202, Laws of 1949 as last amended by section 1, chapter 106, Laws of 1979 ex. sess. and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter shall be renewed, except as hereinafter provided. The board shall by regulation establish requirements of continuing nursing education as a condition of license renewal: PROVIDED, That membership in an organization shall not be a prerequisite or condition to the fulfillment of any continuous education requirement established as provided herein: PROVIDED FURTHER, That the board shall validate all educational programs established as provided herein. At least thirty days prior to expiration, the director shall mail a notice for renewal of license to every person licensed for the current licensing period. The applicant shall return the notice to the department with a renewal fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 before the expiration date. Upon receipt of the notice and appropriate fee, and if requirements for continuing nursing education have been met, the department shall issue to the applicant a license which shall render the holder thereof a legal practitioner of nursing for the period stated on the license: PROVIDED, That the requirement of continuing nursing education may for good cause shown be waived by the board. The department's costs for nurses' continuing education shall be borne from licensure fees: PROVIDED FURTHER, That the power of the board to establish continuing nursing education requirements as a condition of license renewal shall terminate on January 1, 1986, unless extended by law for an additional fixed period of time.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 70. Section 20, chapter 202, Laws of 1949 as last amended by section 79, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.200 are each amended to read as follows:

Any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty determined by the director as provided in RCW (~~((43.24.085 as now or hereafter amended))~~) 43.24.086. If the applicant fails to renew the license before the end of the current licensing period, the license shall be issued for the next licensing period by the department upon written application and fee determined by the director as provided in RCW (~~((43.24.085 as now or hereafter amended))~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 71. Section 10, chapter 71, Laws of 1941 as last amended by section 82, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.92.115 are each amended to read as follows:

Any applicant who shall fail to secure the required grade in his first examination may take the next regular veterinary examination. The fee for reexamination shall be determined by the director as provided in RCW (~~((43.24.085 as now or hereafter amended))~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 72. Section 16, chapter 71, Laws of 1941 as amended by section 6, chapter 102, Laws of 1983 and RCW 18.92.140 are each amended to read as follows:

Each person now qualified to practice veterinary medicine, surgery and dentistry or registered as an animal technician in this state or who shall hereafter be licensed or registered to engage in such practice, shall register with the director of licensing annually or on the date prescribed by the director and pay the renewal registration fee set by the director as provided in RCW (~~((43.24.085))~~) 43.24.086. A person who fails to renew a license or certificate prior to its expiration shall be subject to a late renewal fee equal to one-third of the regular renewal fee set by the director.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that contains the substance of the repealed section.

Sec. 73. Section 19, chapter 71, Laws of 1941 as last amended by section 7, chapter 102, Laws of 1983 and RCW 18.92.145 are each amended to read as follows:

The director shall determine the fees, as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

- (1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;
- (2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;
- (3) For a certificate of registration as an animal technician;
- (4) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 74. Section 8, chapter 158, Laws of 1969 ex. sess. as amended by section 85, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.080 are each amended to read as follows:

Application for registration shall be filed with the director prior to the date set for examination and shall contain statements made under oath showing the applicant's education and a detailed summary of his practical experience, and shall contain not less than five references, of whom three or more shall be landscape architects having personal knowledge of his landscape architectural experience.

The application fee shall be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 and shall include a nonrefundable examination fee, and a fee for issuance of the certificate.

The application fee for reexamination shall be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 and shall include, and must be filed with the director not less than six days prior to the date set for examination.

At any time within the first two years following August 11, 1969, the board shall certify for registration, without examination, any applicant who submits proof that he has had at least a combination of education and experience substantially equivalent to six years of practice in landscape architecture prior to August 11, 1969.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 75. Section 10, chapter 158, Laws of 1969 ex. sess. as amended by section 86, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.100 are each amended to read as follows:

The director may, upon payment of a filing and investigation fee including the current registration fee in an amount as determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, grant a certificate of registration without examination to any applicant who is a registered landscape architect in any other state or country whose requirements for registration are at least substantially equivalent to the requirements of this state for registration by examination, and which extends the same privileges of reciprocity to landscape architects registered in this state.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 76. Section 11, chapter 158, Laws of 1969 ex. sess. as amended by section 87, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.110 are each amended to read as follows:

Certificates of registration shall expire on the last day of June following their issuance or renewal. The director shall set the yearly fee for renewal which shall be determined as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086. Renewal may be effected during the month of June by payment to the director of the required fee.

In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee at the discretion of the board: PROVIDED, That any registrant in good standing, upon fully retiring from landscape architectural practice, may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee. Any registrant, other than a properly withdrawn licensee, who fails to renew his registration for a period of one year may reinstate only on reexamination as is required for new registrants.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 77. Section 14, chapter 158, Laws of 1969 ex. sess. as amended by section 88, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.96.140 are each amended to read as follows:

Upon the recommendations of the board, the director may restore a license to any person whose license has been suspended or revoked. Application for the reissuance of a license shall be made in such a manner as indicated by the board.

A new certificate of registration to replace any certificate lost or destroyed, or mutilated may be issued by the director, and a charge determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 shall be made for such issuance.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 78. Section 9, chapter 175, Laws of 1973 1st ex. sess. as amended by section 8, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.090 are each amended to read as follows:

The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever a plumber coming into the state of Washington from another state requests the department for a temporary permit to engage in the trade of plumbing as a journeyman plumber or as a specialty plumber during the period of time between filing of an application for a certificate as provided in RCW 18.106.030 as now or hereafter amended and taking the examination provided for in RCW 18.106.050 (~~and 18.106.060 as now or hereafter amended~~): PROVIDED, That no temporary permit shall be issued to:

- (1) Any person who has failed to pass the examination for a certificate of competency;
- (2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.106.030;
- (3) To any apprentice plumber.

EXPLANATORY NOTE: RCW 18.106.060 was repealed by 1983 c 124 § 19. The reference to this section has been deleted. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 79. Section 6, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.060 are each amended to read as follows:

All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.

Failure to pay the annual license renewal fee by the dates specified above shall render the license invalid, but such license may be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.

The director shall prorate the licensing fee for massage operator based on one-twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.

Every applicant for a license shall pay an examination fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, which fee shall accompany their application.

Applicants granted a license under this chapter shall pay to the director a license fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, prior to the issuance of their license, and an annual renewal fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 80. Section 17, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.160 are each amended to read as follows:

The fee for application for, and renewal of a massage business license shall be determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086: PROVIDED, That only one fee shall be required where an applicant applies for both a license to practice massage and for a business license.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 81. Section 5, chapter 253, Laws of 1971 ex. sess. as amended by section 90, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.16.140 are each amended to read as follows:

Each applicant when submitting his application shall pay a licensing fee and an investigation fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. If a license is not issued in response to the application, the license fee shall be returned to the applicant.

An annual license fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 shall be paid to the director on or before January first of each year. If the annual license fee is not paid on or before January first, the licensee shall be assessed a penalty for late payment in an amount determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. If the fee and

penalty are not paid by January thirty-first, it will be necessary for the licensee to submit a new application for a license: PROVIDED, That no license shall be issued upon such new application unless and until all fees and penalties previously accrued under this section have been paid.

Any license or branch office certificate issued under the provisions of this chapter shall expire on December thirty-first following the issuance thereof.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 82. Section 6, chapter 253, Laws of 1971 ex. sess. as amended by section 91 chapter 30, Laws of 1975 1st ex. sess. and RCW 19.16.150 are each amended to read as follows:

If a licensee maintains a branch office, he or it shall not operate a collection agency business in such branch office until he or it has secured a branch office certificate therefor from the director. A licensee, so long as his or its license is in full force and effect and in good standing, shall be entitled to branch office certificates for any branch office operated by such licensee upon payment of the fee therefor provided in this chapter.

Each licensee when applying for a branch office certificate shall pay a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086. An annual fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 for a branch office certificate shall be paid to the director on or before January first of each year. If the annual fee is not paid on or before January first, a penalty for late payment in an amount determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 shall be assessed. If the fee and the penalty are not paid by January thirty-first, it will be necessary for the licensee to apply for a new branch office certificate: PROVIDED, That no such new branch office certificate shall be issued unless and until all fees and penalties previously accrued under this section have been paid.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 83. Section 4, chapter 228, Laws of 1969 ex. sess. as amended by section 2, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.040 are each amended to read as follows:

An employment agency shall provide each applicant with a copy of the contract between the applicant and employment agency which shall have printed on it or attached to it a copy of RCW 19.31.170 as now or hereafter amended. Such contract shall contain the following:

(1) The name, address, and telephone number of the employment agency;

(2) Trade name if any;

(3) The date of the contract;

(4) The name of the applicant;

(5) The amount of the fee to be charged the applicant, or the method of computation of the fee, and the time and method of payments: PROVIDED, HOWEVER, That if the provisions of the contract come within the definition of a "retail installment transaction", as defined in RCW (~~63.14.010(5) as now or hereafter amended~~) 63.14.010, the contract shall conform to the requirements of chapter 63.14 RCW, as now or hereafter amended;

(6) A notice in eight-point bold face type or larger directly above the space reserved in the contract for the signature of the buyer. The caption, "NOTICE TO APPLICANT—READ BEFORE SIGNING" shall precede the body of the notice and shall be in ten-point bold face type or larger. The notice shall read as follows:

"This is a contract. If you accept employment with any employer through [name of employment agency] you will be liable for the payment of the fee as set out above. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You must be given a copy of this contract at the time you sign it."

EXPLANATORY NOTE: An amendment to RCW 63.14.010 by 1984 c 280 § 1 renumbered subsection (5) of that section. To avoid ambiguity, the subsection reference has been deleted. The phrase "as now or hereafter amended" is not needed because of the enactment of RCW 1.12.028 and is therefore deleted.

Sec. 84. Section 14, chapter 228, Laws of 1969 ex. sess. as amended by section 92, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.31.140 are each amended to read as follows:

The director shall determine the fees, as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, charged to those parties licensed as employment agencies for original applications, renewal per year, branch license, both original and renewal, transfer of license, and approval of amended or new contracts and/or fee schedules.

EXPLANATORY NOTE: RCW 43.24.085 was repealed by 1983 c 168 § 13. The reference to this section has been amended to refer to a later enactment, RCW 43.24.086, that 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 is therefore deleted.

Sec. 85. Section 107, chapter 53, Laws of 1965 and RCW 23A.28.240 are each amended to read as follows:

Upon the voluntary or involuntary dissolution of a corporation, the portion of the assets distributable to a creditor or shareholder who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, shall be reduced to

cash and deposited with the state treasurer and shall be paid over to such creditor or shareholder or to his legal representative upon proof satisfactory to the state treasurer of his right thereto. Said assets shall be handled and disbursed as provided in chapter (~~63.28~~) 63.29 RCW.

EXPLANATORY NOTE: Chapter 63.28 RCW was repealed by 1983 c 179 § 46, effective June 30, 1983. The reference to this chapter has been amended to refer to a later enactment, chapter 63.29 RCW, that contains the substance of the repealed chapter.

Sec. 86. Section 4, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.030 are each amended to read as follows:

The parent and child relationship between a child and

- (1) the natural mother may be established by proof of her having given birth to the child, or under this chapter;
- (2) the natural father may be established under this chapter;
- (3) an adoptive parent may be established by proof of adoption or under the provisions of chapter (~~26.32~~) 26.33 RCW.

EXPLANATORY NOTE: Chapter 26.32 RCW was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this chapter has been amended to refer to a later enactment, chapter 26.33 RCW, that contains the substance of the repealed chapter.

Sec. 87. Section 20, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.190 are each amended to read as follows:

If a parent relinquishes or proposes to relinquish for adoption a child, the other parent shall be given notice of the adoption proceeding and have the rights provided under the provisions of chapter (~~26.32~~) 26.33 RCW.

EXPLANATORY NOTE: Chapter 26.32 RCW was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this chapter has been amended to refer to a later enactment, chapter 26.33 RCW, that contains the substance of the repealed chapter.

Sec. 88. Section 2, chapter 24, Laws of 1971 as amended by section 1, chapter 171, Laws of 1974 ex. sess. and RCW 28A.24.172 are each amended to read as follows:

Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW 28A.24.170, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the state director of emergency (~~services~~) management or any of his agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

EXPLANATORY NOTE: The director of emergency services was redesignated the director of emergency management by 1984 c 38 § 4; see RCW 38.52.030.

Sec. 89. Section 13, chapter 154, Laws of 1980 and RCW 28A.41.143 are each amended to read as follows:

The board of directors of a school district may, by properly executed resolution, request that the superintendent of public instruction direct a portion of the district's basic education allocation be credited to the district's ((building)) capital projects fund and/or bond redemption fund. Moneys so credited shall be used solely for school building purposes.

EXPLANATORY NOTE: The building fund was redesignated the capital projects fund by 1983 c 59 § 13; see RCW 28A.58.441.

Sec. 90. Section 28A.52.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.070 are each amended to read as follows:

When authorized to issue bonds, as provided in this chapter the board of directors shall immediately cause to be sent to the appropriate county treasurer, notice thereof. The county officials charged by law with the duty of levying taxes for the payment of said bonds and interest shall do so as provided in RCW ((39.44.020)) 39.46.110.

The annual expense of such district shall not thereafter exceed the annual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district, in addition to any other penalties, whether civil or criminal, as provided by law, shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars.

EXPLANATORY NOTE: RCW 39.44.020 was repealed by 1984 c 186 § 70. The reference to this section has been amended to refer to a later enactment, RCW 39.46.110, that contains the substance of the repealed section.

Sec. 91. Section 28A.56.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.020 are each amended to read as follows:

The said county committee shall give consideration to:

- (1) The report submitted by the board of directors as stated above;
- (2) The exclusion from the plan of nonhigh school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein within a period of two years or the inclusion of their territory in some other non-high school district within which the establishment of a high school within a period of two years is warranted;
- (3) The assessed valuation of the school districts involved;
- (4) The cash balance, if any, in the ((building)) capital projects fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance; and

(5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan.

EXPLANATORY NOTE: The building fund was redesignated the capital projects fund by 1983 c 59 § 13; see RCW 28A.58.441.

Sec. 92. Section 28A.56.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 76, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.050 are each amended to read as follows:

Within sixty days after receipt of the notice of approval from the educational service district superintendent, the board of directors of each school district included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the ((building)) capital projects fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of high school facilities for the education of such students residing in the school districts as are included in the plan and not otherwise.

EXPLANATORY NOTE: The building fund was redesignated the capital projects fund by 1983 c 59 § 13; see RCW 28A.58.441.

Sec. 93. Section 1, chapter 210, Laws of 1977 ex. sess. as amended by section 3, chapter 191, Laws of 1982 and RCW 28A.58.131 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers and other equipment;
- (2) To have maintained and repaired security systems, computers and other equipment; and
- (3) To provide pupil transportation services.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting for the ensuing term will not exceed the projected cost of operating its own pupil transportation for the same term.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.65.465 and 28A.21.135, as now or hereafter amended.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW ((28A.58.100)) 28A.58.099 and 28A.67.070(~~(, as now or hereafter amended)~~).

EXPLANATORY NOTE: RCW 28A.58.100 was repealed by 1983 c 275 § 4. The reference to this section has been amended to refer to a later enactment, RCW 28A.58.099, that 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 is therefore deleted.

Sec. 94. Section 10, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 10, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.137 are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW ((28A.58.100(1))) 28A.58.099(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.67.070, 28A.67.074 and 28A.88.010 shall be inapplicable.

EXPLANATORY NOTE: RCW 28A.58.100 was repealed by 1983 c 275 § 4. The reference to this section has been amended to refer to a later enactment, RCW 28A.58.099(1), that contains the substance of the repealed subsection.

Sec. 95. Section 4, chapter 8, Laws of 1971 and RCW 28A.58.435 are each amended to read as follows:

The board of directors of any school district of the state of Washington which now has, or hereafter shall have, funds in the ((building)) capital projects fund of the district in the office of the county treasurer which in the judgment of said board are not required for the immediate necessities of the district, may invest and reinvest all, or any part, of such funds in United States securities, as hereinafter specified after and pursuant to a resolution adopted by the board, authorizing and directing the county treasurer, as ex officio the treasurer of said district, to invest or reinvest, said moneys or any designated amount thereof in United States securities and specifying the type or character of the United States securities in which said moneys shall be invested: PROVIDED, That nothing herein authorized, or the type and character of the securities thus specified, shall have in itself the effect of delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the county treasurer to the credit and benefit of the ((building)) capital projects fund of the district in

his said office. If in the judgment of the board it shall be necessary to redeem or to sell any of the purchased securities before their ultimate maturity date, the board may, by resolution, direct the county treasurer to cause such redemption to be had at the "Redemption Value" of said securities or to sell said bonds and securities at not less than market value and accrued interest. The foregoing "securities" shall include United States bonds, federal treasury notes and treasury bonds and United States certificates of indebtedness and other federal securities which may, during the life of this statute, come within the terms of this section.

EXPLANATORY NOTE: The building fund was redesignated the capital projects fund by 1983 c 59 § 13; see RCW 28A.58.441.

Sec. 96. Section 4, chapter 188, Laws of 1979 ex. sess. as last amended by section 1, chapter 266, Laws of 1983 and RCW 28B.05.040 are each amended to read as follows:

Notwithstanding any other exemption provision in this section, no institution or organization shall advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's catalog: **PROVIDED**, That this prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions that offer other educational credentials requiring enrollment in and successful completion of a prescribed program of study, in compliance with the requirements of this chapter. The following education and institutions are exempted from the provisions of this chapter:

(1) Education sponsored by bona fide trade, business, professional, or fraternal organizations primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Education solely avocational or recreational in nature and institutions offering such education exclusively;

(3) Education offered by charitable institutions, organizations, or agencies: **PROVIDED**, That such education is not advertised or promoted as leading toward educational credentials;

(4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A, 28B and 28C RCW;

(5) Institutions that have been accredited by any accrediting association recognized by the agency for the purposes of this chapter: **PROVIDED**, That an institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption.

(6) Any other institution to the extent that it has been exempted from some or all of the provisions of this chapter in accordance with the agency exemption procedure in RCW 28B.05.130.

(7) Institutions not otherwise exempt that are of a religious character, but only as to those education programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs or other official publications.

(8) Educational institutions that are certified by the Federal Aviation Administration under 14 CFR 141 and those educational institutions certified under 14 CFR 61 which offer instruction solely for avocational or recreational purposes.

(9) Educational institutions that are licensed by the state of Washington under chapter ~~((§) 18.15 and 18.18)~~ 18.16 RCW.

(10) Institutions which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW.

(11) Institutions not otherwise exempt which offer only workshops or seminars lasting no longer than three calendar days and for which academic credit is not awarded.

EXPLANATORY NOTE: Chapter 18.15 RCW was repealed by 1983 c 75 § 19, effective June 30, 1984. Chapter 18.18 RCW was repealed by 1983 c 208 § 7, effective June 30, 1984. The reference to these chapters has been amended to refer to a later enactment, chapter 18.16 RCW, that contains the substance of the repealed chapters.

Sec. 97. Section 30.04.160, chapter 33, Laws of 1955 as amended by section 7, chapter 157, Laws of 1983 and RCW 30.04.160 are each amended to read as follows:

No officer of any bank or trust company shall issue the note of such corporation for money borrowed or rediscount any of its notes except when authorized by resolution of its board of directors or by an authorized committee thereof. Violation of any provision of RCW 30.04.140 ~~((or 30.04.150))~~ or of this section shall constitute a felony.

EXPLANATORY NOTE: RCW 30.04.150 was repealed by 1983 c 157 § 10. The reference to this section has been deleted.

Sec. 98. Section 3, chapter 80, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 48, Laws of 1983 and RCW 31.12A.010 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the terms defined in this section shall have the meanings indicated.

(1) "Assessment" means the amount levied by the association against its members in order to carry out its stated purposes.

(2) "Association" means the credit union share guaranty association created in RCW 31.12A.020.

(3) "Board" means board of directors of the guaranty association.

(4) "Contracted guarantees" means those liabilities specifically agreed to by the association for providing assistance to member credit unions or for indemnifying any other entity against loss because of its participation in the absorption or liquidation of a distressed member credit union.

(5) "Credit union" means a credit union organized and authorized under laws contained in chapter 31.12 RCW, as now or hereafter amended.

(6) "Initial member" means a member qualified by the supervisor within sixty days after September 1, 1975, but not yet ratified by the board.

(7) "Member" means a member of the guaranty association, ratified by the board.

(8) "Share account" of a credit union shareholder includes the share and/or deposit accounts and the share and/or deposit certificates of which the shareholder is owner of record with the credit union.

(9) "Shareholder" includes both members and nonmembers of a credit union, who have either shares and/or deposits in the credit union, including deposits of deferred compensation as referred to in RCW (~~31.12.305~~) 31.12.125(10).

(10) "Supervisor" means the state supervisor of the division of savings and loan associations, or his successor in the event of a departmental restructuring.

(11) "Transfer" means entering on the credit union's books of account a decrease to one account and a corresponding increase to another account.

EXPLANATORY NOTE: RCW 31.12.305 was repealed by 1984 c 31 § 1, effective July 1, 1984. The reference to this section has been amended to refer to a later enactment, RCW 31.12.125(10), that contains the substance of the repealed section.

Sec. 99. Section 5, chapter 80, Laws of 1975 1st ex. sess. as amended by section 3, chapter 67, Laws of 1982 and RCW 31.12A.030 are each amended to read as follows:

The association shall have power:

- (1) To use a seal, to contract, to sue and be sued;
- (2) To make bylaws for conduct of its affairs, not inconsistent with the provisions of this chapter;
- (3) To lend and to borrow money, and require and give security;
- (4) To receive, collect, and enforce by legal proceedings, if necessary, payment of all assessments for which any member may be liable under this chapter, and payment of any other debt or obligation due the association;
- (5) To invest and reinvest its funds in investments permitted for credit unions in RCW (~~31.12.260, as now or hereafter amended~~) 31.12.425, provided such investments do not exceed a maximum maturity of one year;
- (6) To acquire, hold, convey, dispose of and otherwise engage in transactions involving or affecting real and personal property of all kinds;
- (7) To assess each member an amount not exceeding that permitted in RCW 31.12A.050 for liquidations to cover the expense of operation of the

association, as established in the bylaws, and for such other proper purposes of the association;

(8) To enter into contracts of insurance or reinsurance, insuring in whole or in part its contractual guaranties to its member credit unions and other insurance or bonding contracts necessary or advisable in the conduct of its business; and

(9) To carry out the applicable provisions of this chapter.

EXPLANATORY NOTE: RCW 31.12.260 was repealed by 1984 c 31 § 1, effective July 1, 1984. The reference to this section has been amended to refer to a later enactment, RCW 31.12.425, that 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 is therefore deleted.

Sec. 100. Section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35-58.274 are each amended to read as follows:

Any vehicle for which an excise tax is payable under RCW 82.44.030 (~~and RCW 82.44.070~~) shall be exempt from the tax imposed by RCW 35.58.273.

EXPLANATORY NOTE: RCW 82.44.070 was repealed by 1983 c 26 § 5. The reference to this section has been deleted.

Sec. 101. Section 35A.27.010, chapter 119, Laws of 1967 ex. sess. as amended by section 60, chapter 3, Laws of 1983 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, 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, intercounty, 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 27.24 RCW, to preserve historical materials, markers, graves and records as provided in chapters 27.48 and ~~((43.51A))~~ 27.34 RCW, and to expend municipal funds thereon.

EXPLANATORY NOTE: Chapter 43.51A RCW was repealed by 1983 c 91 § 25. The reference to this chapter has been amended to refer to a later enactment, chapter 27.34 RCW, that contains the substance of the repealed chapter.

Sec. 102. Section 35A.82.010, chapter 119, Laws of 1967 ex. sess. as amended by section 74, chapter 3, Laws of 1983 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 82.38.290 relating to use fuel tax, and RCW 82.36.275 and 82.38.080(~~((8))~~)(9).

EXPLANATORY NOTE: RCW 82.38.080(8) was renumbered RCW 82.38.080(9) by 1983 c 108 § 4.

Sec. 103. Section 35A.88.030, chapter 119, Laws of 1967 ex. sess. as amended by section 75, chapter 3, Laws of 1983 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 79.92.110 relating to disposition of rental from leasehold in the harbor areas; (~~RCW 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 ~~co~~ cities to the same extent as such general laws apply to any class of city.

EXPLANATORY NOTE: RCW 79.92.040 was repealed by 1984 c 221 § 30, effective October 1, 1984. The reference to this section has been deleted.

Sec. 104. Section 1, chapter 38, Laws of 1973 as last amended by section 29, chapter 263, Laws of 1984 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of seventy dollars except in proceedings filed under RCW 26.50.030 where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of seventy dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in

his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of seventy dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of four dollars.

(15) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(16) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(17) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW ((~~26.36.010~~) 26.33.080) or for forms and instructional brochures provided under RCW 26.50.030.

EXPLANATORY NOTE: RCW 26.36.010 was repealed by 1984 c 155 § 39, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.080, that contains the substance of the repealed sections.

Sec. 105. Section 36.64.060, chapter 4, Laws of 1963 as amended by section 78, chapter 3, Laws of 1983 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 (~~36.67.030 through 36.67.060~~) 36.67.010. Such construction or aid in construction is a county purpose.

EXPLANATORY NOTE: RCW 36.67.030, 36.67.040, and 36.67.050 were repealed by 1984 c 186 § 70. The reference to these sections has been amended to refer to a later enactment, RCW 36.67.010, that contains the substance of the repealed sections.

Sec. 106. Section 2, chapter 241, Laws of 1963 as last amended by section 2, chapter 36, Laws of 1982 and RCW 40.10.020 are each amended to read as follows:

The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the state archivist with the advice of the director of (~~the department of~~) emergency (~~services~~) management. The state archivist shall coordinate the essential records protection program and shall carry out the provisions of the state emergency plan as they relate to the preservation of essential records. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

EXPLANATORY NOTE: The department of emergency services was redesignated the department of emergency management by 1984 c 38 § 1; see RCW 38.52.005.

Sec. 107. Section 2, chapter 108, Laws of 1967 ex. sess. as amended by section 98, chapter 3, Laws of 1983 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 (~~47.64.031, 47.64.040,~~) 54.04.170, 54.04.180, and chapters 41-.59, 47.64, and 53.18 RCW.

EXPLANATORY NOTE: RCW 47.64.031 and 47.64.040 were repealed by 1983 c 15 § 31. The reference to those sections has been amended to refer to chapter 47.64 RCW, which contains the substance of those sections.

Sec. 108. 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.

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

EXPLANATORY NOTE: RCW 44.24.050 was repealed by 1983 c 52 § 7. The reference to this section has been deleted.

Sec. 109. Section 94, chapter 279, Laws of 1984 and RCW 43.131.323 are each amended to read as follows:

The powers and duties of the (~~(board of psychologists examiners)~~) examining board of psychology shall be terminated on June 30, 1986.

EXPLANATORY NOTE: The board of psychologists examiners was redesignated the examining board of psychology by 1984 c 279 § 75; see RCW 18.83.010.

Sec. 110. Section 7, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.070 are each amended to read as follows:

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel.

(3) Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency (~~ser-~~ vices) management or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

EXPLANATORY NOTE: The department of emergency services was redesignated the department of emergency management by 1984 c 38 § 1; see RCW 38.52.005.

Sec. 111. Section 11, chapter 163, Laws of 1979 ex. sess. as last amended by section 3, chapter 237, Laws of 1983 and by section 1, chapter 238, Laws of 1983 and RCW 46.16.015 are each reenacted and amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.040, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060(;) or 70.120.080(~~(-or-70.120.090)~~) or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles fifteen years old or older;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) Motor vehicles powered by diesel engines;

(g) Farm vehicles as defined in RCW 46.04.181;

(h) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

(i) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.

EXPLANATORY NOTE: (1) RCW 70.120.090 was repealed by 1983 c 238 § 2. The reference to this section has been deleted.

(2) This section was amended by 1983 c 237 § 3 and by 1983 c 238 § 1, each without reference to the other. Both amendments were incorporated in the publication of this section pursuant to RCW 1.12.025(2), and the section is now being reenacted.

Sec. 112. Section 46.16.340, chapter 12, Laws of 1961 as last amended by section 43, chapter 171, Laws of 1974 ex. sess. and RCW 46.16.340 are each amended to read as follows:

The director, from time to time, shall furnish the state department of emergency ((services)) management, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

EXPLANATORY NOTE: The department of emergency services was redesignated the department of emergency management by 1984 c 38 § 1; see RCW 38.52.005.

Sec. 113. Section 3, chapter 33, Laws of 1982 and RCW 46.68.124 are each amended to read as follows:

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated

area. Population figures required for the computations in this subsection shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year: PROVIDED HOWEVER, That for the purposes of computing the counties' allocation factors effective March 1, 1982, through December 31, 1983, the director of the office of financial management shall furnish to the secretary of transportation those population figures required for the computation that were effective July 1, 1981.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The secretary of transportation with the advice and assistance of the county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single state-wide cost per mile rate for each roadway category. The total annual cost for each county will be based on the established state-wide cost per mile and associated mileage for each category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the secretary of transportation as of July 1, 1983, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the secretary of transportation. Such changes, corrections, and deletions shall be subject to verification and approval by the secretary of transportation prior to inclusion in the county road log: PROVIDED HOWEVER, That for the purpose of computing the counties' allocation factors effective March 1, 1982, through December 31, 1983, the total annual road costs shall be those shown on page K-3, column 4 of the "1980 Cost Factor Study" published December 9, 1980, by the department of transportation.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040 for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW ((36.33.110)) 28A-.02.300 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the secretary of transportation the information required by subsection (3) of this section on or before July 1st of each odd-numbered year: PROVIDED HOWEVER, That for the purpose of computing the counties' allocation factors effective March 1, 1982, through December 31, 1983, the information required by subsection (3) of this section shall be for calendar years 1980 and 1981.

(5) The secretary of transportation, with the advice and assistance of the county road administration board, shall compute and provide to the counties the allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the secretary of transportation shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the secretary of transportation.

(6) Notwithstanding the provisions of subsection (5) of this section, the secretary of transportation, with the advice and assistance of the county road administration board, shall adjust, as necessary, the allocation percentages of the several counties so that no county shall in any calendar year receive less than eighty-five percent of the actual funds distributed to that county in calendar year 1981 under this section. The eighty-five percent entitlement of funds authorized by this subsection shall be reduced proportionally in the succeeding year in the event that the total amount of funds distributed to the counties under this section in any year is less than the distribution of such funds in 1981.

EXPLANATORY NOTE: RCW 36.33.110 was repealed by 1982 c 126 § 3, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 28A.02.300, that contains the substance of the repealed section.

Sec. 114. Section 47.56.286, chapter 13, Laws of 1961 as amended by section 274, chapter 7, Laws of 1984 and RCW 47.56.286 are each amended to read as follows:

The provisions of chapter 47.56 RCW, except where inconsistent with RCW (~~(47.56.281)~~) 47.56.282 through 47.56.286, shall govern and be controlling in all matters and things necessary to carry out the purposes of

RCW ((~~47.56.281~~)) 47.56.282 through 47.56.286. Nothing in RCW ((~~47.56.281~~)) 47.56.282 through 47.56.286 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the department except as such powers and duties are amplified or modified by the specific provisions of RCW ((~~47.56.281~~)) 47.56.282 through 47.56.286 for the uses and purposes herein set forth. RCW ((~~47.56.281~~)) 47.56.282 through 47.56.286 are additional to such existing statutes and concurrent therewith.

EXPLANATORY NOTE: RCW 47.56.281 was decodified by 1984 c 7 § 387. The reference to this section has been amended to refer to RCW 47.56.282 which is the next valid section in the reference.

Sec. 115. Section 13, chapter 290, Laws of 1975 1st ex. sess. as amended by section 2, chapter 63, Laws of 1983 and RCW 48.46.120 are each amended to read as follows:

(1) The commissioner may make an examination of the operations of any health maintenance organization as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health maintenance organization shall submit its books and records relating its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services or systems shall not be examined except to the extent that such items are incidental to an examination of the financial condition or the market conduct of a health maintenance organization. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the health maintenance organization and the principals of such providers concerning their business.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the health maintenance organization in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his report of the examination.

(4) Health maintenance organizations licensed in the state shall be equitably assessed to cover the cost of financial condition and market conduct examinations. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, including a reasonable margin for cost variations. The assessments shall be established by rules promulgated by the commissioner but shall not exceed one-half cent per month per person entitled to health care services pursuant to a health maintenance agreement ((~~as defined in RCW 48.46.020(6)~~)), excluding such persons who are not residents of this state. Assessment receipts shall be deposited in the general fund, shall be accounted for separately, and shall be used for the sole purpose of funding the

examinations authorized in subsection (1) of this section. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in the succeeding biennium.

EXPLANATORY NOTE: RCW 48.46.020 was amended by 1983 c 106 § 1. "Health maintenance agreement" is now defined in subsection (5) of that section, which is in the same chapter as this section, therefore the reference has been deleted.

Sec. 116. Section 14, chapter 106, Laws of 1983 and RCW 48.46.360 are each amended to read as follows:

Any employee whose compensation includes a health maintenance agreement, the cost of which is paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the cost as it becomes due directly to the agreement holder whenever the employee's compensation is suspended or terminated directly or indirectly as a result of a strike, lock-out, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the health maintenance agreement provides. During that period of time, such agreement may not be altered or changed. Nothing in this section impairs the right of the health maintenance organization to make normal decreases or increases in the cost of the health maintenance agreement upon expiration and renewal of the agreement, in accordance with the agreement. Thereafter, if such health maintenance agreement is no longer available, the employee shall be given the opportunity to convert as specified in RCW (~~48.46.065~~) 48.46.450 and 48.46.460. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the agreement holder in writing, by mail addressed to the address last of record with the agreement holder, that the employee may pay the cost of the health maintenance agreement to the agreement holder as it becomes due as provided in this section. Payment must be made when due or the coverage may be terminated by the health maintenance organization.

EXPLANATORY NOTE: RCW 48.46.065 was repealed by 1984 c 190 § 11. The reference to this section has been amended to refer to later enactments, RCW 48.46.450 and 48.46.460, that contain the substance of the repealed section.

Sec. 117. Section 20, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.04.225 are each amended to read as follows:

The term "employment" does not include services performed in a barber shop (~~(licensed under chapter 18.15 RCW or a hairdressing)~~) or cosmetology shop by persons licensed under chapter ((18.18)) 18.16 RCW if:

- (1) The use of the shop facilities by the individual performing the services is contingent upon compensation to the shop owner; and
- (2) The individual performing the services receives no compensation or other consideration from the owner for the services performed.

EXPLANATORY NOTE: Chapter 18.15 RCW was repealed by 1983 c 75 § 19, effective June 30, 1984. Chapter 18.18 RCW was repealed by 1983 c 208 § 7,

effective June 30, 1984. The reference to these chapters has been amended to refer to chapter 18.16 RCW which now includes the substance of the repealed chapters.

Sec. 118. Section 1, chapter 55, Laws of 1971 as amended by section 1, chapter 121, Laws of 1977 ex. sess. and RCW 52.06.085 are each amended to read as follows:

Whenever two or more fire protection districts merge, the board of fire commissioners of the merged fire protection district shall consist of all of the original fire commissioners. At the next three elections for fire commissioners the number of fire commissioners for the merged district shall be reduced as follows, notwithstanding the number of fire commissioners whose terms expire:

In the first election after the merger, only one position shall be filled, whether the new fire protection district be a three member district or a five member district pursuant to RCW (~~52.12.015~~) 52.14.020.

In each of the two subsequent elections, one position shall be filled if the new fire protection district is a three member district and two positions shall be filled if the new fire protection district is a five member district pursuant to RCW (~~52.12.015~~) 52.14.020.

Thereafter, the fire commissioners shall be elected in the same manner as prescribed for such fire protection districts of the state.

EXPLANATORY NOTE: RCW 52.12.015 was recodified as RCW 52.14.020 by 1984 c 230 § 89. The reference to this section has been amended to reflect this change.

Sec. 119. Section 6, chapter 237, Laws of 1959 as amended by section 6, chapter 179, Laws of 1979 ex. sess. and RCW 52.08.025 are each amended to read as follows:

Effective January 1, 1960, every city or town, or portion thereof, which is situated within the boundaries of a fire protection district shall become automatically removed from such fire protection district, and no fire protection district shall thereafter include any city or town, or portion thereof, within its boundaries except as provided for in RCW (~~52.04.020, 52.04.170, 52.04.180, 52.04.190, and 52.04.200~~) 52.02.020, 52.04.061, 52.04.071, 52.04.081, and 52.04.101.

EXPLANATORY NOTE: RCW 52.04.020, 52.04.170, 52.04.180, 52.04.190, and 52.04.200 were recodified as RCW 52.02.020, 52.04.061, 52.04.071, 52.04.081, and 52.04.101, respectively, by 1984 c 230 § 89. The reference to those sections has been amended to reflect these changes.

Sec. 120. Section 7, chapter 237, Laws of 1959 and RCW 52.08.041 are each amended to read as follows:

The provisions of RCW 57.28.110 shall apply to territory withdrawn from a fire protection district under the provision of chapter (~~52.22~~) 52.08 RCW.

EXPLANATORY NOTE: The provisions of chapter 52.22 RCW governing withdrawal of territory were recodified in chapter 52.08 RCW by 1984 c 230 § 89. The reference to chapter 52.22 RCW has been amended to reflect this change.

Sec. 121. Section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 44, chapter 230, Laws of 1984 and RCW 52.16.130 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of a district may levy each year, in addition to the levy or levies provided in RCW (~~52.16.120~~) 52.16.080 for the payment of the principal and interest of any outstanding general obligation bonds, an ad valorem tax on all taxable property located in the district not to exceed fifty cents per thousand dollars of assessed value: PROVIDED, That in no case may the total general levy for all purposes, except the levy for the retirement of general obligation bonds, exceed one dollar per thousand dollars of assessed value. Levies in excess of one dollar per thousand dollars of assessed value or in excess of the aggregate dollar rate limitations or both may be made for any district purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied shall be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of the district.

EXPLANATORY NOTE: RCW 52.16.120 was repealed by 1984 c 186 § 70. The reference to this section has been amended to refer to a later enactment, RCW 52.16.080, that contains the substance of the repealed section.

Sec. 122. Section 1, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.010 are each amended to read as follows:

The board of fire commissioners of any fire protection district created pursuant to chapter (~~52.04~~) 52.02 RCW may by resolution, for fire protection purposes authorized by law, fix and impose a service charge upon personal property and improvements to real property, which are located within the fire protection district on the date specified and which have or will receive the benefit of fire protection provided by the fire protection district, to be paid by the owners of such properties: PROVIDED, That such service charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination for purposes related to the religious works of such denomination, including schools and educational facilities and all grounds and buildings related thereto or to personal property and improvements to real property owned or used by public or private schools or institutions of higher education. The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

Any such service charge imposed shall be reasonably proportioned to the measurable financial benefits to property resulting from the fire protection afforded by the district. It shall be deemed acceptable to proportion the service charge to the values of the properties as found by the county assessor modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing such fire services. Any other method that reasonably apportions the service charges to the actual financial benefits resulting from the degree of protection, such as the distance from regularly maintained fire protection equipment, may be specified in the resolution and shall be subject to contest only on the ground of unreasonable or capricious action: PROVIDED, That any such method shall be in accordance with the fire defense rating of the district as ratified by the state insurance commissioner: PROVIDED FURTHER, That no service charge authorized by the provisions of this chapter shall be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining his or its own fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state.

EXPLANATORY NOTE: The provisions of chapter 52.04 RCW relating to the creation of fire protection districts were recodified in chapter 52.02 RCW by 1984 c 230 § 89. The reference to chapter 52.04 RCW has been amended to reflect this change.

Sec. 123. Section 2, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.020 are each amended to read as follows:

The term "personal property" for the purposes of this chapter shall be held and construed to embrace and include every form and manner of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops: PROVIDED, That there shall be exempt from the service charge imposed pursuant to the provisions of this chapter all personal property not assessed and subjected to ad valorem taxation by the county assessor pursuant to the provisions of Title 84 RCW, and all property subject to the provisions of RCW ((~~52.36.020~~) 52.30.020): PROVIDED, That the term "personal property" shall not include field crops, livestock or other tangible personal farm property not ordinarily housed or stored within a building structure: PROVIDED FURTHER, That the term "improvements to real property" shall not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

EXPLANATORY NOTE: RCW 52.36.020 was recodified as RCW 52.30.020 by 1984 c 230 § 89. The reference to RCW 52.36.020 has been amended to reflect this change.

Sec. 124. Section 2, chapter 188, Laws of 1983 and RCW 53.08.320 are each amended to read as follows:

A moorage facility operator may adopt all regulations necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The regulations may also establish procedures for the enforcement of these regulations by port district, city, county, metropolitan park district or town personnel. The regulations shall include the following:

(1) Procedures authorizing moorage facility personnel to take reasonable measures, including the use of chains, ropes, and locks, to secure vessels within the moorage facility so that the vessels are in the possession and control of the moorage facility operator and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, for more than sixty days after being notified that charges are owing, to pay the port charges owed. Notification shall be by registered mail to the owner at his last known address. If no address was furnished by the owner, the port district, city, county, metropolitan park district, or town need not give such notice. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel two readily visible notification stickers. The stickers shall be of a reasonable size and shall contain the following information:

- (a) The date and time the stickers were attached;
- (b) The identity of the authorized employee;
- (c) A statement that if the account is not paid in full within one hundred eighty days from the time the stickers are attached, the vessel may be sold at public auction to satisfy the port charges; and
- (d) The address and telephone number where additional information may be obtained concerning release of the vessel.

If the vessel is the subject of a delinquent moorage account, and sixty days have expired since notification pursuant to subsection (1) of this section, the moorage facility operator shall review its records to ascertain the identity of the owner. The operator shall make a reasonable effort to contact the owner by registered mail in order to give the owner the information on the notification stickers.

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator's control or for storage with private persons under their control as bailees of the moorage facility, if the vessel is, in the opinion of port personnel, in danger of sinking or of sustaining other damage. Reasonable costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and

(b) Making payment to the operator of all port charges, or by posting with the operator a sufficient cash bond or other security acceptable to such operator, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the port charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, the trust shall terminate and the moorage facility operator shall receive so much of the bond or other security as is necessary to satisfy any judgment, costs, and interest as may be awarded to the moorage facility operator. The balance shall be refunded immediately to the owner at his last known address.

(4) If a vessel moored or stored at a moorage facility is abandoned, the port district, city, county, metropolitan park district, or town, may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as follows:

(a) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within one hundred eighty days after notifying the owner under subsection (1) of this section, or in all other cases, for one hundred eighty days after the operator secures the vessel, the vessel shall be conclusively presumed to have been abandoned by the owner;

(b) Before the vessel is sold, the owner of the vessel shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port charges at the sale and may become a purchaser at the sale;

(c) The proceeds of a sale under this section shall first be applied to the payment of port charges. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue pursuant to chapter ((63-28)) 63.29 RCW. If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a deficiency.

(5) The regulations authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such regulations conspicuously posted at all moorage facility offices at all times.

EXPLANATORY NOTE: Chapter 63.28 RCW was repealed by 1983 c 179 § 46, effective June 30, 1983. The reference to this chapter has been amended to refer to a later enactment, chapter 63.29 RCW, that contains the substance of the repealed chapter.

Sec. 125. Section 8, chapter 85, Laws of 1979 ex. sess. and RCW 63-.21.080 are each amended to read as follows:

This chapter shall not apply to:

- (1) Motor vehicles under chapter 46.52 RCW;
- (2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW; and
- (3) Uniform disposition of unclaimed property under chapter (~~(63-28)~~) 63.29 RCW.

EXPLANATORY NOTE: Chapter 63.28 RCW was repealed by 1983 c 179 § 46, effective June 30, 1983. The reference to this chapter has been amended to refer to a later enactment, chapter 63.29 RCW, that contains the substance of the repealed chapter.

Sec. 126. Section 5, chapter 104, Laws of 1961 and RCW 63.40.050 are each amended to read as follows:

The provisions of chapter (~~(63-28)~~) 63.29 RCW shall not apply to personal property in the possession of the office of county sheriff.

EXPLANATORY NOTE: Chapter 63.28 RCW was repealed by 1983 c 179 § 46, effective June 30, 1983. The reference to this chapter has been amended to refer to a later enactment, chapter 63.29 RCW, that contains the substance of the repealed chapter.

Sec. 127. Section 6, chapter 52, Laws of 1983 1st ex. sess. and RCW 63.42.060 are each amended to read as follows:

(1) The uniform (~~(disposition of)~~) unclaimed property act, chapter (~~(63-28)~~) 63.29 RCW, does not apply to personal property in the possession of the department of corrections.

(2) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department of corrections.

EXPLANATORY NOTE: Chapter 63.28 RCW was repealed by 1983 c 179 § 46, effective June 30, 1983. The reference to this chapter has been amended to refer to a later enactment, chapter 63.29 RCW, that contains the substance of the repealed chapter. Chapter 63.29 RCW is the uniform unclaimed property act of 1983.

Sec. 128. Section 22, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.220 are each amended to read as follows:

If the person entitled to a prize is under the age of eighteen years, and such prize is less than five thousand dollars, the director may direct payment of the prize by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of such minor. If the person entitled to a prize is under the age of eighteen years, and

such prize (~~(if it is)~~) is five thousand dollars or more, the director may direct payment to such minor by depositing the amount of the prize in any bank to the credit of an adult member of the minor's family or a guardian of the minor as custodian for such minor. The person so named as custodian shall have the same duties and powers as a person designated as a custodian in a manner prescribed by the Washington uniform gifts to minors act, chapter (~~(21.24)~~) 11.93 RCW, and for the purposes of this section the terms "adult member of a minor's family," "guardian of a minor," and "bank" shall have the same meaning as in chapter (~~(21.24)~~) 11.93 RCW. The commission and the director shall be discharged of all further liability upon payment of a prize to a minor pursuant to this section.

EXPLANATORY NOTE: Chapter 21.24 RCW was recodified as chapter 11.93 RCW by 1984 c 149 §§ 15 and 24, effective January 1, 1985. The reference to chapter 21.24 RCW has been amended to reflect this change.

Sec. 129. Section 3, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.030 are each amended to read as follows:

(1) In addition to all other fees and taxes, there is hereby imposed and the department of revenue shall collect an annual fee from every person identified by the department of ecology for the privilege of utilizing or operating an identified site, other than as described in RCW 70.105A.040(1), in connection with any of the following business activities within this state:

- (a) Exploring for, extracting, beneficiating, processing, or selling metallic or nonmetallic minerals;
- (b) Exploring for, extracting, processing, or selling coal;
- (c) Producing, distributing, or selling electricity;
- (d) Industrial or nonresidential contracting or heavy construction;
- (e) Painting or sandblasting;
- (f) Producing, processing, or selling rubber or plastics;
- (g) Producing, processing, or selling glass, cement, or concrete;
- (h) Cutting, milling, producing, preparing, or selling lumber or wood products, including wooden furniture or fixtures;
 - (i) Producing, preparing, or selling paper or allied products;
 - (j) Printing or publishing;
 - (k) Synthesizing, producing, processing, preparing, or selling chemicals or allied products;
 - (l) Exploring for, extracting, producing, processing, distributing, or selling petroleum or gas;
 - (m) Fabricating rubber or plastic products;
 - (n) Beneficiating, processing, or selling primary or secondary metals;
 - (o) Fabricating metal products, including metal furniture or fixtures;
 - (p) Fabricating, constructing, preparing, installing, or selling machinery or supplies;

(q) Fabricating, constructing, installing, preparing, or selling electrical or electronic equipment, machinery, or supplies;

(r) Fabricating, producing, preparing, or selling transportation equipment;

(s) Transporting by railroad, motor vehicle, or water vessel;

(t) Telephone communication;

(u) Drycleaning, photofinishing, or furniture refinishing;

(v) Transferring, treating, storing, or disposing of solid, dangerous, or extremely hazardous wastes; and

(w) Repairing or servicing motor vehicles, railroad equipment, or water vessels.

When determining the particular business activity at an identified site, the department of ecology shall consider the major purpose of the activity or activities occurring at the identified site. Under this section, each identified site shall be required to pay only one fee annually, but no fee shall be assessed on any person at an identified site engaged solely in making retail sales as defined in RCW 82.04.050, except for those identified sites which generate hazardous waste.

(2) The fee imposed by this section shall be due and payable on June 30 of the year next succeeding the calendar year in which a person has engaged at any time in the business activities listed in subsection (1) of this section. The amount of the fee for an identified site shall be graduated by reference to the annual gross income of the business apportioned to the site as provided in subsection (3) of this section in accordance with the following schedule:

(a) For annual gross income not in excess of one million dollars, a fee of not more than one hundred fifty dollars;

(b) For annual gross income in excess of one million dollars but not exceeding ten million dollars, a fee of not more than seven hundred fifty dollars;

(c) For annual gross income in excess of ten million dollars, a fee of not more than seven thousand five hundred dollars.

The department of ecology shall further graduate the fees set forth in (a), (b), and (c) of this subsection in accordance with criteria including but not limited to the quantity of hazardous waste generated and the health and environmental risks associated with the waste. The department of ecology shall publish by rule a schedule of these graduated fees.

(3) For purposes of this section, annual gross income of the business shall mean gross proceeds of sales as defined in RCW 82.04.070 or gross income of the business as defined in RCW 82.04.080; and shall mean gross income, as defined in RCW 82.16.010(~~((+3))~~) (12). Annual gross income of the business of a person rendering services taxable under RCW 82.04.290 and maintaining places of business within and without this state shall be apportioned in accordance with the provisions of RCW 82.04.460. The total

annual gross income of the business taxable in this state under chapters 82.04 and 82.16 RCW shall be apportioned equally by the department of ecology among the identified sites utilized by such business in this state without regard to the amount or nature of the use: PROVIDED, That the person subject to the fee may request, and the department of ecology shall grant, apportionment among identified sites utilized in this state according to each site's share of annual gross income of the business apportioned to this state. The person subject to the fee shall bear the burden of supporting the allocation among sites with appropriate data as reasonably requested by the department of ecology.

(4) If an identified site does not generate hazardous wastes regulated by chapter 70.105 RCW, the person owning or controlling the site is exempt from the fee imposed by this section.

(5) Notwithstanding subsection (1) or (2) of this section or RCW 70.105A.040, no person who owns or operates a combined identified site and hazardous waste treatment, storage or disposal site shall be required to pay more than seven thousand five hundred dollars annually to the hazardous waste control and elimination account.

(6) The fees imposed by this section and the limitation on total payment of subsection (5) of this section shall be adjusted by five percent whenever the consumer price index of the United States department of labor increases or decreases by a five percent increment from the index figure in existence on January 1, 1983, and such fee and limitation adjustments shall be published in rules by the department of ecology.

(7) Fees shall not be required under this section for solid wastes generated primarily from the combustion of coal or other fossil fuels, until at least six months after the date of submission of the study required by section 8002 of the federal resource conservation and recovery act.

(8) For purposes of this section "manufacturer," "wholesaler," "retailer," and "person engaging in service activities" shall have the meaning attributed to such terms in chapter 82.04 RCW. "Business activities" shall mean activities of any person subject to the fees imposed in subsection (1) of this section engaging in business as defined in chapters 82.04 and 82.16 RCW.

(9) In the administration of this section and in addition to other provisions in this chapter for the enforcement and collection of fees due and owing under this section, the department of revenue is authorized to apply the provisions of chapter 82.32 RCW, provided that the provisions of RCW 82.32.050 and 82.32.090 shall not be applied. If the annual gross income of the business of any person subject to the fee imposed under this section is finally determined to be greater or less than that reported to the department of revenue for the year in question, the department of revenue shall, if necessary, recompute the fee due and shall refund or assess the outstanding balance, as the case may be.

EXPLANATORY NOTE: RCW 82.16.010(13) was renumbered RCW 82.16.010(12) by 1983 2nd ex.s. c 3 § 32. The reference has been amended to reflect this change.

Sec. 130. Section 3, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.030 are each amended to read as follows:

(1) The director shall adopt motor vehicle emission standards. The standards adopted shall ensure that no less than seventy percent of the vehicles tested annually comply with the standards on the first inspection conducted for the vehicles under this chapter each year. The standards shall be adopted as rules in accordance with chapter 34.04 RCW.

(2) The director shall adopt rules for conducting emission tests for motor vehicles.

(3) The director shall adopt air quality standards for air contaminants from the emissions of motor vehicles. The standards shall be adopted as rules and may not be more stringent than those established for the contaminants by the United States environmental protection agency as in effect on September 1, 1979, to implement the federal clean air act.

(4) The director shall adopt, by rule, criteria for calibrating emission testing equipment, including, but not limited to, those identifying standard calibration gas mixtures.

(5) The director shall require that the electronic equipment utilized to test emissions at any station established pursuant to RCW 70.120.040(5) or authorized pursuant to RCW 70.120.080 (~~or 70.120.090~~) be properly calibrated.

The department shall examine frequently the calibration of the emission testing equipment used at such stations.

EXPLANATORY NOTE: RCW 70.120.090 was repealed by 1983 c 238 § 2. The reference to this section has been deleted.

Sec. 131. Section 12, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.110 are each amended to read as follows:

Certificates of compliance and acceptance constitute official forms. False statements made thereon or made to secure such certificates are punishable pursuant to RCW 9A.72.040 and the certificates shall bear notice to that effect.

Certificates of compliance and certificates of acceptance may be issued only in the manner authorized by RCW 70.120.060, 70.120.070, and 70.120.080 (~~and 70.120.090~~).

EXPLANATORY NOTE: RCW 70.120.090 was repealed by 1983 c 238 § 2. The reference to this section has been deleted.

Sec. 132. Section 4, chapter 172, Laws of 1982 as amended by section 1, chapter 165, Laws of 1984 and RCW 70.136.030 are each amended to read as follows:

The governing body of each applicable political subdivision of this state may designate a hazardous materials incident command agency within its

respective boundaries, and file this designation with the director of ((the state department of emergency services)) emergency management or its successor agency. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency.

EXPLANATORY NOTE: The department of emergency services was redesignated the department of emergency management by 1984 c 38 § 1; see RCW 38.52.005.

Sec. 133. Section 1, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.100 are each amended to read as follows:

It is the policy of this state to enable the secretary to charge fees for certain services to adoptive parents who are able to pay for such services.

It is, however, also the policy of this state that the secretary of the department of social and health services shall be liberal in waiving, reducing, or deferring payment of any such fee to the end that adoptions shall be encouraged in cases where prospective adoptive parents lack means.

It is the policy of this state to encourage, within the limits of available funds, the adoption of certain hard to place children in order to make it possible for children living in, or likely to be placed in, foster homes or institutions to benefit from the stability and security of permanent homes in which such children can receive continuous parental care, guidance, protection, and love and to reduce the number of such children who must be placed or remain in foster homes or institutions until they become adults.

It is also the policy of this state to try, by means of the program of adoption support authorized in RCW ((~~26.32.115~~)) 26.33.320 and 74.13.100 through 74.13.145, to reduce the total cost to the state of foster home and institutional care.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 134. Section 3, chapter 63, Laws of 1971 ex. sess. as last amended by section 7, chapter 67, Laws of 1979 ex. sess. and RCW 74.13.106 are each amended to read as follows:

All fees paid for adoption services pursuant to RCW ((~~26.32.115~~)) 26.33.320 and 74.13.100 through 74.13.145 shall be credited to the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such appropriations as may be available. The secretary may for such purposes, contract with any public agency or licensed child placing agency and/or adoptive

parent and is authorized to accept funds from other sources including federal, private, and other public funding sources to carry out such purposes.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the general fund and may use such funds, subject to such limitations as may be imposed by federal or state law, to carry out the program of adoption support authorized by RCW (~~(26.32-115)~~) 26.33.320 and 74.13.100 through 74.13.145.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 135. Section 4, chapter 63, Laws of 1971 ex. sess. as last amended by section 4, chapter 118, Laws of 1982 and RCW 74.13.109 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW (~~(26.32-115)~~) 26.33.320 and 74.13.100 through 74.13.145.

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW (~~(26.32-115)~~) 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW (~~(26.32-115)~~) 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who, while having the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child, lacks the financial means fully to care for such hard to place child.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 136. Section 5, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.112 are each amended to read as follows:

The factors to be considered by the secretary in setting the amount of any payment or payments to be made pursuant to RCW (~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145 and in adjusting standards hereunder shall include: The size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including education needs, the family income, the family resources and plan for savings, the medical and hospitalization needs of the family, the family's means of purchasing or otherwise receiving such care, and any other expenses likely to be needed by the child to be adopted.

The amounts paid for the support of a child pursuant to RCW (~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145 may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child such payments may be discontinued and later resumed.

Payments under RCW (~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145 may be continued by the secretary subject to review as provided for herein, if such parent or parents having such child in their custody establish their residence in another state or a foreign jurisdiction.

In fixing the standards to govern the amount and character of payments to be made for the support of adopted children pursuant to RCW (~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145 and before issuing rules and regulations to carry out the provisions of RCW (~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145, the secretary shall consider the comments and recommendations of the committee designated by the secretary to advise him with respect to child welfare.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 137. Section 6, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.115 are each amended to read as follows:

To carry out the program authorized by RCW (~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145, the secretary may make continuing payments or lump sum payments of adoption support. In lieu of continuing

payments, or in addition to them, the secretary may make one or more specific lump sum payments for or on behalf of a hard to place child either to the adoptive parents or directly to other persons to assist in correcting any condition causing such child to be hard to place for adoption.

After determination by the secretary of the amount of a payment or the initial amount of continuing payments, the prospective parent or parents who desire such support shall sign an agreement with the secretary providing for the payment, in the manner and at the time or times prescribed in regulations to be issued by him subject to the provisions of RCW (~~(26.32-115)~~) 26.33.320 and 74.13.100 through 74.13.145, of the amount or amounts of support so determined.

Payments shall be subject to review as provided in RCW (~~(26.32-115)~~) 26.33.320 and 74.13.100 through 74.13.145.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 138. Section 7, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.118 are each amended to read as follows:

At least annually the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to RCW (~~(26.32-115)~~) 26.33.320 and 74.13.100 through 74.13.145, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. Such review shall be made not later than the anniversary date of the adoption support agreement.

At the time of such annual review and at other times during the year when changed conditions, including variations in medical opinions, prognosis and costs, are deemed by the secretary to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child, in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance.

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in RCW 74.13.127.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to

a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 139. Section 8, chapter 63, Laws of 1971 ex. sess. and RCW 74-.13.121 are each amended to read as follows:

So long as any adoptive parent is receiving support pursuant to RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145 he shall, not later than two weeks after it is filed with the United States government, file with the secretary a copy of his federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of RCW ((26.32.115)) 26-.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States government, other than a superior court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145 is then pending.

In carrying on the review process authorized by RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145 the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in RCW 74.13.100 may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States government.

Such information shall be marked "confidential" by the secretary, shall be used by him solely for the purposes of RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States government other than a superior court judge or commission before whom a petition for adoption of a child being supported or to be supported pursuant to RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145 is then pending.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 140. Section 9, chapter 63, Laws of 1971 ex. sess. and RCW 74-.13.124 are each amended to read as follows:

An agreement for adoption support made pursuant to RCW 26.32.115 before January 1, 1985, or RCW 26.33.320 and 74.13.100 through 74.13-.145, although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitutes a contract within the meaning of

section 10, Article I of the United States Constitution and section 23, Article I of the state Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of RCW ((~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145 and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of RCW ((~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145 or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to be served by RCW ((~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145, shall not affect the state's specific continuing obligations to support such adoptions, subject to such annual review and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by RCW ((~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145 or ratable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his rights, including all rights of appeal under the fair hearing provisions, available to him under RCW 74.13.127.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer also to a later enactment, RCW 26.33.320, that contains the substance of the repealed section. The reference to the repealed section is retained to cover agreements entered into under RCW 26.32.115 that may still be in effect.

Sec. 141. Section 10, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.127 are each amended to read as follows:

Voluntary amendments of any support agreement entered into pursuant to RCW 26.32.115 before January 1, 1985, or RCW 26.33.320 and 74.13.100 through 74.13.145 may be made at any time. In proposing any such

amending action which relates to the amount or level of a payment or payments, the secretary shall, as provided in RCW 74.13.124, use either the standard which existed as of the date of the initial determination with respect to such agreement or any subsequent standard or parts of such standard which both parties to such agreement agree is more generous than those in effect as of the date of such initial agreement.

The secretary shall seek voluntary amendment of any such agreement before invoking the additional procedures provided for in this section.

Whenever the secretary, having found an adoptive parent declines to agree to a voluntary amendment, wishes to enter an order increasing or decreasing the level of a payment or payments for the support of an adoptive child under RCW (~~26.32.115~~) 26.33.320 and 74.13.100 through 74.13.145, he shall notify the adoptive parent of the action the secretary proposed to take in writing by certified mail or personal service stating the grounds upon which the secretary proposes such action.

Within thirty days from the receipt of such notice the adoptive parent or parents may serve upon the official of the department sending such notice a written request for hearing. Service of a request for hearing shall be made by certified mail. Upon receiving a request for hearing, such officer shall fix a hearing date, which date shall be not later than thirty-five days from the receipt by him of such request for hearing. The matter shall be heard on such date or on such date to which the matter is continued by agreement of the parties. Such official shall also notify the committee designated by the secretary to advise him on child welfare of the filing of such request not less than twenty-five days before the hearing date. If the adoptive parent agrees, a member of such committee may attend the hearing.

If no request for hearing is made within the time specified, the proposed action shall be taken and the agreement between the adoptive parent and the state shall be deemed amended accordingly.

It shall be the duty of the secretary within thirty days after the date of the hearing to notify the appellant of the decision.

The secretary shall promulgate and publish rules governing the conduct of such hearings, including provision for confidentiality.

In all other respects such proceedings shall be conducted by the department pursuant to RCW 74.08.070 and regulations issued pursuant thereto. The adoptive parent shall have a right of appeal as provided in RCW 74.08.080. If the decision of the secretary or the superior court is made in favor of the appellant, adoption support shall be paid from the effective date of the action or decision appealed from.

Except as otherwise specifically provided for in this section the rules adopted by the secretary and the manner of carrying on the proceedings shall be in accord with the provisions of Title 34 RCW.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer

also to a later enactment, RCW 26.33.320, that contains the substance of the repealed section. The reference to the repealed section is retained to cover agreements entered into under RCW 26.32.115 that may still be in effect.

Sec. 142. Section 11, chapter 63, Laws of 1971 ex. sess. as amended by section 9, chapter 67, Laws of 1979 ex. sess. and RCW 74.13.130 are each amended to read as follows:

If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145, the secretary may authorize the payment from the appropriations available from the general fund of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.

In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to RCW 74.13.103 plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 143. Section 13, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.133 are each amended to read as follows:

The secretary shall keep such general records as are needed to evaluate the effectiveness of the program of adoption support authorized by RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145 in encouraging and effectuating the adoption of hard to place children. In so doing the secretary shall, however, maintain the confidentiality required by law with respect to particular adoptions.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 144. Section 14, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.136 are each amended to read as follows:

Any child-caring agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such child as provided for in RCW ((26.32.115)) 26.33.320 and 74.13.100 through 74.13.145 may do so, and may include in its or his recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested

in the secretary by RCW ((~~26.32.115~~)) 26.33.320 and 74.13.100 through 74.13.145. Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 145. Section 15, chapter 63, Laws of 1971 ex. sess. and RCW 74-13.139 are each amended to read as follows:

As used in RCW ((~~26.32.115~~)) 26.33.320 and 74.13.100 through 74-13.145 the following definitions shall apply:

(1) "Secretary" means the secretary of the department of social and health services or his designee.

(2) "Department" means the department of social and health services.

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 146. Section 17, chapter 63, Laws of 1971 ex. sess. and RCW 74-13.145 are each amended to read as follows:

RCW ((~~26.32.115~~)) 26.33.320 and 74.13.100 through 74.13.145 may be known and cited as the "Adoption Support Demonstration Act of 1971".

EXPLANATORY NOTE: RCW 26.32.115 was repealed by 1984 c 155 § 38, effective January 1, 1985. The reference to this section has been amended to refer to a later enactment, RCW 26.33.320, that contains the substance of the repealed section.

Sec. 147. Section 18, chapter 177, Laws of 1980 as amended by section 11, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.180 are each amended to read as follows:

(1) The state shall make payment of any underpayments within thirty days after the date the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective, audited, allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by RCW (~~(74.46.525(2) and~~) 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

EXPLANATORY NOTE: RCW 74.46.525 expired December 31, 1984. The reference to this section has been deleted.

Sec. 148. Section 52, chapter 177, Laws of 1980 and RCW 74.46.520 are each amended to read as follows:

The rates determined in RCW (~~(74.46.480)~~) 74.46.481 through 74.46.510 shall be adjusted by the department utilizing appropriate indices or other measures of economic trends and conditions projected for the ensuing year.

EXPLANATORY NOTE: RCW 74.46.480 was repealed by 1983 1st ex.s. c 67 § 48, effective July 1, 1983. The reference to this section has been amended to refer to a later enactment, RCW 74.46.481, that contains the substance of the repealed section.

Sec. 149. Section 76, chapter 177, Laws of 1980 and RCW 74.46.760 are each amended to read as follows:

(1) When a recipient has died, the contractor shall obtain a receipt from the next of kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next of kin, guardian, or duly qualified agent, the department shall be contacted in writing within seven days for assistance in the release of the money held in trust.

(2) A check or other document showing payment to such next of kin, guardian, or duly qualified agent will serve as a receipt.

(3) Where the recipient leaves the facility without authorization and his or her whereabouts are not known:

(a) The facility will make a reasonable attempt to locate the missing recipient using the agencies of state or local government;

(b) If the recipient cannot be located after ninety days, the facility shall notify the department of revenue of the existence of abandoned property, pursuant to chapter ~~((63.28))~~ 63.29 RCW. The facility will be required to deliver to the department of revenue the balance of the recipient's trust fund account within twenty days following such notification.

EXPLANATORY NOTE: Chapter 63.28 RCW was repealed by 1983 c 179 § 46, effective June 30, 1983. The reference to this chapter has been amended to refer to a later enactment, chapter 63.29 RCW, that contains the substance of the repealed chapter.

Sec. 150. Section 3, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 155, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.44.100 are each amended to read as follows:

As used in this chapter:

(1) "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) "Program" means the program established under RCW 75.44.100 through ~~((75.44.160))~~ 75.44.150.

EXPLANATORY NOTE: RCW 75.44.160 was repealed by 1984 c 67 § 2. The reference to this section has been amended to refer to RCW 75.44.150, the immediately preceding section in the reference.

Sec. 151. Section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 372, chapter 7, Laws of 1984 and by section 18, chapter 125, Laws of 1984 and RCW 80.50.030 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined under RCW 43.03.040. The chairman is a "state employee" for the purposes of chapter 42.18 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fisheries;
- (c) Department of game;
- (d) Department of parks and recreation;
- (e) Department of social and health services;
- (f) State energy office;
- (g) Department of commerce and economic development;
- (h) Utilities and transportation commission;
- (i) Office of financial management;
- (j) Department of natural resources;
- (k) Department of community development;
- (l) Department of emergency ((services)) management;
- (m) Department of agriculture;
- (n) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or

designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

EXPLANATORY NOTE: (1) The department of emergency services was redesignated the department of emergency management by 1984 c 38 § 1; see RCW 38.52.005.

(2) This section was amended by 1984 c 7 § 372 and by 1984 c 125 § 18, each without reference to the other. Both amendments were incorporated in the publication of this section pursuant to RCW 1.12.025(2), and the section is now being reenacted.

Sec. 152. Section 81.80.300, chapter 14, Laws of 1961 as last amended by section 1, chapter 63, Laws of 1977 ex. sess. and RCW 81.80.300 are each amended to read as follows:

The commission shall prescribe an identification cab card and identification decal or stamp or number which must be carried within the cab of each motive power vehicle of each motor carrier required to have a permit under this chapter.

The identification cab card and the decal or stamp or number provided for herein may be in such form and contain such information as required by the commission.

It shall be unlawful for any "common carrier" or "contract carrier" to operate any motor vehicle within this state unless there is carried within the cab of the motive power vehicle, either operating as a solo vehicle or in combination with trailers, the identification cab card and decal or stamp or number required by this section and the payment by such carrier of a total fee of three dollars for each such decal or stamp or number plus the applicable gross weight fee prescribed by RCW 81.80.320: PROVIDED, That as to equipment operated between points in this state and points outside the state exclusively in interstate commerce, and as to equipment operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the commission may adopt rules and regulations specifying an alternative schedule of fees to that specified in RCW 81.80.320 as it may find to be reasonable and specifying the method of evidencing payment of such fees.

The commission may adopt rules and regulations imposing a reduced schedule of fees for short term operations, requiring reports of carriers, and imposing such conditions as the public interest may require with respect to the operation of such vehicles.

The commission shall not be required to collect the excise tax prescribed by RCW ((82.44.070)) 82.44.020 for any fees collected under this chapter.

The decal or stamp or number required herein shall be issued annually under the rules and regulations of the commission, and shall be affixed to the identification cab card required by this section not later than February 1st of each year: PROVIDED, That such decal or stamp or number may be issued for the ensuing calendar year on and after the first day of November preceding and may be used from the date of issue until February 1st of the succeeding calendar year for which the same was issued.

It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display any identification cab card and decal or stamp or number, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification cab card and decal or stamp or number.

The commission shall collect all fees provided in this section, and all such fees shall be deposited in the state treasury to the credit of the public service revolving fund.

EXPLANATORY NOTE: RCW 82.44.070 was repealed by 1983 c 26 § 5. The reference to this section has been amended to refer to a later enactment, RCW 82-44.020, that contains the substance of the repealed section.

Sec. 153. Section 81.80.318, chapter 14, Laws of 1961 as last amended by section 3, chapter 170, Laws of 1967 and RCW 81.80.318 are each amended to read as follows:

Any motor carrier engaged in this state in the casual or occasional carriage of property in interstate or foreign commerce, who would otherwise be subject to all of the requirements of this chapter, shall be authorized to engage in such casual or occasional carriage, upon securing from the commission a single trip transit permit, valid for a period not exceeding ten days, which shall authorize a one way trip in transporting property for compensation between points in the state of Washington and points in other states, territories, or foreign countries.

No identification cab cards and decals or stamps or numbers and no regulatory fees other than as provided in this section shall be required for such permit. The permit must be carried in the cab of the motive power vehicle.

The permit shall be issued upon application to the commission or any of its duly authorized agents upon payment of a fee of ten dollars and the furnishing of proof of possession of public liability and property damage insurance in limits of at least twenty-five thousand dollars, for injury or death of any one person, and subject to such limit as to any one person, for one hundred thousand dollars for injury or death of all persons caused by any one accident and for ten thousand dollars for all damages to property caused by one accident. Such proof may consist of an insurance policy or a certificate of insurance.

The commission shall not be required to collect the excise tax prescribed by RCW (~~(82.44.070)~~) 82.44.020 on any vehicle subject only to the payment of this fee.

EXPLANATORY NOTE: RCW 82.44.070 was repealed by 1983 c 26 § 5. The reference to this section has been amended to refer to a later enactment, RCW 82.44.020, that contains the substance of the repealed section.

Sec. 154. Section 82.04.460, chapter 15, Laws of 1961 as last amended by section 28, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.460 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(~~((8))~~) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of telephone services taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.

EXPLANATORY NOTE: An amendment to RCW 63.14.010 by 1984 c 280 § 1 renumbered subsection (8) of that section. To avoid ambiguity, the subsection reference has been deleted.

Sec. 155. Section 49, chapter 3, Laws of 1983 2nd ex. sess. as amended by section 4, chapter 250, Laws of 1984 and RCW 82.49.070 are each amended to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82.49.010 which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county: PROVIDED, That such agreement shall take into consideration any marine patrols provided as of June 30, 1983, and may provide compensation for those municipal corporations in the county which are parties to the agreement and which provide boating safety services, including fire suppression and rescue services only as related to boating safety. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

~~((4))~~ (3) The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement, and other municipal corporations entitled to compensation, according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

EXPLANATORY NOTE: Subsection (3) of this section, 1983 2nd ex.s. c 3 § 49, was vetoed by the governor. The remaining subsection has been renumbered accordingly.

Sec. 156. Section 9, chapter 169, Laws of 1974 ex. sess. as amended by section 10, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.40.405 are each amended to read as follows:

The department of revenue shall promulgate such rules and regulations, and prescribe such procedures as it deems necessary to carry out RCW ~~((82.04.442 through))~~ 82.04.444, 82.04.445, 84.36.470, ~~((84.40-400;))~~ 84.36.473, 84.36.475, 84.36.477, 84.09.080, and 84.52.015, and this section.

EXPLANATORY NOTE: RCW 82.04.442 and 84.40.400 were repealed by 1983 1st ex.s. c 62 § 14, effective January 1, 1984. The reference to these sections has been deleted. The reference in this section has been amended to refer to the remaining valid sections.

NEW SECTION. Sec. 157. RCW 47.56.620 is decodified.

EXPLANATORY NOTE: RCW 47.56.620, which was enacted to appropriate money to study the feasibility of constructing a Naches Pass tunnel, has no present effect or vitality. Therefore, it has been decodified.

Passed the Senate January 21, 1985.

Passed the House March 25, 1985.

Approved by the Governor April 2, 1985.

Filed in Office of Secretary of State April 2, 1985.

CHAPTER 8

[Senate Bill No. 3074]

TRUST ACT—PARTNERSHIPS—TECHNICAL CORRECTIONS

AN ACT Relating to partnerships; making technical corrections to the Washington Trust Act of 1984; reenacting and amending RCW 25.04.150; reenacting RCW 25.04.020; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The purpose of this act is to make technical corrections to chapter 149, Laws of 1984, and to ensure that the changes made in that chapter meet the constitutional requirements of Article II, section 19 of the state Constitution.

Sec. 2. Section 25.04.020, chapter 15, Laws of 1955 as amended by section 171, chapter 149, Laws of 1984 and RCW 25.04.020 are each reenacted to read as follows:

In this chapter:

"Court" includes every court and judge having jurisdiction in the case;

"Business" includes every trade, occupation, or profession;

"Person" includes individuals, trustees and personal representatives, partnerships, corporations, and other associations;

"Bankrupt" includes bankrupt under the federal bankruptcy act or insolvent under any state insolvent act;

"Conveyance" includes every assignment, lease, mortgage, or encumbrance;

"Real property" includes land and any interest or estate in land.

Sec. 3. Section 25.04.150, chapter 15, Laws of 1955 as amended by section 172, chapter 149, Laws of 1984 and RCW 25.04.150 are each reenacted and amended to read as follows:

All partners are liable:

(1) Jointly and severally for everything chargeable to the partnership under RCW 25.04.130 and 25.04.140; and

(2) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract;

(3) Except that ((the liability of a trustee or personal representative acting as a partner is limited as provided in RCW 11.98.110(2)));