

1985
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FORTY-NINTH LEGISLATURE
Convencd January 14, 1985. Adjourned April 28, 1985.

1st EXTRAORDINARY SESSION
FORTY-NINTH LEGISLATURE
Convencd June 10, 1985. Adjourned June 11, 1985.



Published at Olympia by the Statute Law Committee pursuant to Chapter 6, Laws of 1969.

DENNIS W. COOPER
Code Reviser

PERTINENT FACTS CONCERNING THE WASHINGTON SESSION LAWS

1. EDITIONS AVAILABLE.

- (a) *General Information.* The session laws are printed successively in two editions:
- (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition — where and how obtained — price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at \$5.39 per set (\$5.00 plus \$.39 for state and local sales tax of 7.8%). All orders must be accompanied by remittance.
- (c) *Permanent bound edition — when and how obtained — price.* The permanent bound edition of the 1985 session laws, including the special session of June 10 and 11, may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at \$43.12 per set (\$20.00 per volume plus \$3.12 for state and local sales tax of 7.8%). All orders must be accompanied by remittance.

2. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were adopted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

- (a) In amendatory sections
 - (i) underlined matter is new matter.
 - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses)).~~
- (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES

- (a) Vetoed matter is *printed in italics.*
- (b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted herein pursuant to the authority of RCW 44.20.060 are enclosed in brackets [].

5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1985 regular session to be July 28, 1985 (midnight July 27). All laws of the 1985 1st extraordinary session had an emergency clause or a prescribed effective date.
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

6. INDEX AND TABLES

- (a) An index of all laws published in each pamphlet, and pertinent tables, may be found at the back of each respective pamphlet and a cumulative index and tables at the back of the final pamphlet edition and the permanent bound edition.
- (b) The general table of session law sections affected will be *discontinued* after 1985. Only session law sections that are not codified into the Revised Code of Washington (RCW) will continue to be carried in this table. For session laws that have been assigned RCW numbers, more complete historical information may be found by converting the session law section number to the RCW citation through the codification tables in Volume 0 of the RCW and then using the bracketed history note following the section. The table of RCW sections affected by 1985 statutes, found at the back of this session law volume, should also be consulted.

VOLUME 2

**REGULAR SESSION
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CHAPTERS 1-6**

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STATE MEASURES

CHAPTER 349

[Engrossed Substitute Senate Bill No. 3235]

SMALL SCHOOL DISTRICT BASIC EDUCATION ALLOCATION FORMULA—
SCHOOL SELF-STUDY PROCEDURES—CAREER LADDER STUDY—SCHOOL
IMPROVEMENT GRANTS—CONTACT HOUR WAIVER—SUPPLEMENTAL
TEACHER COMPENSATION

AN ACT Relating to educational excellence; amending RCW 28A.41.140; adding a new section to chapter 28A.04 RCW; adding new sections to chapter 28A.58 RCW; adding a new section to chapter 28A.67 RCW; creating new sections; and making appropriations.

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

NEW SECTION. Sec. 1. The superintendent of public instruction shall by December 1, 1985, recommend to the legislature a basic education allocation formula which provides adequate but not excessive funding for districts having less than twenty-five full time equivalent students.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.58 RCW to read as follows:

Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis: PROVIDED, That districts may allow two or more elementary school buildings in the district to undertake jointly the self-study process. Each school may follow the accreditation process developed by the state board of education under RCW 28A.04.120(4), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. Whatever process is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational efforts.

Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

Emphasis throughout the process shall be placed upon:

- (1) Achieving educational excellence and equity;
- (2) Building stronger links with the community; and
- (3) Reaching consensus upon educational expectations through community involvement and corresponding school management.

The initial self-study process within each district shall begin by September 1, 1986, and should be completed for all schools within a district by the end of the 1990-91 school year.

The state board of education shall develop rules and regulations governing procedural criteria. Such rules and regulations should be flexible so as to accommodate local goals and circumstances. Rules and regulations may allow for waiver of the self-study for economic reasons and may also

allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1990-91 period.

The superintendent of public instruction shall provide training to assist districts in their self-studies.

Each district shall annually report to the superintendent of public instruction on the scheduling and implementation of their self-study activities.

NEW SECTION. Sec. 3. The legislature recognizes the need to keep and attract quality teachers in our public schools. The legislature intends to examine the effectiveness of a career ladder in our public schools. To improve the quality of teaching and foster a professional climate which encourages creativity and cooperation among teachers and enhances the intrinsic rewards teachers experience from helping students learn, the legislature intends to locally test ways in which the goal of attracting and retaining excellent teachers might be accomplished. The legislature recognizes that a career ladder system is one means of enhancing the attractiveness of teaching; however, the legislature wishes to investigate this concept further prior to determining whether to develop such a system.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.67 RCW to read as follows:

(1) The superintendent of public instruction is hereby authorized to grant funds for selected school improvement and research projects, including improvements in curriculum, instruction, and classroom management developed by teachers.

(2) The superintendent shall appoint an advisory committee on research and development composed of certificated and noncertificated staff, administrators, curriculum specialists, parents, school directors, postsecondary educators, business persons, and others as the superintendent finds necessary. The committee shall propose criteria to the superintendent to evaluate proposed school improvement and research projects proposed by educational employees. The criteria approved by the superintendent shall: (a) Assure to the extent possible that projects will be chosen which represent the various geographical locations, school or district sizes, and grade levels existent in the state; (b) provide for evaluation of each project upon completion; and (c) include such other requirements as the superintendent finds necessary. The committee shall recommend to the superintendent of public instruction the awarding of grants to fund those proposals showing the most potential for developing knowledge which will be helpful to local districts in their efforts to enhance educational equity and excellence. Projects may involve the collaboration of personnel from higher education institutions and kindergarten through grade twelve educators.

(3) The superintendent of public instruction shall award grants to selected project participants in such amounts as determined by the superintendent of public instruction, who shall take into consideration grant amounts as recommended by the advisory committee on research and development under subsection (2) of this section. The sum of all grants awarded per year shall not exceed that amount appropriated by the legislature for such purposes. Grants may be awarded to individual teachers or teams of teachers including teacher's aides and volunteers.

(4) The superintendent of public instruction shall maintain a clearinghouse of information on these research projects for the use of local districts.

Sec. 5. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs;
- (4) Extraordinary costs of remote and necessary schools and small high schools; and

(5) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: **PROVIDED**, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific

operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute. Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence

and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education may grant waivers to school districts from the provisions of RCW 28A.58.750 through 28A.58.754 on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

The state board shall adopt criteria to evaluate the need for the waiver or waivers.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.58 RCW to read as follows:

School boards may by separate contract with certificated instructional and classified staff provide supplemental compensation for additional days or additional duties as set forth in the bargaining agreement or agreements as negotiated between the district and the respective bargaining representatives, if the district does not incur obligations for the supplements beyond the current school year and if such supplements do not cause the state to incur any present or future funding obligations. Additional days for certificated instructional staff and classified staff shall be those days beyond their respective work year. Such separate contracts shall be subject to the collective bargaining provisions of chapters 41.59 and 41.56 RCW. Such supplemental compensation shall not be deemed an increase in salary or compensation for purposes of RCW 28A.58.095. Separate contracts shall be subject to the provision of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through RCW 28A.58.515.

NEW SECTION. Sec. 8. (1) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of section 2 of this act.

(2) The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of section 4 of this act.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 350

[Substitute Senate Bill No. 3146]

DEPARTMENT OF CORRECTIONS—INSTITUTION NAMES CORRECTED— SINGLE CELL REQUIREMENT DELAYED UNTIL 1987

AN ACT Relating to corrections; amending RCW 72.01.050, 72.12.160, 9.94.049, 72.65-.010, and 72.13.091; repealing RCW 72.12.050; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 72.01.050, chapter 28, Laws of 1959 as last amended by section 68, chapter 136, Laws of 1981 and RCW 72.01.050 are each amended to read as follows:

(1) The secretary of social and health services shall have full power to manage and govern the following public institutions: The western state hospital, the eastern state hospital, the northern state hospital, the state training school, the state school for girls, Lakeland Village, the Rainier school, the state school for the deaf, the state school for the blind, and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

(2) The secretary of corrections shall have full power to manage and govern the following public institutions: The Washington state penitentiary, the Washington state reformatory, the Washington corrections center, the McNeil Island ((penitentiary)) corrections center, the Purdy ((treatment)) corrections center for women, the Cedar Creek corrections center, the Clearwater corrections center, the Firland ((correctional)) corrections center, the Indian Ridge ((treatment)) corrections center, the Larch corrections center, the Olympic ((correctional)) corrections center, Pine Lodge ((correctional)) corrections center, ((and)) the special offender center, the Twin Rivers corrections center, and the proposed five hundred bed facility at Clallam Bay subject only to the limitations contained in laws relating to the management of such institutions.

(3) If any of the facilities specified in subsection (2) of this section is fully or partially destroyed by natural causes or otherwise, the secretary of corrections may, with the approval of the governor, provide for the establishment and operation of additional residential correctional facilities to

place those inmates displaced by such destruction. However, such additional facilities may not be established if there are existing residential correctional facilities to which all of the displaced inmates can be appropriately placed. The establishment and operation of any additional facility shall be on a temporary basis, and the facility may not be operated beyond July 1 of the year following the year in which it was partially or fully destroyed.

Sec. 2. Section 109, chapter 136, Laws of 1981 and RCW 72.12.160 are each amended to read as follows:

It is the intent of the legislature that limitations be placed on the state correctional institutions at Monroe.

The following facilities at Monroe shall be subject to the inmate population limitations specified in this section.

(1) The special offender center shall house no more than one hundred forty-four inmates.

(2) The ~~((proposed medium security facility))~~ Twin Rivers corrections center shall house no more than five hundred inmates.

(3) The Monroe reformatory population shall be as determined pursuant to federal court order:

PROVIDED, That the governor may declare an emergency and increase by ten percent for a twelve-month period of time the population limitation of any of the facilities specified in this section.

Sec. 3. Section 6, chapter 121, Laws of 1979 and RCW 9.94.049 are each amended to read as follows:

For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means the: Washington corrections center, Washington state penitentiary, Washington state reformatory, McNeil Island corrections center, Purdy ((treatment)) corrections center for women, Larch corrections center, Indian Ridge ((treatment)) corrections center, Cedar Creek corrections center, the Olympic corrections center, Firland ((correctional)) corrections center, Clearwater corrections center, Pine Lodge ((correctional)) corrections center, the Twin Rivers corrections center, the special offender center, the proposed five hundred bed facility at Clallam Bay, and other state correctional facilities used solely for the purpose of confinement of convicted felons.

Sec. 4. Section 1, chapter 17, Laws of 1967 as last amended by section 110, chapter 136, Laws of 1981 and RCW 72.65.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

(1) "Department" shall mean the department of corrections.

(2) "Secretary" shall mean the secretary of corrections.

(3) "State correctional institutions" shall mean and include the Washington state penitentiary; the Washington corrections center; the

Washington state reformatory; the McNeil Island ((penitentiary)) corrections center; the Purdy ((treatment)) corrections center for women; the Cedar Creek corrections center; the Clearwater corrections center; the Firland ((correctional)) corrections center; the Indian Ridge ((treatment)) corrections center; the Larch corrections center; the Olympic ((correctional)) corrections center; Pine Lodge ((correctional)) corrections center; ((and)) the special offender center; the Twin Rivers corrections center; the proposed five hundred bed facility at Clallam Bay; and such other state correctional institutions, camps or facilities as may hereafter be established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

(4) "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) "Superintendent" shall mean the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

Sec. 5. Section 2, chapter 2, Laws of 1982 2nd ex. sess. and RCW 72.13.091 are each amended to read as follows:

Effective July 1, ((+1985)) 1987, each prisoner in the correctional institution shall be provided with a single cell: **PROVIDED, HOWEVER**, That multiple type living arrangements may be provided in forestry or other labor camps maintained in conjunction with the institution.

NEW SECTION. Sec. 6. Section 72.12.050, chapter 28, Laws of 1959, section 1, chapter 251, Laws of 1959, section 194, chapter 141, Laws of 1979 and RCW 72.12.050 are each repealed.

NEW SECTION. Sec. 7. Section 5 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the Senate April 27, 1985.

Passed the House April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 351

[Senate Bill No. 3120]

MOTOR VEHICLE LENGTH AND WEIGHT LIMITATIONS

AN ACT Relating to motor vehicle standards; and amending RCW 46.44.030, 46.44.037, 46.44.041, 46.44.042, 46.44.0941, and 46.44.105.

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

Sec. 1. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 104, Laws of 1984 and RCW 46.44.030 are each amended to read as follows:

It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of forty feet: PROVIDED, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: PROVIDED FURTHER, That the route of any auto stage in excess of thirty-five feet or school bus in excess of thirty-six feet six inches upon or across the public highways shall be limited as determined by the department of transportation for state highways, or by the local legislative authority for other public roads.

It is unlawful for any person to operate on the highways of this state any combination of vehicles that contains a vehicle of which the permanent structure is in excess of forty-eight feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of forty-eight feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds ~~((fifty-nine))~~ sixty feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer with an overall length, with or without load, in excess of ~~((sixty-five))~~ seventy-five feet ~~((or a combination consisting of a tractor and a stinger steered semitrailer that has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load:~~

~~"Stinger steered" as used in this section means a tractor and semitrailer combination that has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor)).~~

These length limitations do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

The length limitations described in this section are exclusive of safety and energy conservation devices, such as mud flaps and splash and spray suppressant devices, refrigeration units or air compressors, and other devices that the department determines to be necessary for safe and efficient operation of commercial vehicles. No device excluded under this paragraph from the limitations of this section may have, by its design or use, the capability to carry cargo.

Sec. 2. Section 46.44.037, chapter 12, Laws of 1961 as last amended by section 53, chapter 7, Laws of 1984 and RCW 46.44.037 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state department of transportation, operation of the following combinations is lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this ~~((connection))~~ combination a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination consisting of three trucks or truck tractors used in driveway service where two of the vehicles are towed by the third in double saddlemount position;

(3) A combination consisting of a truck tractor carrying a freight compartment no longer than eight feet, a semitrailer, and another semitrailer or full trailer that meets the legal length requirement for a truck and trailer combination set forth in RCW 46.44.030.

Sec. 3. Section 22, chapter 64, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 81, Laws of 1977 and RCW 46.44.041 are each amended to read as follows:

No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

~~((Dis-~~
~~tance~~
~~in feet~~ _____ ~~Maximum load in pounds~~
~~between~~ _____ ~~carried on any group of 2~~
~~the ex-~~ _____ ~~or more consecutive axles~~
~~tremes~~
~~of any~~ _____ ~~*(Maximum load in pounds carried~~
~~group~~ _____ ~~on any group of 2 consecutive~~
~~of 2~~ _____ ~~sets of tandem axles)~~
~~or more~~
~~consecu-~~
~~tive~~ 2 3 4 5 6 7 8 9
~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~ ~~axles~~

4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	36,500						
9	39,000	38,000						
10	40,000	39,500						
11		41,000						
12		42,500	42,500					
13		44,000	44,000					
14		45,500	45,500					
15		47,000	47,000					
16		48,000	48,000	48,000				
17		48,500	48,500	49,000				
18		49,500	49,500	50,000				
19		50,000	50,000	51,000				
20		51,000	51,000	52,000	52,000			
			55,500)*					
21		51,500	51,500	53,000	53,000			
			56,000)*					
22		52,500	52,500	54,000	54,000			
			56,500)*					
23		53,000	53,000	55,000	55,000			
			57,500)*					
24		54,000	54,000	55,500	56,000	56,000		
			58,000)*					
25		54,500	55,000	56,500	57,000	57,000		
			58,500)*					
26		55,500	56,000	57,500	58,000	58,000		
			59,500)*					

(Distance in feet between the extremes of any group of 2 or more consecutive

	2	3	4	5	6	7	8	9
Maximum load in pounds carried on any group of 2 or more consecutive axes	axes	axes	axes	axes	axes	axes	axes	axes
27		56,000	57,000	58,500	59,000	59,000		
								60,000)*
28		57,000	58,000	60,000	60,000	60,000	60,000	
								60,500)*
29		57,500	59,000	60,500	61,000	61,000	61,000	
								61,500)*
30		58,500	59,000	61,500	62,000	62,000	62,000	
								62,000)*
31		59,000	60,500	62,500	63,000	63,000	63,000	
								62,500)*
32		60,000	61,500	63,500	64,000	64,000	64,000	64,600
								63,500)*
33			62,500	64,500	65,000	65,000	65,000	65,000
								64,000)*
34			63,500	65,000	66,500	66,500	66,500	66,500
								64,500)*
35			64,500	66,500	67,500	67,500	67,500	67,500
								65,500)*
36			65,500	67,500	68,500	68,500	68,500	68,500
								68,000)*
37			66,500	68,500	69,500	69,500	69,500	69,500
38			67,500	69,000	70,500	70,500	70,500	70,500
39			68,000	70,000	71,500	71,500	71,500	71,500
40			68,500	71,000	72,500	72,500	72,500	72,500
41			69,500	72,000	73,500	73,500	73,500	73,500
42			70,000	73,000	74,500	74,500	74,500	74,500
43			70,500	74,000	75,500	75,500	75,500	75,500
44			71,500	75,000	76,500	76,500	76,500	76,500
45			72,000	76,000	78,000	78,000	78,000	78,000
46			72,500	76,500	79,000	79,000	79,000	79,000

((Dis=
tance
in feet _____ Maximum load in pounds
between _____ carried on any group of 2
the ex- _____ or more consecutive axes
tremes
of any _____ *(Maximum load in pounds carried
group _____ on any group of 2 consecutive
of 2 _____ sets of tandem axes)
or more
consecu-
tive 2 3 4 5 6 7 8 9
axes axes axes axes axes axes axes axes axes

47			73,500	77,500	80,000	80,000	80,000	80,000	
48			74,000	78,000	81,000	81,000	81,000	81,000	
49			74,500	78,500	82,000	82,000	82,000	82,000	
50			75,500	79,000	83,000	83,000	83,000	83,000	
51			76,000	80,000	84,000	84,000	84,000	84,000	
52			76,500	80,500	85,000	85,000	85,000	85,000	
53			77,500	81,000	86,000	86,000	87,000	87,000	
54			78,000	81,500	86,500	87,500	89,000	89,000	
55			78,500	82,500	87,000	88,000	91,000	91,000	
56			79,500	83,000	87,500	90,000	93,000	93,000	
57			80,000	83,500	88,000	91,000	95,000	95,000	
58				84,000	89,000	92,500	97,000	97,000	
59				85,000	89,500	93,500	99,000	99,000	
60				85,500	90,000	95,000	100,500	100,500	
61				86,000	90,500	95,500	101,000	102,500	
62				86,500	91,000	96,000	101,500	104,000	
63				87,500	92,000	96,500	102,000	105,500	
64				88,000	92,500	97,000	102,500	105,500	
65				88,500	93,000	98,000	103,000	105,500	
66				89,000	93,500	98,500	103,500	105,500	
67				90,000	94,000	99,000	104,000	105,500	
68				90,500	94,500	99,500	104,500	105,500	
69				91,000	95,500	100,000	105,500	105,500	
70				91,500	96,000	101,000	105,500	105,500))	

<u>Dis-</u> <u>tance</u> <u>in feet</u> <u>between</u> <u>the ex-</u> <u>tremes</u> <u>of any</u> <u>group</u> <u>of 2</u> <u>or more</u> <u>consecu-</u>	<u>Maximum load in pounds</u> <u>carried on any group of 2</u> <u>or more consecutive axles</u>								
	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	
<u>tive</u> <u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>	<u>axles</u>
<u>4</u>	<u>34,000</u>								
<u>5</u>	<u>34,000</u>								
<u>6</u>	<u>34,000</u>								
<u>7</u>	<u>34,000</u>								
<u>8</u>	<u>34,000</u>	<u>42,000</u>							
<u>9</u>	<u>39,000</u>	<u>42,500</u>							
<u>10</u>	<u>40,000</u>	<u>43,500</u>							
<u>11</u>		<u>44,000</u>							
<u>12</u>		<u>45,000</u>	<u>50,000</u>						
<u>13</u>		<u>45,500</u>	<u>50,500</u>						
<u>14</u>		<u>46,500</u>	<u>51,500</u>						
<u>15</u>		<u>47,000</u>	<u>52,000</u>						
<u>16</u>		<u>48,000</u>	<u>52,500</u>	<u>52,500</u>					
<u>17</u>		<u>48,500</u>	<u>53,500</u>	<u>53,500</u>					
<u>18</u>		<u>49,500</u>	<u>54,000</u>	<u>54,000</u>					
<u>19</u>		<u>50,000</u>	<u>54,500</u>	<u>54,500</u>					
<u>20</u>		<u>51,000</u>	<u>55,500</u>	<u>55,500</u>					
<u>21</u>		<u>51,500</u>	<u>56,000</u>	<u>56,000</u>					
<u>22</u>		<u>52,500</u>	<u>56,500</u>	<u>56,500</u>					
<u>23</u>		<u>53,000</u>	<u>57,500</u>	<u>57,500</u>					
<u>24</u>		<u>54,000</u>	<u>58,000</u>	<u>58,000</u>					
<u>25</u>		<u>54,500</u>	<u>58,500</u>	<u>58,500</u>					
<u>26</u>		<u>55,500</u>	<u>59,500</u>	<u>59,500</u>					
<u>27</u>		<u>56,000</u>	<u>60,000</u>	<u>60,000</u>					
<u>28</u>		<u>57,000</u>	<u>60,500</u>	<u>61,000</u>	<u>61,000</u>				
<u>29</u>		<u>57,500</u>	<u>61,500</u>	<u>62,000</u>	<u>62,000</u>				
<u>30</u>		<u>58,500</u>	<u>62,000</u>	<u>63,000</u>	<u>63,000</u>				
<u>31</u>		<u>59,000</u>	<u>62,500</u>	<u>64,000</u>	<u>64,500</u>				
<u>32</u>		<u>60,000</u>	<u>63,500</u>	<u>65,000</u>	<u>65,000</u>				
<u>33</u>			<u>64,000</u>	<u>66,000</u>	<u>66,000</u>				

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu-	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2	3	4	5	6	7	8	9	
tive axles	axles	axles	axles	axles	axles	axles	axles	axles	
34		64,500	67,000	67,000					
35		65,500	68,000	68,000					
36		66,000	69,500	69,500					
37		66,500	70,500	70,500					
38		67,500	72,000	72,000					
39		68,000	72,500	72,500					
40		68,500	73,000	73,000					
41		69,500	73,500	73,500					
42		70,000	74,000	74,000					
43		70,500	75,000	75,000					
44		71,500	75,500	75,500					
45		72,000	76,000	76,000					
46		72,500	76,500	80,000	80,000				
47		73,500	77,000	81,000	81,000				
48		74,000	78,000	82,000	82,000				
49		74,500	78,500	83,000	83,000				
50		75,500	79,000	84,000	84,000				
51		76,000	80,000	84,500	85,000				
52		76,500	80,500	85,000	86,000				
53		77,500	81,000	86,000	87,000				
54		78,000	81,500	86,500	88,000	91,000	91,000		
55		78,500	82,500	87,000	89,000	92,000	92,000		
56		79,500	83,000	87,500	90,000	93,000	93,000		
57		80,000	83,500	88,000	91,000	94,000	94,000		
58			84,000	89,000	92,000	95,000	95,000		
59			85,000	89,500	93,500	96,000	96,000		
60			85,500	90,000	95,000	97,000	97,000		
61			86,000	90,500	95,500	98,000	98,000		
62			87,000	91,000	96,000	99,000	99,000		
63			87,500	92,000	97,000	100,000	100,000		

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu-	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	tive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
64				88,000	92,500	97,500	101,000	101,000	
65				88,500	93,000	98,000	102,000	102,000	
66				89,500	93,500	98,500	103,000	103,000	
67				90,000	94,000	99,000	104,000	104,000	
68				90,500	95,000	99,500	105,000	105,000	
69				91,000	95,500	100,000	105,500	105,500	
70				92,000	96,000	101,000	105,500	105,500	

When inches are involved: Under six inches take lower, six inches or over take higher. The maximum load on any axle in any group of axles shall not exceed 1.2 times the load given in the above table divided by the number of axles in that group, and shall not exceed the single axle or tandem axle allowance as set forth elsewhere. For considering the number of axles in a group, the front axle of a unit supplying motive power need not be included in the axle group.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

It is unlawful to operate upon the public highways any single unit vehicle, supported upon three axles or more with a gross weight including load in excess of forty thousand pounds or any combination of vehicles having a gross weight in excess of eighty thousand pounds without first obtaining an additional tonnage permit as provided for in RCW 46.44.095: PROVIDED, That when a combination of vehicles has purchased license tonnage in excess of seventy-two thousand pounds as provided by RCW 46.16.070, such excess license tonnage may be applied to the power unit subject to limitations of RCW 46.44.042 and this section when such vehicle is operated without a trailer.

It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two

axles are so constructed and mounted in such a manner as to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle specified in this section.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations and procedures in effect in this state on January 4, 1975.

Sec. 4. Section 46.44.042, chapter 12, Laws of 1961 as amended by section 10, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.042 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of ~~((five))~~ six hundred ~~((fifty))~~ pounds per inch width of such tire ~~((, up to a maximum width of twelve inches, and for a tire having a width of twelve inches or more there shall be allowed a twenty percent tolerance above five hundred fifty pounds per inch width of such tire))~~. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

Sec. 5. Section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 278, Laws of 1983 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip	\$ 5.00
Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days	\$ 20.00
Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days	\$ 10.00

Continuous operation of a combination of vehicles having one trailing unit that exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year	\$100.00
Continuous operation of a combination of vehicles having two trailing units which together exceed ((fifty-nine)) <u>sixty</u> feet and are not more than sixty-eight feet in length, for a period of one year	\$100.00
((Continuous operation of a truck and trailer not to exceed seventy-five feet overall length that may contain a permanent structure vehicle not in excess of forty-eight feet, for a period of one year	\$ 60.00))
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days	\$ 50.00
Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year	\$150.00
Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:	
(1) Farmers in the course of farming activities, for any three-month period	\$ 10.00
(2) Farmers in the course of farming activities, for a period not to exceed one year	\$ 25.00
(3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period	\$ 25.00
(4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year	\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds	\$.05
6,000-11,999 pounds	\$.10
12,000-17,999 pounds	\$.15
18,000-23,999 pounds	\$.25
24,000-29,999 pounds	\$.35
30,000-35,999 pounds	\$.45
36,000-41,999 pounds	\$.60
42,000-47,999 pounds	\$.75
48,000-53,999 pounds	\$.90
54,000-59,999 pounds	\$ 1.05
60,000-65,999 pounds	\$ 1.20
66,000-71,999 pounds	\$ 1.45
72,000-((77,999))79,999 pounds	\$ 1.70
80,000 pounds or more	\$ 2.00

PROVIDED: (1) The minimum fee for any overweight permit shall be \$5.00, (2) the fee for issuance of a duplicate permit shall be \$5.00, (3) when computing overweight fees that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 6. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as last amended by section 327, chapter 258, Laws of 1984 and RCW 46.44.105 are each amended to read as follows:

(1) Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091,

46.44.095, or 46.44.041 shall be assessed three cents for each pound of excess weight. Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, (~~justice~~) district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsections (1) and (2) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW (~~46.44.037~~) 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

Passed the Senate April 28, 1985.

Passed the House April 11, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 352

[Engrossed Senate Bill No. 3230]

DRUNK DRIVING—DEFERRED PROSECUTION—VIOLATIONS—
PENALTIES—MODIFICATION

AN ACT Relating to alcohol abuse; amending RCW 46.61.515, 46.20.599, 10.05.010, 10.05.020, 10.05.040, 10.05.050, 10.05.060, 10.05.070, 10.05.080, 10.05.090, 10.05.100, 10.05.110, 10.05.120, and 46.61.517; adding new sections to chapter 10.05 RCW; adding a new section to chapter 66.28 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 328, chapter 258, Laws of 1984 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than two hundred fifty dollars and not more than ((seven hundred fifty)) one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the

administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than five hundred dollars and not more than ~~((one))~~ two thousand ~~((five-hundred))~~ dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement

until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

Sec. 2. Section 2, chapter 219, Laws of 1984 and RCW 46.20.599 are each amended to read as follows:

(1) Whenever any person is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer shall, at the time of arrest, confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit.

(2) Within twenty-four hours of the arrest, the arresting officer shall transmit any confiscated license or permit to the department with a report indicating the date and location of the arrest.

(3) Any temporary license issued under this section shall be dated with the same expiration date as the confiscated license or permit. A temporary license shall be valid only until the sooner of:

(a) Its expiration date; or

(b) The suspension, revocation, or denial by judicial or administrative action for any reason of the license, permit, or privilege to drive of the person holding the temporary license.

(4) The department shall return, replace, or authorize renewal of any confiscated license or permit that has not been suspended or revoked for any reason upon notification:

(a) By the law enforcement agency that made the arrest that a charge has not been filed for the offense for which the license or permit was confiscated;

(b) By the prosecuting authority of the jurisdiction in which the offense occurred that the charge has been dropped or changed to other than one for which confiscation is required under this section; or

(c) By the court in which the case has been or was to be heard that prosecution on the charge has been deferred, that the charge has been dismissed, or that the person charged has been found not guilty of the charge; or

(d) By a court that the person has been convicted of the offense for which the license or permit was confiscated, but the suspension or revocation of the license or permit has been stayed pending appeal of the conviction.

(5) If a temporary license issued under this section expires before the department receives notification under subsection (4) of this section, the department shall authorize the driver to seek renewal of the license. If the driver is qualified for renewal, the department shall issue a new temporary license with the same expiration date as the driver would have received had his or her license or permit not been confiscated.

(6) Upon receipt of a returned or replaced confiscated license from the department, the driver shall return any temporary license in his or her possession or shall sign an affidavit that the temporary license has been lost, stolen, or destroyed.

(7) No temporary license issued under this section is valid to any greater degree than the confiscated license or permit that it replaces.

(8) The department shall provide courts and law enforcement agencies with the appropriate temporary license and notice forms for use under this section.

~~((9) This section shall expire on December 31, 1985:))~~

NEW SECTION. Sec. 3. The legislature finds that the deferred prosecution program is an alternative to punishment for persons who will benefit from a treatment program if the treatment program is provided under circumstances that do not unreasonably endanger public safety or the traditional goals of the criminal justice system. This alternative to punishment is dependent for success upon appropriate treatment and the willingness and ability of the person receiving treatment to cooperate fully with the treatment program. The legislature finds that some persons have sought deferred prosecution but have been unable or unwilling to cooperate with treatment requirements and escaped punishment because of the difficulties in resuming prosecution after significant delay due to the absence of witnesses at a later date and the congestion in courts at a later date. The legislature further finds that the deferred prosecution statutes require clarification. The purpose of sections 4 through 19 of this act is to provide specific standards and procedures for judges and prosecutors to use in carrying out the original intent of the deferred prosecution statutes.

Sec. 4. Section 1, chapter 244, Laws of 1975 1st ex. sess. as amended by section 26, chapter 47, Laws of 1982 1st ex. sess. and RCW 10.05.010 are each amended to read as follows:

~~((Upon arraignment))~~ In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once in any five-year period. Separate offenses committed more than seven days apart may not be consolidated in a single program.

NEW SECTION. Sec. 5. A new section is added to chapter 10.05 RCW to read as follows:

At the time of arraignment a person charged with a violation of RCW 46.61.502 or 46.61.504 may be given a statement by the court that explains the availability, operation, and effects of the deferred prosecution program.

Sec. 6. Section 2, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.020 are each amended to read as follows:

(1) ~~The ((petition))~~ petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by ((alcohol problems)) alcoholism, drug ((problems)) addiction, or mental problems for which the person is in need of treatment and unless treated the probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history ((of the person supporting the allegations)) and written assessment prepared by an approved alcoholism treatment facility as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) Before entry of an order deferring prosecution, a petitioner shall be advised of his rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgement of his rights; (b) a stipulation to the admissibility of the facts contained in the written police report; and (c) an acknowledgement that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he may, if he proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be

ordered upon the condition that he seek treatment and, further, that he may seek treatment from public and private agencies at any time without regard to whether or not he is found guilty of the offense charged. He shall also be advised that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he is innocent of the charges or sincerely believes that he does not, in fact, suffer from alcoholism, drug addiction, or mental problems.

(3) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; and (c) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 7. Section 4, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.040 are each amended to read as follows:

The facility (~~(or center)~~) to which such person is referred shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem (~~(alleged)~~) described;
 - (2) Whether the problem is such that if not treated there is a probability that similar misconduct will occur in the future;
 - (3) Whether extensive and long term treatment is required; (~~and~~)
 - (4) Whether effective treatment for the person's problem is available;
- and
- (5) Whether the person is amenable to treatment.

Sec. 8. Section 5, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.050 are each amended to read as follows:

The facility (~~(or center)~~) shall make a written report to the court stating its findings and recommendations after the (~~(investigation and)~~) examination required by RCW 10.05.040. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (1) The type;
- (2) Nature;
- (3) Length;
- (4) A treatment time schedule; and
- (5) Approximate cost of the treatment.

The report with the treatment plan shall be filed with the court and a copy given to the (~~(defendant)~~) petitioner and (~~(defendant's)~~) petitioner's counsel. A copy of the treatment plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility making the written report shall append to the report a commitment by the treatment facility that it will provide the treatment in accordance with this chapter. The facility shall agree to provide the court with a statement every

three months for the first year and every six months for the second year regarding (a) the petitioner's cooperation with the treatment plan proposed and (b) the petitioner's progress or failure in treatment. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment.

Sec. 9. Section 6, chapter 244, Laws of 1975 1st ex. sess. as amended by section 4, chapter 158, Laws of 1979 and RCW 10.05.060 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the ~~((defendant))~~ petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract ~~((is required to be sent to the department of licensing, an abstract))~~ of the docket showing the charge and the date of ~~((defendant's))~~ petitioner's acceptance ~~((for deferred prosecution shall))~~ is required to be sent to the department of licensing, ((which)) an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the ((defendant's)) petitioner's acceptance for deferred prosecution on the department's driving record of the ((defendant)) petitioner. The department shall maintain the record for five years from date of entry of the order granting deferred prosecution.

Sec. 10. Section 7, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.070 are each amended to read as follows:

When treatment is either not recommended or not approved by the judge, or the ~~((defendant))~~ petitioner declines to accept the treatment plan, the ~~((defendant))~~ petitioner shall be arraigned on the charge.

Sec. 11. Section 8, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.080 are each amended to read as follows:

If the petition is not approved or is withdrawn before approval, evidence pertaining to or resulting from the petition and/or investigation is inadmissible in any trial on the charges, but shall be available for use after a conviction in determining a sentence.

Sec. 12. Section 9, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.090 are each amended to read as follows:

If a ~~((defendant))~~ petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the ~~((defendant's))~~ petitioner's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such

breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the ~~((defendant))~~ petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the ~~((defendant's))~~ petitioner's alleged failure to comply with the treatment plan and the ~~((defendant))~~ petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the ~~((defendant))~~ petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the ~~((defendant's docket shall be returned to the regular court files and the defendant shall be arraigned on the original charge))~~ court shall enter judgment pursuant to RCW 10.05.020.

Sec. 13. Section 10, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.100 are each amended to read as follows:

If a ~~((defendant))~~ petitioner is subsequently convicted ~~((in any court of an)) of a similar offense ((similar and committed subsequent to the one for which the defendant is))~~ while in a deferred prosecution program, upon notice the court ~~((in which the defendant is under deferred prosecution shall upon notice of conviction in another court))~~ shall remove the ~~((defendant's))~~ petitioner's docket from the deferred prosecution file and ~~((require the defendant to enter a plea to the original charge))~~ the court shall enter judgment pursuant to RCW 10.05.020.

Sec. 14. Section 11, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.110 are each amended to read as follows:

Delay in bringing a case to trial caused by a ~~((defendant))~~ petitioner requesting deferred prosecution as provided for in this chapter shall not be grounds for dismissal.

Sec. 15. Section 12, chapter 244, Laws of 1975 1st ex. sess. as amended by section 45, chapter 165, Laws of 1983 and RCW 10.05.120 are each amended to read as follows:

Upon proof of successful completion of the two-year treatment program, the court shall dismiss the charges pending against the petitioner.

Five years from the date of the court's approval of a deferred prosecution program for an individual ~~((defendant))~~ petitioner, those ~~((dockets))~~ entries that remain in the ~~((special court deferred prosecution file))~~ department of licensing records relating to such ~~((defendant))~~ petitioner shall be ~~((dismissed and the records))~~ removed. A deferred prosecution may be considered for enhancement purposes when imposing mandatory penalties and suspensions under RCW 46.61.515 for subsequent offenses within a five-year period.

NEW SECTION. Sec. 16. A new section is added to chapter 10.05 RCW to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution. The court may terminate the deferred prosecution program upon violation of this section.

NEW SECTION. Sec. 17. A new section is added to chapter 10.05 RCW to read as follows:

A deferred prosecution program for alcoholism shall be for a two-year period and shall include, but not be limited to, the following requirements:

- (1) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;
- (2) Participation in an intensive inpatient or intensive outpatient program in a state-approved alcoholism treatment facility;
- (3) Participation in a minimum of two meetings per week of an alcoholism self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;
- (4) Participation in an alcoholism self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;
- (5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months following the intensive phase of treatment;
- (6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;
- (7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;
- (8) All treatment within the purview of this section shall occur within or be approved by a state-approved alcoholism treatment facility as described in chapter 70.96A RCW;
- (9) Signature of the petitioner agreeing to the terms and conditions of the treatment program.

NEW SECTION. Sec. 18. A new section is added to chapter 10.05 RCW to read as follows:

The prosecutor may appeal an order granting deferred prosecution on any or all of the following grounds:

- (1) Prior deferred prosecution has been granted to the defendant within five years;
- (2) Failure of the court to obtain proof of insurance or a treatment plan conforming to the requirements of this chapter;

(3) Failure of the court to comply with the requirements of RCW 10.05.100;

(4) Failure of the evaluation facility to provide the information required in RCW 10.05.040 and 10.05.050, if the defendant has been referred to the facility for treatment. If an appeal on such basis is successful, the trial court may consider the use of another treatment facility.

NEW SECTION. Sec. 19. A new section is added to chapter 10.05 RCW to read as follows:

As a condition of granting deferred prosecution, the court may order supervision of the petitioner during the period of deferral. In a jurisdiction with a probation department, the court may appoint the probation department to supervise the petitioner. In a jurisdiction without a probation department, the court may appoint an appropriate person or agency to supervise the petitioner. A supervisor appointed under this section shall be required to do at least the following:

(1) If the charge for which deferral is granted relates to operation of a motor vehicle, at least once every six months request from the department of licensing an abstract of the petitioner's driving record; and

(2) At least once every month make contact with the petitioner or with any agency to which the petitioner has been directed for treatment as a part of the deferral.

NEW SECTION. Sec. 20. A new section is added to chapter 66.28 RCW to read as follows:

No liquor manufacturer, importer, wholesaler, retailer, agent thereof, or campus representative of any of the foregoing, may conduct promotional activities for any liquor product on the campus of any college or university nor may any such entities engage in activities that facilitate or promote the consumption of alcoholic beverages by the students of the college or university at which the activity takes place. This section does not prohibit the following:

(1) The sale of alcoholic beverages, by retail licensees on their licensed premises, to persons of legal age and condition to consume alcoholic beverages;

(2) Sponsorship of broadcasting services for events on a college or university campus;

(3) Liquor advertising in campus publications; or

(4) Financial assistance to an activity and acknowledgment of the source of the assistance, if the assistance, activity, and acknowledgment are each approved by the college or university administration.

Sec. 21. Section 27, chapter 165, Laws of 1983 and RCW 46.61.517 are each amended to read as follows:

The refusal of a person to submit to a test of the alcoholic content of his blood under RCW 46.20.308 is admissible into evidence at a subsequent

criminal trial without any comment (~~and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the refusal and that no inference is to be drawn from the refusal~~)).

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except for section 1 of this act, which shall take effect July 1, 1985.

Passed the Senate April 28, 1985.

Passed the House April 28, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 353

[Substitute Senate Bill No. 3007]

MOTOR VEHICLE LICENSE REGISTRATION

AN ACT Relating to motor vehicles; amending RCW 46.63.020, 46.85.060, 82.12.0251, and 82.12.045; adding a new section to chapter 46.16 RCW; prescribing penalties; declaring an emergency; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) For the purposes of vehicle license registration, a resident is a person who:

(a) Owns a vehicle that is licenseable under this chapter and that is physically present in the state of Washington more than six months in any continuous twelve-month period; or

(b) Resides in this state more than six months in any continuous twelve-month period; or

(c) Becomes a registered voter in this state; or

(d) Receives benefits under one of the Washington public assistance programs; or

(e) Declares himself to be a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) A resident of the state shall register under chapters 46.12 and 46.16 RCW a motor vehicle to be operated on the highways of the state.

(3) It is a misdemeanor for a person to violate this section.

Sec. 2. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) Section 1 of this act relating to registration of motor vehicles by residents;

(7) RCW 46.16.160 relating to vehicle trip permits;

~~((7))~~ (8) RCW 46.20.021 relating to driving without a valid driver's license;

~~((8))~~ (9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((9))~~ (10) RCW 46.20.342 relating to driving with a suspended or revoked license;

~~((10))~~ (11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((11))~~ (12) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((12))~~ (13) Chapter 46.29 RCW relating to financial responsibility;

~~((13))~~ (14) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((14))~~ (15) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((15))~~ (16) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((16))~~ (17) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

- ~~((17))~~ (18) RCW 46.52.090 relating to reports by repairmen, storage, and appraisers;
- ~~((18))~~ (19) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- ~~((19))~~ (20) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;
- ~~((20))~~ (21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((21))~~ (22) RCW 46.52.210 relating to abandoned vehicles or hulks;
- ~~((22))~~ (23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((23))~~ (24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((24))~~ (25) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((25))~~ (26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((26))~~ (27) RCW 46.61.500 relating to reckless driving;
- ~~((27))~~ (28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- ~~((28))~~ (29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- ~~((29))~~ (30) RCW 46.61.522 relating to vehicular assault;
- ~~((30))~~ (31) RCW 46.61.525 relating to negligent driving;
- ~~((31))~~ (32) RCW 46.61.530 relating to racing of vehicles on highways;
- ~~((32))~~ (33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((33))~~ (34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- ~~((34))~~ (35) RCW 46.64.020 relating to nonappearance after a written promise;
- ~~((35))~~ (36) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- ~~((36))~~ (37) Chapter 46.65 RCW relating to habitual traffic offenders;
- ~~((37))~~ (38) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- ~~((38))~~ (39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- ~~((39))~~ (40) Chapter 46.80 RCW relating to motor vehicle wreckers;
- ~~((40))~~ (41) Chapter 46.82 RCW relating to driver's training schools.

Sec. 3. Section 6, chapter 106, Laws of 1963 as amended by section 21, chapter 227, Laws of 1982 and RCW 46.85.060 are each amended to read as follows:

In the absence of an agreement or arrangement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the department, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. Declarations of exemptions, benefits, and privileges issued by the department shall include at least the following exemptions:

(1) Nonresident persons may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed one hundred eighty days in a calendar year, but a nonresident person employed in Washington for more than one hundred eighty days may operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.

(2) Nonresident salespersons based at a location outside Washington are permitted to operate vehicles not to exceed twelve thousand pounds registered gross vehicle weight licensed in another jurisdiction in this state without registration.

(3) A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of twelve thousand pounds, which is properly base licensed in another jurisdiction, and used for business purposes in this state is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.

(4) The department of licensing, after consultation with the department of revenue, shall adopt such rules as it deems necessary for the administration of these exemptions, benefits, and privileges.

Sec. 4. Section 51, chapter 37, Laws of 1980 as amended by section 2, chapter 26, Laws of 1983 and RCW 82.12.0251 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle or trailer which is registered or licensed under the laws of the state of his residence, and which is not required to be registered or licensed

under the laws of this state, including motor vehicles or trailers exempt pursuant to a declaration issued by the department of licensing under RCW 46.85.060; or in respect to the use of household goods, personal effects, and private automobiles by a bona fide resident of this state or nonresident members of the armed forces who are stationed in this state pursuant to military orders, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than ((thirty)) ninety days prior to the time he entered this state.

***Sec. 5. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:**

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. When provided with a bill of sale signed by both parties the value of the article used for the purpose of determining the amount of use tax payable by the applicant under this chapter shall not exceed the value of the vehicle declared by the applicant, except in the case of a motor vehicle for which no consideration is paid or contracted to be paid. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his

collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

*Sec. 5 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except for section 1 of this act, which shall take effect September 1, 1985.

Passed the Senate April 12, 1985.

Passed the House April 9, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 5, Substitute Senate Bill No. 3007, entitled:

"AN ACT Relating to motor vehicles;"

Section 5 provides that the value of a motor vehicle for the purpose of paying a use tax will be determined by a bill of sale signed by both parties. Such a proviso would require the acceptance of an unverified document as proof of sales price.

It is my belief that this is an improper way to administer the laws relating to tax collection on vehicles. The Departments of Revenue and Licensing have indicated that they will administratively provide instructions to Licensing's agents to insure the best collection method for use tax on motor vehicles.

With the exception of Section 5, which I have vetoed, Substitute Senate Bill No. 3007 is approved."

CHAPTER 354

[Engrossed Substitute Senate Bill No. 3099]

MENTAL HEALTH CARE AND TREATMENT FOR MINORS

AN ACT Relating to juvenile mental health services; amending RCW 13.04.030, 13.04.093, 71.05.030, 71.06.010, and 71.06.260; adding a new chapter to Title 71 RCW; creating a new section; repealing RCW 71.06.150, 71.06.160, 71.06.170, 71.06.180, 71.06.190, 71.06.200, 71.06.210, 71.06.220, 71.06.230, 71.06.240, 71.06.250, and 72.23.070; and providing an effective date.

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

NEW SECTION. Sec. 1. It is the purpose of this legislation to ensure that minors in need of mental health care and treatment receive appropriate care and treatment, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

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

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(12) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(14) "Minor" means any person under the age of eighteen years.

(15) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025(3).

(16) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(17) "Professional person in charge" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(18) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(19) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(20) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(21) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(22) "Secretary" means the secretary of the department or secretary's designee.

(23) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

NEW SECTION. Sec. 3. (1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under thirteen years of age may only be admitted on the application of the minor's parent.

(b) A minor thirteen years or older may be voluntarily admitted by application of the parent. Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor.

(c) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented

shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(d) Written renewal of voluntary consent must be obtained from the applicant and the minor thirteen years or older no less than once every twelve months.

(e) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional files a petition for initial detention within the time prescribed by this chapter.

NEW SECTION. Sec. 4. If a minor, thirteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment. If it is determined that the minor suffers from a mental disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a county-designated mental health professional to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

NEW SECTION. Sec. 5. (1) When a county-designated mental health professional receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the county-designated mental health professional may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, the county-designated mental health professional shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The county-designated mental health professional shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The county-designated mental health professional shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further mental health treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Whenever the county designated mental health professional petitions for detention of a minor under this chapter, an evaluation and treatment facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) If a minor is not approved for admission by the inpatient evaluation and treatment facility, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

NEW SECTION. Sec. 6. (1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by a physician as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(3) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment

and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(4) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(5) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

NEW SECTION. Sec. 7. (1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed either by two physicians or by one physician and a mental health professional who have examined the minor and shall contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(vii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

NEW SECTION. Sec. 8. (1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday,

Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(8) Rules of evidence shall not apply in fourteen-day commitment hearings.

(9) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a mental disorder and presents a "likelihood of serious harm" or is "gravely disabled";

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

(10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(11) Nothing in this section prohibits the professional person in charge of the evaluation and treatment facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

NEW SECTION. Sec. 9. (1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by two examining physicians, one of whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

- (a) Is suffering from a mental disorder;
- (b) Presents a likelihood of serious harm or is gravely disabled; and
- (c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed for further inpatient treatment to the custody of the secretary or to a private treatment and evaluation facility if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

NEW SECTION. Sec. 10. (1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the secretary shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility.

(2) The secretary's placement authority shall be exercised through a designated placement committee appointed by the secretary and composed of children's mental health specialists, including at least one child psychiatrist who represents the state-funded, long-term, evaluation and treatment facility for minors. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility, having carefully considered factors including the treatment needs of the minor, the most appropriate facility able to respond to the minor's identified treatment needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The secretary may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility shall submit a report to the department's designated placement committee

within ninety days of admission and no less than every one hundred eighty days thereafter, setting forth such facts as the department requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

NEW SECTION. Sec. 11. (1) If the professional person in charge of an outpatient treatment program, a county-designated mental health professional, or the secretary determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the county-designated mental health professional, or the secretary may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility.

(2) The county-designated mental health professional or the secretary shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The county-designated mental health professional or the secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the county-designated mental health professional or the secretary with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, section 10 of this act regarding the secretary's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment

or to less restrictive alternative treatment or conditional release on the same or modified conditions.

NEW SECTION. Sec. 12. (1) The professional person in charge of the inpatient treatment facility may authorize release for the minor under such conditions as appropriate. Conditional release may be revoked pursuant to section 11 of this act if leave conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to expiration of the commitment period if the treating physician or professional person in charge concludes that the minor no longer meets commitment criteria.

NEW SECTION. Sec. 13. (1) A minor receiving treatment under the provisions of this chapter and responsible others shall be liable for the costs of treatment, care, and transportation to the extent of available resources and ability to pay.

(2) The secretary shall establish rules to implement this section and to define income, resources, and exemptions to determine the responsible person's or persons' ability to pay.

NEW SECTION. Sec. 14. (1) The county or combination of counties is responsible for development and coordination of the evaluation and treatment program for minors, for incorporating the program into the county mental health plan, and for coordination of evaluation and treatment services and resources with the community mental health program required under chapter 71.24 RCW.

(2) The county shall be responsible for maintaining its support of involuntary treatment services for minors at its 1984 level, adjusted for inflation, with the department responsible for additional costs to the county resulting from this chapter.

NEW SECTION. Sec. 15. Necessary transportation for minors committed to the secretary under this chapter for one hundred eighty-day treatment shall be provided by the department in the most appropriate and cost-effective means.

NEW SECTION. Sec. 16. Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

- (1) To wear their own clothes and to keep and use personal possessions;
- (2) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;
- (3) To have individual storage space for private use;
- (4) To have visitors at reasonable times;
- (5) To have reasonable access to a telephone, both to make and receive confidential calls;
- (6) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) To discuss treatment plans and decisions with mental health professionals;

(8) To have the right to adequate care and individualized treatment;

(9) Not to consent to the performance of electro-convulsive treatment or surgery, except emergency life-saving surgery, upon him or her, and not to have electro-convulsive treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by the minor or the minor's counsel to testify on behalf of the minor. The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;

(10) Not to have psychosurgery performed on him or her under any circumstances.

NEW SECTION. Sec. 17. (1) If a minor is not accepted for admission or is released by an inpatient evaluation and treatment facility, the facility shall release the minor to the custody of the minor's parent or other responsible person. If not otherwise available, the facility shall furnish transportation for the minor to the minor's residence or other appropriate place.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parent of the release as soon as possible.

(3) No indigent minor may be released to less restrictive alternative treatment or setting or discharged from inpatient treatment without suitable clothing, and the department shall furnish this clothing. As funds are available, the secretary may provide necessary funds for the immediate welfare of indigent minors upon discharge or release to less restrictive alternative treatment.

NEW SECTION. Sec. 18. The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent designate in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided that the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/"

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside.

This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact of admission and all information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship or dependency, without the written consent of the minor or the minor's parent.

NEW SECTION. Sec. 19. When in the judgment of the department the welfare of any person committed to or confined in any state juvenile correctional institution or facility necessitates that the person be transferred or moved for observation, diagnosis, or treatment to an evaluation and treatment facility, the secretary or the secretary's designee is authorized to order and effect such move or transfer for a period of up to fourteen days, provided that the secretary notifies the original committing court of the transfer and the evaluation and treatment facility is in agreement with the transfer. No person committed to or confined in any state juvenile correctional institution or facility may be transferred to an evaluation and treatment facility for more than fourteen days unless that person has been admitted as a voluntary patient or committed for one hundred eighty-day treatment under this chapter or ninety-day treatment under chapter 71.05 RCW if eighteen years of age or older. Underlying jurisdiction of minors transferred or committed under this section remains with the state correctional institution. A voluntary admitted minor or minors committed under this section and no longer meeting the criteria for one hundred eighty-day commitment shall be returned to the state correctional institution to serve the remaining time of the underlying dispositional order or sentence. The time spent by the minor at the evaluation and treatment facility shall be credited towards the minor's juvenile court sentence.

NEW SECTION. Sec. 20. No minor received as a voluntary patient or committed under this chapter may be detained after his or her eighteenth birthday unless the person, upon reaching eighteen years of age, has applied for admission to an appropriate evaluation and treatment facility or unless involuntary commitment proceedings under chapter 71.05 RCW have been initiated: PROVIDED, That a minor may be detained after his or her eighteenth birthday for purposes of completing the fourteen-day diagnosis, evaluation, and treatment.

NEW SECTION. Sec. 21. The records and files maintained in any court proceeding under this chapter are confidential and available only to the minor, the minor's parent, and the minor's attorney. In addition, the court may order the subsequent release or use of these records or files only

upon good cause shown if the court finds that appropriate safeguards for strict confidentiality will be maintained.

NEW SECTION. Sec. 22. When disclosure of information or records is made, the date and circumstances under which the disclosure was made, the name or names of the persons or agencies to whom such disclosure was made and their relationship if any, to the minor, and the information disclosed shall be entered promptly in the minor's clinical record.

NEW SECTION. Sec. 23. Attorneys appointed for minors under this chapter shall be compensated for their services as follows:

(1) Responsible others shall bear the costs of such legal services if financially able according to standards set by the court of the county in which the proceeding is held.

(2) If all responsible others are indigent as determined by these standards, the costs of these legal services shall be borne by the county in which the proceeding is held.

NEW SECTION. Sec. 24. Court procedures and proceedings provided for in this chapter shall be in accordance with rules adopted by the supreme court of the state of Washington.

NEW SECTION. Sec. 25. The department shall adopt such rules pursuant to chapter 34.04 RCW as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality, effectiveness, efficiency, and use of services and facilities operating under this chapter, procedures and standards for commitment, and other action relevant to evaluation and treatment facilities, and establishment of criteria and procedures for placement and transfer of committed minors.

NEW SECTION. Sec. 26. (1) The superior court has jurisdiction over proceedings under this chapter.

(2) A record of all petitions and proceedings under this chapter shall be maintained by the clerk of the superior court in the county in which the petition or proceedings was initiated.

(3) Petitions for commitment shall be filed and venue for hearings under this chapter shall be in the county in which the minor is being detained. The court may, for good cause, transfer the proceeding to the county of the minor's residence, or to the county in which the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petitions may be filed in the county in which the minor is detained without the necessity of a change of venue.

NEW SECTION. Sec. 27. No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible

for detaining a person under this chapter, nor any county designated mental health professional, shall be civilly or criminally liable for performing his or her duties under this chapter with regard to the decision of whether to admit, release, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 28. For purposes of this chapter, a superior court may transfer proceedings under this chapter to its juvenile department.

Sec. 29. Section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 272, Laws of 1984 and RCW 13.04.030 are each amended to read as follows:

The juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170, as now or hereafter amended;

(3) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210, as now or hereafter amended;

(4) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170;

~~(5) ((Relating to children alleged to be or found to be in need of involuntary civil commitment as provided in chapter 72.23 RCW;~~

~~(6)))~~ Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, as now or hereafter amended, unless:

(a) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110, as now or hereafter amended; or

(b) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(c) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW

13.40.110(1) or subsection ~~((6))~~ (5)(a) of this section: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

~~((7))~~ (6) Under the interstate compact on juveniles as provided in chapter 13.24 RCW; and

~~((8))~~ (7) Relating to termination of a diversion agreement under RCW 13.40.080 as now or hereafter amended, including a proceeding in which the divertee has attained eighteen years of age.

Sec. 30. Section 9, chapter 291, Laws of 1977 ex. sess. as last amended by section 4, chapter 7, Laws of 1985 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))~~ as provided in chapter 71.— RCW (sections 1 through 28 of this 1985 act). It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under 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 26.33.100 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.

Sec. 31. Section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 179, chapter 3, Laws of 1983 and RCW 71.05.030 are each amended to read as follows:

Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.77 RCW or its successor, chapter 71.06 RCW, chapter 71.— RCW (sections 1 through 28 of this 1985 act), transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

Sec. 32. Section 71.06.010, chapter 25, Laws of 1959 as last amended by section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Psychopathic personality" means the existence in any person of such hereditary, congenital or acquired condition affecting the emotional or volitional rather than the intellectual field and manifested by anomalies of such character as to render satisfactory social adjustment of such person difficult or impossible.

"Sexual psychopath" means any person who is affected in a form of psychoneurosis or in a form of psychopathic personality, which form predisposes such person to the commission of sexual offenses in a degree constituting him a menace to the health or safety of others.

"Sex offense" means one or more of the following: Abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of a minor involving sexual misconduct, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing or otherwise communicating with a child for immoral purposes, vagrancy involving immoral or sexual misconduct, or an attempt to commit any of the said offenses.

~~(("Psychopathic delinquent" means any minor who is psychopathic, and who is a habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, a penal institution, to a state school for the developmentally disabled, or to a state hospital as a mentally ill person:))~~

"Minor" means any person under eighteen years of age.

"Department" means department of social and health services.

"Court" means the superior court of the state of Washington.

"Superintendent" means the superintendent of a state institution designated for the custody, care and treatment of sexual psychopaths or psychopathic delinquents.

Sec. 33. Section 71.06.260, chapter 25, Laws of 1959 as amended by section 132, chapter 141, Laws of 1979 and RCW 71.06.260 are each amended to read as follows:

At any time any person is committed as a sexual psychopath (~~(or psychopathic delinquent)~~) the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into and determine the financial ability of said person, or his parents if he is a minor, or other relatives to pay the cost of care, meals and lodging during his period of hospitalization. Such cost shall be determined by the department of social and health services. Findings of fact shall be made relative to the ability to pay such cost and a judgment entered against the person or persons found to be financially responsible and directing the payment of said cost or such part thereof as the court may direct. The person committed, or his parents or relatives, may apply for modification of said judgment, or the order last entered by the court, if a proper showing of equitable grounds is made therefor.

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

- (1) Section 71.06.150, chapter 25, Laws of 1959 and RCW 71.06.150;
- (2) Section 71.06.160, chapter 25, Laws of 1959 and RCW 71.06.160;
- (3) Section 71.06.170, chapter 25, Laws of 1959 and RCW 71.06.170;
- (4) Section 71.06.180, chapter 25, Laws of 1959 and RCW 71.06.180;
- (5) Section 71.06.190, chapter 25, Laws of 1959 and RCW 71.06.190;
- (6) Section 71.06.200, chapter 25, Laws of 1959 and RCW 71.06.200;
- (7) Section 71.06.210, chapter 25, Laws of 1959 and RCW 71.06.210;
- (8) Section 71.06.220, chapter 25, Laws of 1959 and RCW 71.06.220;
- (9) Section 71.06.230, chapter 25, Laws of 1959 and RCW 71.06.230;
- (10) Section 71.06.240, chapter 25, Laws of 1959 and RCW 71.06.240;

(11) Section 71.06.250, chapter 25, Laws of 1959 and RCW 71.06.250; and

(12) Section 72.23.070, chapter 28, Laws of 1959, section 50, chapter 292, Laws of 1971 ex. sess., section 4, chapter 142, Laws of 1973 1st ex. sess., section 1, chapter 24, Laws of 1973 2nd ex. sess., section 3, chapter 145, Laws of 1974 ex. sess., section 11, chapter 199, Laws of 1975 1st ex. sess., section 48, chapter 80, Laws of 1977 ex. sess. and RCW 72.23.070.

NEW SECTION. Sec. 35. The department shall prepare a report on standards and regulations proposed to implement chapter 71... RCW (sections 1 through 28 of this act), on facilities and services available for minors committed under this chapter, and on additional resources required to address the needs of children committed under this chapter. This report shall be presented to the legislature in January 1986.

NEW SECTION. Sec. 36. Sections 1 through 28 of this act shall constitute a new chapter in Title 71 RCW.

NEW SECTION. Sec. 37. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 38. This act shall take effect January 1, 1986.

Passed the Senate April 23, 1985.

Passed the House April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 355

[Engrossed Substitute Senate Bill No. 3116]

WILDLIFE DAMAGE TO CROPS, ANIMALS, PROPERTY

AN ACT Relating to damage by wildlife; and amending RCW 77.12.265.

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

Sec. 1. Section 77.16.230, chapter 36, Laws of 1955 as amended by section 91, chapter 78, Laws of 1980 and RCW 77.12.265 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate game department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The commission ((may specify by rule the disposition of wildlife so taken)) shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and ((excludes)) includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department of game has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting

during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

Passed the Senate April 22, 1985.

Passed the House April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 356

[Reengrossed Senate Bill No. 3134]

HIGHER EDUCATION TUITION AND FEES—INSTALLMENT PAYMENTS

AN ACT Relating to the periodic payment of tuition and fees at institutions of higher education; amending RCW 28B.15.031; adding a new section to chapter 28B.15 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

Each institution of higher education, at its discretion, may offer students an optional plan to pay in advance the general tuition fees, operating fees, and services and activities fees for any quarter or semester in periodic installments, as established by that institution of higher education.

This section shall expire June 30, 1987.

Sec. 2. Section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 12, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or

such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, That two and one-half percent of moneys received as operating fees be exempt from such deposit and be retained by the institutions for the purposes of RCW 28B.15.820: PROVIDED FURTHER, That until June 30, 1987, money received by institutions of higher education participating in the periodic payment plan authorized by section 1 of this 1985 act shall be transmitted to the state treasurer within five days following the close of registration of the appropriate quarter or semester.

NEW SECTION. Sec. 3. Any institution of higher education offering a payment plan under section 1 of this act, shall report to the legislature by January 1, 1988, about the effectiveness of the plan and costs of administering the plan.

NEW SECTION. Sec. 4. The sum of eighteen thousand dollars, or as much thereof as may be necessary to implement a periodic payment plan pilot program, is appropriated for the biennium ending June 30, 1987 from the general fund to Western Washington University for purposes of this act.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 357

[Engrossed Substitute Senate Bill No. 3165]

SUPERIOR COURT—VARIOUS COUNTIES—JUDICIAL POSITIONS INCREASED

AN ACT Relating to superior court; amending RCW 2.08.061, 2.08.062, and 2.08.064; adding a new section to chapter 2.08 RCW; creating a new section; and providing effective dates.

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

Sec. 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 183, Laws of 1980 and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King no more than thirty-nine judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce ((thirteen)) fifteen judges of the superior court~~((: PROVIDED, That the additional offices herein created for the county of Pierce shall be effective January 1, 1981: PROVIDED FURTHER, That the additional judicial positions created by the 1980 amendment of this section for the county of King shall become effective only if~~

~~prior to July 1, 1980, the county through its duly constituted legislative authority has documented its approval thereof and has agreed to pay out of county funds without reimbursement from the state, the same portion of all expenses of such additional positions as it provides for the positions presently existing, in which case such positions shall become effective on January 1, 1981).~~

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 202, Laws of 1979 ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, two judges of the superior court; in the county of Clark ~~((five))~~ six judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap five judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court ~~((PROVIDED, That the additional office herein created for the county of Kitsap shall be effective January 1, 1981))~~.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 2, chapter 139, Laws of 1982 and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, ~~((eight))~~ nine judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, three judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

NEW SECTION. Sec. 4. (1) Sections 1 and 2 of this act shall take effect January 1, 1987. The additional judicial positions created by sections 1 and 2 of this act in Pierce and Clark counties shall be effective only if, prior to January 1, 1987, each county through its duly constituted legislative authority documents its approval of the additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities.

(2) Section 3 of this act shall take effect January 1, 1986. The additional judicial position created by section 3 of this act in Snohomish county shall be effective only if, prior to January 1, 1986, the county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities.

NEW SECTION. Sec. 5. A new section is added to chapter 2.08 RCW to read as follows:

All judicial positions created by the legislature after the effective date of this act, including the additional judicial positions created by sections 1, 2, and 3 of this act, shall be authorized only for counties that have implemented a mandatory arbitration program for civil claims to the maximum extent permitted by law.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 358

[Senate Bill No. 3167]

TIMESHARES

AN ACT Relating to timeshares; and amending RCW 64.36.010, 64.36.902 and 64.36.903.

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

Sec. 1. Section 1, chapter 22, Laws of 1983 1st ex. sess. and RCW 64.36.010 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Advertisement" means any written, printed, audio, or visual communication which is published in whole or part to sell, offer to sell, or solicit an offer for a timeshare.

(2) "Affiliate of a promoter" means any person who controls, is controlled by, or is under the control of a promoter.

(3) "Director" means the director of licensing.

(4) "Interval" means that period of time when a timeshare owner is entitled to the possession and use of the timeshare unit.

(5) "Offer" means any inducement, solicitation, or attempt to encourage any person to acquire a timeshare. An offer is made in this state if the offer originates in this state or the principal timeshare property is located in this state.

(6) "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity.

(7) "Promoter" means any person directly or indirectly instrumental in organizing, wholly or in part, a timeshare offering.

(8) "Purchaser" means any person, other than a promoter, who by means of a voluntary transfer acquires a legal or equitable interest in a timeshare, other than as security for an obligation.

(9) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a timeshare for value.

(10) "Timeshare" means a right to occupy a unit or any of several units during ~~((five))~~ three or more separate time periods over a period of at least ~~((five))~~ three years, including renewal options, whether or not coupled with an estate in land.

(11) "Timeshare expenses" means expenditures, fees, charges, or liabilities: (a) Incurred with respect to the timeshares by or on behalf of all timeshare owners in one timeshare property; and (b) imposed on the timeshare units by the entity governing a project of which the timeshare property is a part, together with any allocations to reserves but excluding purchase money payable for timeshares.

(12) "Timeshare instrument" means one or more documents, by whatever name denominated, creating or regulating timeshares.

(13) "Timeshare owner" means a person who is an owner or co-owner of a timeshare. If title to a timeshare is held in trust, "timeshare owner" means the beneficiary of the trust.

(14) "Timeshare salesperson" means any natural person who offers a timeshare unit for sale.

(15) "Unit" means the real or personal property, or portion thereof, in which the timeshare exists and which is designated for separate use.

Sec. 2. Section 36, chapter 22, Laws of 1983 1st ex. sess. and RCW 64.36.902 are each amended to read as follows:

This act shall take effect August 1, 1983 and shall terminate June 30, ~~((1987))~~ 1989 as provided in RCW 64.36.903.

Sec. 3. Section 37, chapter 22, Laws of 1983 1st ex. sess. and RCW 64.36.903 are each amended to read as follows:

Sections 1 through 35, chapter 22, Laws of 1983 1st ex. sess., as now existing or hereafter amended, and corresponding RCW sections are each repealed, effective June 30, ~~((1987))~~ 1989.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 359

[Engrossed Substitute Senate Bill No. 3307]

CAMPAIGN FINANCIAL DISCLOSURE—SPECIAL REPORTS

AN ACT Relating to campaign financing; amending RCW 42.17.105; and adding a new section to chapter 42.17 RCW.

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

Sec. 1. Section 1, chapter 176, Laws of 1983 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

- (a) Exceeds five hundred dollars;
- (b) Is from a single person or entity;
- (c) Is received before ~~((an))~~ a primary or general election; and

(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before ~~((an))~~ a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within ~~((twenty-four))~~ forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and section 2 of this 1985 act shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

- (a) The amount of the contribution;
- (b) The date of receipt;
- (c) The name and address of the donor;
- (d) The name and address of the recipient; and
- (e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and section 2 of this 1985 act.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding five thousand dollars within twenty-one days of a general election.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

Any lobbyist registered under RCW 42.17.150, any person who lobbies, and any lobbyist's employer making a contribution that exceeds five hundred dollars shall file a special report in the manner provided under RCW 42.17.105 if the contribution is made before a primary or general election and: (1) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (2) within twenty-one days preceding that general election.

Passed the Senate April 23, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 360

[Engrossed Substitute Senate Bill No. 3261]

STATE BUILDING CODE

AN ACT Relating to building codes; amending RCW 19.27.020, 19.27.030, 19.27.050, 19.27.060, 19.27.070, 19.27.075, 19.27.120, 19.27.300, 19.27.420, 19.27.450, and 19.27.460; reenacting and amending RCW 19.27.040; adding new sections to chapter 19.27 RCW; creating a new section; and recodifying RCW 19.27.030, 19.27.075, 19.27.130, 19.27.200, 19.27.210, 19.27.220, 19.27.230, 19.27.240, 19.27.250, 19.27.260, 19.27.270, 19.27.280, 19.27.290, 19.27.300, 19.27.310, 19.27.320, 19.27.410, 19.27.420, 19.27.430, 19.27.440, 19.27.450, 19.27.460, and 19.27.905.

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

NEW SECTION. Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

As used in this chapter:

- (1) "City" means a city or town; and
- (2) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units.

NEW SECTION. Sec. 2. A new section is added to chapter 19.27 RCW to read as follows:

- (1) The state building code council shall:
 - (a) Maintain the codes to which reference is made in section 5 of this act in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in section 5 of this act and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in section 5 of this act to the degree the amendments apply to single family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Employ permanent and temporary staff and contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in section 5 of this act or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter 34.04 RCW.

All council decisions relating to the codes enumerated in section 5 of this act shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

NEW SECTION. Sec. 3. (1) The state building code council shall contract with a private entity to conduct a study and analysis of the codes referred to in section 5 of this act and related regulations of state and local agencies to ascertain the amount and nature of any conflict and inconsistencies. The findings and proposed solutions resulting from this study and analysis shall be submitted to the state building code council no later than September 1, 1987. The state building code council shall consider these findings and proposed solutions when carrying out its responsibilities under section 2 of this act.

(2) The state building code council shall conduct a study of county and city enforcement of the requirements of the codes to which reference is made in section 5 of this act. In conducting the study, the council shall conduct public hearings at designated council meetings to seek input from interested individuals and organizations. The findings of the study shall be submitted in a report to the governor and the legislature no later than September 1, 1987.

(3) The study required under subsection (2) of this section shall include, but not be limited to, a review of the impact of discretionary building

permit requirements imposed by local code enforcement personnel. This review shall be designed to determine the extent, if any, to which such discretionary requirements are based upon (a) the requirements of the state building code or (b) city or county amendments to the state building code.

NEW SECTION. Sec. 4. (1) There is hereby created the building code council account in the state treasury. Moneys deposited into the account shall be used by the building code council, after appropriation, to perform the purposes of the council.

(2) All moneys collected under subsection (3) of this section shall be deposited into the building code council account. Every four years the state treasurer shall report to the legislature on the balances in the account so that the legislature may adjust the charges imposed under subsection (3) of this section.

(3) There is imposed a fee of one dollar and fifty cents on each building permit issued by a county or a city. Quarterly each county and city shall remit moneys collected under this section to the state treasury; however, no remittance is required until a minimum of fifty dollars has accumulated pursuant to this subsection.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The council may issue opinions relating to the codes at the request of a local building official.

Sec. 6. Section 2, chapter 96, Laws of 1974 ex. sess. and RCW 19.27-.020 are each amended to read as follows:

The purpose of this chapter is to ~~((provide building codes throughout the state. This chapter is designed to effectuate the following purposes, objectives and standards:~~

~~((1) To)) promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes throughout the state. Accordingly, this chapter is designed to effectuate the following purposes, objectives, and standards:~~

~~((2))~~ (1) To require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety.

~~((3))~~ (2) To require standards and requirements in terms of performance and nationally accepted standards.

~~((4))~~ (3) To permit the use of modern technical methods, devices and improvements.

~~((5))~~ (4) To eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

~~((6))~~ (5) To provide for standards and specifications for making buildings and facilities accessible to and usable by physically ~~((handi-capped))~~ disabled persons.

~~((7))~~ (6) To consolidate within each authorized enforcement jurisdiction, the administration and enforcement of building codes.

**Sec. 7. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 101, Laws of 1984 and RCW 19.27.030 are each amended to read as follows:*

There shall be in effect in all counties and cities~~((, towns, and counties))~~ of the state ~~((a state building code which shall consist of the following codes which are hereby adopted by reference:~~

~~((1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;~~

~~((2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;~~

~~((3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and~~

~~the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;~~

~~(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted;~~

~~(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and~~

~~(6)) the thermal performance and design standards for dwellings as set forth in RCW 19.27A.--- through 19.27A.--- (RCW 19.27.210 through 19.27.290 as recodified). This ((subsection)) section shall be of no further force and effect when RCW 19.27A.--- through 19.27A.--- (RCW 19.27.200 through 19.27.290 as recodified) expire as provided in RCW 19.27A.--- (RCW 19.27.300 as recodified).~~

~~((In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following:))~~

*Sec. 7 was vetoed, see message at end of chapter.

Sec. 8. Section 4, chapter 96, Laws of 1974 ex. sess. as amended by section 12, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.040 are each reenacted and amended to read as follows:

~~((On and after January 1, 1975:))~~ The governing body of each ((city, town or)) county or city is authorized to amend the state building code as it applies within ((its)) the jurisdiction ((in all such respects as shall be not less than)) of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020((, including the authority to adopt any subsequent revisions to the codes in RCW 19.27.030(1), (2), (3), (4), (5), and (6), as now or hereafter amended: PROVIDED, That)) shall not be diminished by any county or city amendments. Amendments to RCW ((19.27.030(6), so adopted)) 19.27A.— (RCW 19.27.030 as recodified) shall not result in structures that ((do not)) exceed the overall structural heat loss characteristics that would have resulted from conforming to RCW ((19.27.030(6), as now or hereafter amended)) 19.27A.—(RCW 19.27.030 as recodified).

Nothing in this ((section)) chapter shall authorize any modifications of the requirements of ((chapter 35, Laws of 1967, or)) chapter 70.92 RCW.

Sec. 9. Section 5, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.050 are each amended to read as follows:

The state building code ((provided for in)) required by this chapter shall be ((administered and)) enforced by the ((respective governmental authorities)) counties and cities. Any ((governmental subdivision)) county

~~or city~~ not having a ~~((local))~~ building department ~~((may))~~ shall contract with another ~~((governmental subdivision))~~ county, city, or inspection agency approved by the ~~((local governmental body))~~ county or city for ~~((administration and))~~ enforcement of the state building code within its jurisdictional boundaries ~~((in accordance with chapter 39.34 RCW)).~~

Sec. 10. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 5, chapter 12, Laws of 1981 2nd ex. sess. and RCW 19.27.060 are each amended to read as follows:

(1) ~~((Except as permitted or provided otherwise under the provisions of RCW 19.27.040 and subsections (3), (4), (5), and (6) of this section, the state building code supersedes all county, city or town building regulations containing))~~ The governing bodies of counties and cities may amend the codes enumerated in section 5 of this 1985 act as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code. No amendment to a code enumerated in section 5 of this 1985 act that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under section 2(1)(b) of this 1985 act. Any county or city amendment to a code enumerated in section 5 of this 1985 act which is approved under section 2(1)(b) of this 1985 act shall continue to be effective after any action is taken under section 2(1)(a) of this 1985 act without necessity of reapproval under section 2(1)(b) of this 1985 act unless the amendment is declared null and void by the council at the time any action is taken under section 2(1)(a) of this 1985 act because such action in any way altered the impact of the amendment.

(2) ~~Except as permitted or provided otherwise under ((the provisions of RCW 19.27.040 and subsections (3), (4), (5), and (6) of))~~ this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any ~~((other))~~ governmental subdivision or unit of local government.

(3) The governing body of each county or city ~~((, town or county))~~ may limit the application of any ~~((rule or regulation or))~~ portion of the state building code to ~~((include or))~~ exclude specified classes or types of buildings or structures ~~((;))~~ according to use ~~((, occupancy, or such other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable))~~ other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses ~~((;))~~ constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with ~~((an F))~~ a B occupancy as defined by the uniform

building code, (~~chapter 6, 1973~~) 1982 edition, and with a city fire insurance (~~classification~~) rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) (~~The~~) No provision(s) of the uniform fire code concerning (access) roadways (for fire department apparatus applying to dwellings which are classified as group R, division 3 occupancies or group M occupancies in the 1976 edition of the uniform building code,) shall be (applied at the discretion of the governing body of each city, town or county) part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code are preempted by any physical standards adopted by the state jail commission under RCW 70.48-.050 when the code provisions relating to the installation or use of sprinklers in the cells conflict with the standards and the secure and humane operation of jails.

Sec. 11. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 55, chapter 287, Laws of 1984 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code (~~advisory~~) council to be appointed by the governor.

(1) The state building code (advisory) council shall consist of (the director of the department of labor and industries, or his designee, and the insurance commissioner, or his designee, and thirteen additional) fifteen members (who shall be broadly representative of the general public, local government, and of the industries and professions concerned with building design and construction. The council may include state officials as ex officio, nonvoting members), two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include an employee of the office of the insurance

commissioner and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The board shall report annually to the governor and the legislature on the operation and administration of this chapter. The report shall include a summary of all council decisions relating to updates or amendments to the codes. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on the effective date of this 1985 act may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated (~~in accordance with RCW 43.03.240 and~~) but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

***Sec. 12. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19-27.075 are each amended to read as follows:**

The state building code ((advisory)) council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code to the extent necessary to comply with Title 10, Code of Federal Regulations, section 420.35. Such code shall take into account regional climatic conditions, shall take effect prior to June 30, 1980, and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule.

*Sec. 12 was vetoed, see message at end of chapter.

Sec. 13. Section 1, chapter 11, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.120 are each amended to read as follows:

(1) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, strengthening, or continued use of a building or structure may be made without conformance to all of the requirements of the codes adopted under (~~RCW 19.27.030~~) section 5 of this 1985 act, when authorized by the appropriate building official under the rules adopted under subsection (2) of this section, provided:

~~((+))~~ (a) The building or structure: (i) Has been designated by official action of a legislative body as having special historical or architectural significance, or (ii) is an unreinforced masonry building or structure on the

state or the national register of historic places, or is potentially eligible for placement on such registers; and

~~((2))~~ (b) The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

(2) The state building code council shall adopt rules, where appropriate, to provide alternative methods to those otherwise required under this chapter for repairs, alterations, and additions necessary for preservation, restoration, rehabilitation, strengthening, or continued use of buildings and structures identified under subsection (1) of this section.

**Sec. 14. Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300 are each amended to read as follows:*

RCW 19.27A.--- through 19.27A.--- (RCW 19.27.200 through 19.27.290 as recodified), as now or hereafter amended, shall expire at such time as the thermal performance standards are incorporated in the uniform building code and related standards as published by the international conference of building officials, and adopted by the legislature of the state of Washington.

**Sec. 14 was vetoed, see message at end of chapter.*

Sec. 15. Section 2, chapter 134, Laws of 1983 and RCW 19.27.420 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 19.27A.— through 19.27A.— (RCW 19.27.420 through 19.27.460 as recodified).

(1) "Portable oil-fueled heater" means any nonflue-connected, self-contained, self-supporting, oil-fueled, heating appliance equipped with an integral reservoir, designed to be carried from one location to another.

(2) "Oil" means any liquid fuel with a flash point of greater than one hundred degrees Fahrenheit, including but not limited to kerosene.

(3) "Listed" means any portable oil-fueled heater which has been evaluated in accordance with the Underwriters Laboratories, Inc. standard for portable oil-fueled heaters or an equivalent standard and with respect to reasonably foreseeable hazards to life and property by a nationally recognized testing or inspection agency, such as Underwriters Laboratories, Inc., and which has been authorized as being reasonably safe for its specific purpose and shown in a list published by such agency and/or bears the mark, name, and/or symbol of such agency as indication that it has been so authorized. Such evaluation shall include but not be limited to evaluation of the requirements hereinafter set forth.

(4) "Approved" means any listed portable oil-fueled heater which is deemed approved if it satisfies the requirements set forth herein or adopted under RCW 19.27A.— through 19.27A.— (RCW 19.27.420 through 19.27.460 as recodified) and if the supplier certifies to the authority having jurisdiction over the sale and use of the heater that it is listed and in compliance with RCW 19.27A.— through 19.27A.— (RCW 19.27.420 through 19.27.460 as recodified).

(5) "Structure" means any building or completed construction of any kind included in state building code groups M, R-1, R-3, B-4 and B-2 occupancies, except sleeping rooms and bathrooms: PROVIDED, HOWEVER, That in B-2 occupancies, approved portable oil-fueled heaters shall only be used under permit of the fire chief.

(6) "Supplier" means any party offering to sell to retailers or to the general public approved portable oil-fueled heaters.

Sec. 16. Section 5, chapter 134, Laws of 1983 and RCW 19.27.450 are each amended to read as follows:

The state fire marshal is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of portable oil-fueled heaters is governed exclusively by RCW 19.27A.— through 19.27A.— (RCW 19.27.420 through 19.27.460 as recodified): PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27A.— (RCW 19.27.040 as recodified).

Sec. 17. Section 6, chapter 134, Laws of 1983 and RCW 19.27.460 are each amended to read as follows:

The penalty for failure to comply with RCW 19.27A.— through 19.27A.— (RCW 19.27.420 through 19.27.460 as recodified) is a misdemeanor.

****NEW SECTION. Sec. 18. RCW 19.27.200, 19.27.210, 19.27.220, 19.27.230, 19.27.240, 19.27.250, 19.27.260, 19.27.270, 19.27.280, 19.27.290, 19.27.300, 19.27.310, and 19.27.905 are each recodified as part of a new chapter in Title 19 RCW to be designated chapter 19.27A RCW.***

*Sec. 18 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 19. RCW 19.27.030, 19.27.075, 19.27.130, 19.27.320, 19.27.410, 19.27.420, 19.27.430, 19.27.440, 19.27.450, and 19.27.460 are each recodified as part of a new chapter in Title 19 RCW to be designated as chapter 19.27A RCW.

Passed the Senate April 28, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to four sections Engrossed Substitute Senate Bill No. 3261, entitled:

"AN ACT Relating to building codes;"

This Act would establish the State Building Code Council. The Council would be responsible for the administration of the State Building Code. Counties, cities and towns would have the responsibility for its strict enforcement.

Substitute House Bill No. 1114, which I have signed, would also amend the State Building Code to provide a process and guidelines for the establishment and maintenance of up to date energy building codes.

I agree with the purpose of both bills. However, there are four double amendments that must be corrected.

Section 7 of Engrossed Substitute Senate Bill No. 3261 would conflict with the language of Section 1 of Substitute House Bill No. 1114. Therefore, I have vetoed Section 7 of Engrossed Substitute Senate Bill No. 3261 to avoid any possible confusion among the users of the State Energy Code.

Section 12 of Engrossed Substitute Senate Bill No. 3261 would make a minor amendment to a section of the State Building Code and makes reference to an obsolete federal code. Section 2 of Substitute House Bill No. 1114 extensively amends the same section of the State Building Code. Therefore, I have vetoed Section 12 of Engrossed Substitute Senate Bill No. 3261 as no longer being required.

Section 14 of Engrossed Substitute Senate Bill No. 3261 amends an obsolete provision of the State Building Code that would be repealed by Section 5 of Substitute House Bill No. 1114. Therefore, I have vetoed Section 14 of Engrossed Substitute Senate Bill No. 3261 to avoid any possible confusion.

Section 18 of Engrossed Substitute Senate Bill No. 3261 recodifies several obsolete sections of the State Building Code. Section 5 of Substitute House Bill No. 1114 repeals the same sections. Therefore, I have vetoed Section 18 of Engrossed Substitute Senate Bill No. 3261 as the recodification will not be necessary.

With the exceptions of Section 7, 12, 14, and 18, which are vetoed, Engrossed Substitute Senate Bill No. 3261 is approved."

CHAPTER 361

[Engrossed Substitute Senate Bill No. 3390]

NURSING HOMES—AUDITING AND COST REIMBURSEMENT

AN ACT Relating to nursing home auditing and cost reimbursement; amending RCW 74.46.180, 74.46.680, 74.46.690, 74.46.040, 74.46.050, 74.46.060, 74.46.080, 74.46.090, 74.46.100, 74.46.105, 74.46.130, 74.46.160, 74.46.475, 74.46.820, 74.46.460, 74.46.020, 74.46.530, and 74.46.430; creating a new section; repealing RCW 74.46.520; and declaring an emergency.

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

Sec. 1. Section 18, chapter 177, Laws of 1980 as last amended by section 147, chapter 7, Laws of 1985 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, except that no savings may be retained if reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs by ten cents or more per patient day. 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 74.46.530 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.

Sec. 2. Section 68, chapter 177, Laws of 1980 and RCW 74.46.680 are each amended to read as follows:

(1) On the effective date of a change of ownership the department's contract with the old owner shall be terminated. The old owner shall give the department ((thirty)) sixty days' written notice of such termination. When certificate of need and/or section 1122 approval is required pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR, for the new owner to

acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need and/or section 1122 approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in RCW 74.46.660 and shall submit a projected budget in accordance with RCW 74.46.670 no later than sixty days before the date of the change of ownership. The facility contract with the new owner shall be effective as of the date of the change of ownership.

Sec. 3. Section 69, chapter 177, Laws of 1980 as amended by section 36, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.690 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040. ~~((Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final cost report, an audit has been completed by the department, and final settlement has been determined, such settlement not to exceed ninety days following completion of the audit process.~~

~~(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.~~

~~(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:~~

- ~~(a) Be in an amount equal to the released payment;~~
- ~~(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;~~
- ~~(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this chapter, or if financial records supporting this record are not preserved and made available to the auditor; and~~

~~(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.~~

(4)) (2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(3) The old contractor shall provide security, in a form deemed adequate by the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good faith dispute. Security shall consist of:

(a) Withheld payments due the contractor; or

(b) A surety bond issued by a bonding company acceptable to the department; or

(c) An assignment of funds to the department; or

(d) Collateral acceptable to the department; or

(e) A purchaser's assumption of liability for the prior contractor's overpayment; or

(f) Any combination of (a), (b), (c), (d), or (e) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: PROVIDED, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute;

(d) Provide that the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including any administrative review of the audit requested by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(10) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and ((payment for the final thirty days will not be withheld)) security shall not be required.

Sec. 4. Section 4, chapter 177, Laws of 1980 as amended by section 1, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.040 are each amended to read as follows:

(1) Not later than March 31(~~(, 1982, and)~~) of each year (~~((thereafter))~~), each contractor shall submit to the department an annual cost report(~~((, and such financial statements as are required by this chapter,))~~) for the period from January 1st through December 31st of the preceding year.

(2) Not later than one hundred twenty days following the termination of a contract, the contractor shall submit to the department a cost report(~~((, and financial statements as are required by this chapter,))~~) for the period from January 1st through the date the contract terminated.

(3) Two extensions of not more than thirty days each may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with a report due date; except, that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

Sec. 5. Section 5, chapter 177, Laws of 1980 and RCW 74.46.050 are each amended to read as follows:

If ~~((either))~~ the cost report ~~((or the financial statements are))~~ is not properly completed or if ~~((they are))~~ it is not received by the due date, all or part of any payments due under the contract may be withheld by the department until such time as the required cost report ~~((and financial statements are))~~ is properly completed and received.

Sec. 6. Section 6, chapter 177, Laws of 1980 as amended by section 2, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.060 are each amended to read as follows:

(1) Cost reports shall be prepared in a standard manner and form, as determined by the department, which shall provide for ~~((financial statements;))~~ an itemized list of allowable costs~~((;))~~ and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(2) ~~((All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary:))~~

~~((3))~~ The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report ~~((and the financial statements))~~.

Sec. 7. Section 8, chapter 177, Laws of 1980 as amended by section 3, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.080 are each amended to read as follows:

(1) All records supporting the required cost reports ~~((and financial statements))~~, as well as trust funds established by RCW 74.46.700, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. All records supporting the cost reports and financial statements filed with the department before the effective date of this 1985 act shall be retained by the contractor for four years following their filing.

The department may direct ~~((such))~~ supporting records to be retained for a longer period if there remain unresolved questions on the cost reports ~~((and financial statements))~~. All such records shall be made available upon demand to authorized representatives of the department, the office of the

state auditor, and the United States department of health and human services.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

Sec. 8. Section 9, chapter 177, Laws of 1980 and RCW 74.46.090 are each amended to read as follows:

The department will retain the required cost reports (~~(and financial statements)~~) for a period of one year after final settlement, or the period required under ~~((the provisions of))~~ chapter 40.14 RCW, whichever is ~~((greater))~~ longer.

Sec. 9. Section 10, chapter 177, Laws of 1980 as amended by section 4, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.100 are each amended to read as follows:

The principles inherent within RCW 74.46.105 and 74.46.130 are:

(1) To ascertain, through department audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through department audits of the cost reports, that cost reports properly reflect the financial ~~((statements))~~ records of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter;

(3) To ascertain, through department audit that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and

(4) To ascertain, through department audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

Sec. 10. Section 5, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.105 are each amended to read as follows:

Cost reports~~((financial and statistical records;))~~ and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department when it deems necessary to assure the accuracy of cost reports may review any underlying financial statements or other records upon which the cost reports are based. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or which are performed by auditors who violate any of the rules of this section. Department audits of the cost reports and patient trust accounts shall be conducted as follows:

(1) Each year the department will provide for field audit of the cost report, (~~financial and~~) statistical reports, and patient trust funds, as established by RCW 74.46.700, of all or a sample of reporting facilities selected by profiles of costs, exceptions, contract terminations, upon special requests or other factors determined by the department.

(2) Beginning with audits for calendar year 1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three-year period.

(3) Facilities shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and shall be so informed of the department's intent to audit. Audits so scheduled shall be completed within one year of selection.

(4) Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

(5) The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

(6) Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

(7) No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

(8) Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

(9) All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

Sec. 11. Section 13, chapter 177, Laws of 1980 as amended by section 7, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.130 are each amended to read as follows:

(1) For the requirements of RCW 74.46.105, the contractor shall be notified by the department at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report (~~((and financial statements;))~~) and patient trust funds; and

(b) Prepare reconciliation of the cost report (~~((and financial statements))~~) with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report (~~((and financial statements))~~).

(2) To facilitate department audit, the owner or administrator of a facility shall designate and make available an individual or individuals to respond to questions and requests for information from auditors. The designated individual or individuals shall have sufficient knowledge of the issue or function to provide accurate information.

Sec. 12. Section 16, chapter 177, Laws of 1980 as amended by section 9, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.160 are each amended to read as follows:

(1) Within one hundred twenty days after receipt of the proposed preliminary settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the contractor's (~~((financial statements and))~~) cost report. Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

Sec. 13. Section 23, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.475 are each amended to read as follows:

(1) The department shall analyze the submitted cost report (~~((and financial statements))~~) of each contractor to determine if the information is correct, complete, and reported in conformance with generally accepted accounting principles, the requirements of this chapter and such rules and

regulations as the secretary may adopt. If the analysis finds that the cost report (~~(or financial statements are)~~) is incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

(2) The department shall accumulate data from properly completed cost reports (~~(and financial statements)~~) for use in:

- (a) Exception profiling; and
- (b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as necessary.

Sec. 14. Section 82, chapter 177, Laws of 1980 as amended by section 41, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.820 are each amended to read as follows:

(1) Cost reports and their final audit reports shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, ~~((financial statements))~~ cost report schedules showing information on rental or lease of assets, the facility or corporate balance sheet, schedule of changes in financial position, statement of changes in equity-fund balances, notes to financial statements, and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.

This subsection does not prevent a contractor from having access to its own records or from authorizing an agent or designee to have access to the contractor's records.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

Sec. 15. Section 46, chapter 177, Laws of 1980 as last amended by section 21, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department~~((, economic trends and conditions, and/or administrative review provided by RCW 74.46.780 and))~~. Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.

(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports.

Sec. 16. Section 2, chapter 177, Laws of 1980 as amended by section 1, chapter 117, Laws of 1982 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or

effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

~~(26)~~ (26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((26))~~ (27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((27))~~ (28) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((28))~~ (29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

~~((29))~~ (30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((30))~~ (31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((31))~~ (32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((32))~~ (33) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

~~((33))~~ (34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((34))~~ (35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

~~((35))~~ (36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

~~((36))~~ (37) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((37))~~ (38) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((38))~~ (39) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((39))~~ (40) "Secretary" means the secretary of the department of social and health services.

~~((40))~~ (41) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended."

Sec. 17. Section 53, chapter 177, Laws of 1980 as last amended by section 28, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.530 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .11, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the

sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph ~~((2))~~ (1)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(c) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(3) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 18. Section 42, chapter 177, Laws of 1980 as amended by section 18, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.420 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) Reimbursement rates will be set prospectively on a per patient day basis; and

~~(2) ((Rates established in accordance with this chapter shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services which meet the needs of a medical care recipient in compliance with applicable standards; and~~

~~(3))~~ The rates so established will be adjusted for economic conditions and trends in accordance with appropriations made by the legislature as consistent with federal requirements for the period to be covered by such rates.

NEW SECTION. Sec. 19. Section 52, chapter 177, Laws of 1980, section 148, chapter 7, Laws of 1985 and RCW 74.46.520 are each repealed.

NEW SECTION. Sec. 20. This act shall not be construed as affecting any existing right acquired or any obligation or liability incurred under the statutes amended or repealed by this act or any rule, regulation, or order

adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 362

[Engrossed Senate Bill No. 3357]

COLLEGE AND UNIVERSITY TUITION AND FEES—NONRESIDENTS— MILITARY PERSONNEL EXEMPTION

AN ACT Relating to tuition and fees; and amending RCW 28B.15.014.

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

Sec. 1. Section 4, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 232, Laws of 1984 and RCW 28B.15.014 are each amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel (~~(of field grade or lower rank)~~) stationed in the state of Washington and the spouses and dependents of such military personnel (~~(for the first twelve months they are stationed in the state of Washington)~~).

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

Passed the Senate March 16, 1985.

Passed the House April 24, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 363

[Senate Bill No. 3325]

ALCOHOL MANUFACTURERS, IMPORTERS, ETC.—PROHIBITION ON
FINANCIAL INTEREST IN RETAIL LIQUOR BUSINESS REVISED

AN ACT Relating to alcoholic beverages; and amending RCW 66.28.010.

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

Sec. 1. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 85, Laws of 1982 and RCW 66.28.010 are each amended to read as follows:

(1) No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer, importer, or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer, importer, or wholesaler has any interest. Except as provided in subsection (3) of this section, no manufacturer, importer, or wholesaler shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth: PROVIDED, That "person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, or wholesaler as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That nothing in this section shall prohibit a licensed brewer or domestic winery, or a lessee of a licensed brewer or domestic winery, from being licensed as a class H restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a class H premises on the property on which the primary manufacturing facility of the licensed brewer or domestic winery is

located or on contiguous property owned by the licensed brewer or domestic winery as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or wholesaler from providing services to a class G or J retail licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring or dispensing of wine at a wine tasting exhibition or judging event, or (iii) a class G or J retail licensee from receiving any such services as may be provided by a manufacturer, importer, or wholesaler: **PROVIDED**, That nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor wholesaler's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the wholesaler, (ii) is not employed by the wholesaler, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the wholesaler.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.04 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

Passed the Senate April 22, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 364

[Senate Bill No. 3427]

INSURANCE HOLDING CORPORATIONS

AN ACT Relating to insurance holding corporations; amending RCW 48.07.030, 48.07.040, 48.07.050, and 48.07.070; and declaring an emergency.

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

Sec. 1. Section .07.03, chapter 79, Laws of 1947 and RCW 48.07.030 are each amended to read as follows:

The laws of this state relating to private corporations, except where inconsistent with the express provisions of this code, shall govern the corporate powers, duties, and relationships of incorporated domestic insurers and insurance holding corporations formed under the laws of the state of Washington.

Sec. 2. Section .07.04, chapter 79, Laws of 1947 as amended by section 4, chapter 70, Laws of 1965 ex. sess. and RCW 48.07.040 are each amended to read as follows:

Each incorporated domestic insurer shall, in the month of January, ((or)) February, ((or)) March, or April, hold the annual meeting of its shareholders or members for the purpose of receiving reports of its affairs and to elect directors. Each domestic insurance holding corporation shall hold an annual meeting of its shareholders at such time and place as may be stated in or fixed in accordance with its bylaws. Special meetings of the shareholders of an incorporated domestic insurer or domestic insurance holding corporation shall be called and held by such persons and in such a manner as stated in the articles of incorporation or bylaws.

Sec. 3. Section .07.05, chapter 79, Laws of 1947 as amended by section 21, chapter 193, Laws of 1957 and RCW 48.07.050 are each amended to read as follows:

Not less than three-fourths of the directors of an incorporated domestic insurer shall be United States citizens, and a majority of the board of directors of a mutual life insurer shall be residents of this state. The directors of a domestic insurer or domestic insurance holding corporation may be removed with cause by a vote of a majority of its voting capital stock or members (if a mutual insurer) at a valid meeting and said directors may be removed without cause by a vote of sixty-seven percent of its voting capital stock or members (if a mutual insurer) at a valid meeting.

Sec. 4. Section .07.07, chapter 79, Laws of 1947 as amended by section 38, chapter 302, Laws of 1981 and RCW 48.07.070 are each amended to read as follows:

(1) Unless a vote of a greater proportion of directors or shares is required by its articles of incorporation, amendments to the articles of incorporation of a domestic insurer or a domestic insurance holding corporation shall be made by a majority vote of its board of directors and the vote or written assent of ((two-thirds)) a majority of its voting capital stock, or two-thirds of the members (if a mutual insurer) voting at a valid meeting of members.

(2) The president and secretary of the insurer shall, under the corporate seal, certify the amendment in triplicate, and file it in the offices of the secretary of state, the commissioner, and the insurer, as required under this code for original articles of incorporation. Thereupon, subject to the requirements of RCW 48.08.010 relative to increase of capital stock of a stock insurer, the amendment shall become effective.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 11, 1985.

Passed the House April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 365

[Engrossed Substitute Senate Bill No. 3346]

AFFIRMATIVE ACTION—HIGHER EDUCATION, STATE EMPLOYMENT, AND STATE PATROL

AN ACT Relating to affirmative action programs in Washington state employment; amending RCW 28B.16.100, 28B.16.020, 41.06.020, 41.06.150, and 43.43.340; adding a new section to chapter 43.43 RCW; and adding a new chapter to Title 49 RCW.

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

Sec. 1. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.100 are each amended to read as follows:

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including promotions and re-employment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examination for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment;

(10) Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in

harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 28B.16.116 and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment or merit increases within the series of steps for each pay grade; ((and))

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the

United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month; and

(20) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules consistent with federal guidelines pertaining to affirmative action. The board shall transmit a report annually to the human rights commission which states the progress each institution of higher education has made in meeting affirmative action goals and timetables.

Sec. 2. Section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(2) "Board" means the higher education personnel board established under the provisions of RCW 28B.16.060;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established;

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions;

(6) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(8) "Management employees" mean those classified employees under this chapter specified as management by the higher education personnel board, but the board shall not go below range 49, as established in the October 1981 higher education personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication;

(9) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Sec. 3. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 4, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) "Management employees" means those employees:

(a) Who are classified under this chapter and who are exempt employees under this chapter and have their salary and fringe benefits determined under RCW 41.06.070; and

(b) Who are specified as management by the state personnel board; but the board shall not go below range 49, as established in the October 1981 state personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication.

(7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(8) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(9) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(10) "Training" means activities designed to develop job-related knowledge and skills of employees.

(11) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

(12) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:

For the purposes of this chapter, "affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Sec. 5. Section 4, chapter 53, Laws of 1982 1st ex. sess. as amended by section 5, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions and reemployment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment;

(11) Determination of appropriate bargaining units within any agency:

PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: **PROVIDED**, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: **PROVIDED FURTHER**, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: **PROVIDED FURTHER**, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: **AND PROVIDED FURTHER**, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper

prior notice by the employee with the appointing authority and the employee organization: **PROVIDED**, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment or merit increases within the series of steps for each pay grade;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: **PROVIDED, HOWEVER**, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: **PROVIDED FURTHER**, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: **PROVIDED**, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 6. Section 43.43.340, chapter 8, Laws of 1965 and RCW 43.43-.340 are each amended to read as follows:

(1) The names of all officers who have passed examinations satisfactorily shall be placed on an eligible list in the order of the grade attained in the examinations. The chief, or the committee mentioned in RCW 43.43-.330 at ((his)) the chief's request, may determine the lowest examination grade which will qualify an officer for inclusion of his or her name on an eligible list. Examination papers shall be graded promptly and an eligible list shall be made up immediately thereafter. All officers taking an examination shall be informed of the grade earned.

(2) After an eligible list is made up all promotions shall be made from the ((three)) five top names on the applicable list, and if needed to comply with affirmative action goals three additional names referred under subsection (3) of this section. Not all three additional names need be promoted at the time they are referred and they may be referred more than once. Each officer shall be informed in writing as his or her name is included in the top ((three)) five on an eligible list or referred under subsection (3) of this section. No officer whose name appears within the top ((three)) five on any eligible list shall be passed over for promotion more than three times.

(3) If the vacancy to be filled is identified as part of the state patrol's affirmative action goals as established under its affirmative action plan, the chief may refer for consideration up to three additional names per vacancy of individuals who are on the eligible list and who are members of one or more of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, or for federal contract compliance purposes, veterans and disabled veterans as defined in the Vietnam Era Veterans Readjustment Act of 1974, Title 41 C.F.R., chapter 60, part 60-250.

The three additional names referred for each vacancy shall be the top three members of the protected groups designated by the chief for referral for that vacancy in accordance with the state patrol's affirmative action goals. These names shall be drawn in rank order from the remaining names of protected group members on the eligible list, after ranking by examination grade. For each vacancy, a total of three supplementary names may be referred.

(4) After having qualified for promotion hereunder an officer must pass a medical examination and must be certified as to physical fitness to perform the duties of the advanced position by one of three doctors designated by the chief of the Washington state patrol.

(5) The state patrol shall consult with the human rights commission in the development of rules pertaining to affirmative action. The state patrol shall transmit a report annually to the human rights commission which states the progress the state patrol has made in meeting affirmative action goals and timetables.

NEW SECTION. Sec. 7. Discrimination because of race, creed, color, national origin, age, sex, marital status, or the presence of any sensory, mental, or physical handicap is contrary to the findings of the legislature and public policy. The legislature finds and declares that racial minorities, women, persons in protected age groups, persons with disabilities, Vietnam-era veterans, and disabled veterans are underrepresented in Washington state government employment.

The purpose of this chapter is to provide for enforcement measures for affirmative action within Washington state government employment and institutions of higher education in order to eliminate such underrepresentation.

NEW SECTION. Sec. 8. As used in this chapter, "commission" means the Washington state human rights commission.

NEW SECTION. Sec. 9. If the commission reasonably believes that a state agency, an institution of higher education, or the state patrol has failed to comply with an affirmative action rule adopted under RCW 28B-16.100, 41.06.150, or 43.43.340, the commission shall notify the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol of the noncompliance, as well as the director of personnel or the director of the higher education personnel board, whichever is appropriate. The commission shall give the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol an opportunity to be heard on the failure to comply.

NEW SECTION. Sec. 10. The commission in conjunction with the department of personnel, the higher education personnel board, or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under sections 1(20), 5(21), and 6(5) of this act, whichever is appropriate.

NEW SECTION. Sec. 11. If no agreement can be reached under section 10 of this act, the commission may refer the matter to the administrative law judge for hearing pursuant to RCW 49.60.250. If the administrative law judge finds that the state agency, institution of higher education, or state patrol has not made a good faith effort to correct the noncompliance, the administrative law judge shall order the state agency, institution of higher education, or state patrol to comply with this chapter. The administrative law judge may order any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under sections 1(20), 5(21), and 6(5) of this act, whichever is appropriate.

An order by the administrative law judge may be appealed to superior court.

NEW SECTION. Sec. 12. If the superior court finds that the state agency, institution of higher education, or state patrol has not made a good faith effort to correct the noncompliance, the court, in addition to any other penalties and sanctions prescribed by law, shall order the state agency, institution of higher education, or state patrol to comply with this chapter. The court may require any action deemed appropriate by the court which is consistent with the intent of this chapter.

NEW SECTION. Sec. 13. Sections 7 through 12 of this act shall constitute a new chapter in Title 49 RCW.

Passed the Senate April 23, 1985.

Passed the House April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 366

[Substitute Senate Bill No. 3386]

PUBLIC AGENCY GOVERNING BODIES—EXECUTIVE SESSIONS

AN ACT Relating to executive sessions of governing bodies; and amending RCW 42.30.020 and 42.30.110.

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

Sec. 1. Section 2, chapter 250, Laws of 1971 ex. sess. as last amended by section 1, chapter 155, Laws of 1983 and RCW 42.30.020 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature;

(b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;

(d) Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective ((decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a)) positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

Sec. 2. Section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 3, chapter 155, Laws of 1983 and RCW 42.30.110 are each amended to read as follows:

(1) Nothing contained in this chapter ((shall)) may be construed to prevent a governing body from holding an executive session((s)) during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase((;)) when ((publicity)) public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the ((disposition of)) minimum price at which real estate ((by lease or)) will be offered for sale((;)) or lease when ((publicity)) public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To ((consider)) review negotiations on the performance of public-ly-bid contracts when ((publicity)) public knowledge regarding such consideration would cause a likelihood of increased costs; ((to consider the appointment, employment, or dismissal of a public officer or employee: PROVIDED, That interviewing of proposed appointees to elective office by a governing body shall not be conducted in executive session; or to hear

~~complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body. If executive sessions are held to discuss the disposition by sale or lease of real estate, the discussion shall be limited to the minimum selling or leasing price:))~~

(e) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(f) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(g) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(h) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

Passed the Senate April 22, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 367

[Engrossed Substitute Senate Bill No. 3367]
PUBLIC DISCLOSURE—CAMPAIGN FINANCING

AN ACT Relating to the public disclosure law; amending RCW 42.17.020, 42.17.030, 42.17.050, 42.17.060, 42.17.070, 42.17.100, 42.17.125, 42.17.155, 42.17.170, 42.17.200, 42.17.370, 42.17.395, and 42.17.405; and prescribing penalties.

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

***Sec. 1. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:**

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any

kind: **PROVIDED**, That for the purpose of compliance with RCW 42.17-.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker. "Part-time" services, for the purposes of this chapter, means services in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: **PROVIDED**, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition. An election campaign begins when the initial filing obligation in RCW 42.17.040 or 42.17.050 is incurred and ends when the final report for the campaign is filed.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and

includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the

purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

**Sec. 1 was vetoed, see message at end of chapter.*

Sec. 2. Section 3, chapter 1, Laws of 1973 as amended by section 2, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.030 are each amended to read as follows:

(1) The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for a federal elective office; and (c) for an office ~~((the constituency of which))~~ of a political subdivision of the state that does not encompass a whole county and ((which)) that contains ((less)) fewer than five thousand registered voters as of the date of the most recent general election in ~~((such district))~~ the subdivision.

(2) The exemption in subsection (1)(c) of this section does not apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the

date of the most recent general election in the jurisdiction, is filed with the commission. The commission shall prescribe by rule the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the jurisdiction is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no fewer than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every candidate, political committee, or person making independent expenditures in election campaigns in the jurisdiction to comply with the campaign finance reporting provisions of this chapter within fourteen days of the date of the order. The order of the commission is valid for any election occurring in the jurisdiction for a two-year period following its issuance.

(3) The exemption in subsection (1)(c) of this section does not apply in any jurisdiction that by ordinance, resolution, or other official action has petitioned the commission to void the exemption with respect to election campaigns in the jurisdiction. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall issue an order voiding the exemption for that jurisdiction. The commission, upon approval of the action, shall order every candidate, political committee, or person making independent expenditures in the jurisdiction to comply with the campaign finance reporting provisions of this chapter within fourteen days of the date of the order. The order applies to all elections in the jurisdiction for two years after its issuance.

(4) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in subsection (1)(c) of this section shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot measure, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(5) Any person exempted from reporting under this section may at his or her option file the statements and reports.

Sec. 3. Section 5, chapter 1, Laws of 1973 as amended by section 2, chapter 147, Laws of 1982 and RCW 42.17.050 are each amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission and the appropriate county elections officer the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and

(b) A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as campaign depository and the name of the account or accounts therein maintained.

(2) A candidate, a political committee, or a campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary and may designate not more than one additional campaign depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the commission and the appropriate county elections officer.

(3) A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (a) In addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates which includes the candidate; or (b) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates.

(4) (a) A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

(b) In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer, or depository, the candidate or political committee shall designate and file with the commission and the appropriate county elections officer the name and address of any successor.

~~((4))~~ (5) No campaign treasurer, deputy campaign treasurer, or campaign depository may be deemed to be in compliance with the provisions of this chapter until his name and address is filed with the commission and the appropriate county elections officer.

Sec. 4. Section 6, chapter 1, Laws of 1973 as last amended by section 3, chapter 147, Laws of 1982 and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository

for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a campaign depository in bonds, certificates, or savings accounts or other similar savings instruments in financial institutions other than the campaign depository: PROVIDED, That the commission and the appropriate county elections officer is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the campaign depository in the account from which the investment was made and properly reported to the commission and the appropriate county elections officer prior to any further disposition or expenditure thereof.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), may not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

(5) A contribution of more than fifty dollars in currency may not be accepted unless a receipt, signed by the contributor and by the candidate, campaign treasurer, or deputy campaign treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 5. Section 7, chapter 1, Laws of 1973 and RCW 42.17.070 are each amended to read as follows:

No expenditures (~~staff~~) may be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or campaign treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 6. Section 10, chapter 1, Laws of 1973 as last amended by section 9, chapter 147, Laws of 1982 and RCW 42.17.100 are each amended to read as follows:

(1) ~~((a))~~ For the purposes of this ~~((subsection-(1)))~~ section the term "independent campaign expenditure" means any expenditure ~~((which))~~ that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.065, 42.17.080, or 42.17.090.

~~((b))~~ (2) Within five days after the date of making an independent campaign expenditure ~~((which))~~ that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made ~~((such))~~ the independent campaign expenditure shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during ~~((such))~~ the campaign prior to and including such date.

~~((c))~~ (3) At the following intervals each person who is required to file an initial report pursuant to subsection ~~((1)(b))~~ (2) of this section shall file with the commission and the county auditor of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

~~((i))~~ (a) On the twenty-first day preceding the primary and the seventh day preceding the date on which the election is held; and

~~((ii))~~ (b) Within twenty-one days after the date of the election; and

~~((iii))~~ (c) On the tenth day of each month in which no other reports are required to be filed pursuant to this ~~((subsection-(1)-PROVIDED, That such))~~ section. However, the further reports required by this subsection ~~((1)(c))~~ (3) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph ~~((ii))~~ (a) of this subsection ~~((1)(c))~~ (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

~~((d))~~ (4) All reports filed pursuant to this ~~((subsection-(1)))~~ section shall be certified as correct by the reporting person.

~~((e))~~ (5) Each report required by subsections ~~((1)(b))~~ (2) and ~~((1)(c))~~ (3) of this ~~((subsection-(1)))~~ section shall disclose for the period

beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than five days prior to the date the report is due:

((i)) (i) The name and address of the person filing the report;

((ii)) (b) The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure (~~(-PROVIDED, That)~~). If no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it ((shall be)) is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

((iii)) (c) The total sum of all independent campaign expenditures made during the campaign to date; and

((iv)) (d) Such other information as shall be required by the commission by ((regulation)) rule in conformance with the policies and purposes of this chapter.

~~((2) (a) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve-month period to any political committee not domiciled in the state of Washington or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the commission a report signed by the contributor disclosing the contributor's name and address, the date, nature, purpose, amount, and recipient of such contribution, and any instructions given as to the use or disbursement of such contribution:~~

~~(b) The initial report shall be filed with the commission within five days after the date on which the aggregate contribution amount of one hundred dollars or more is reached, and each subsequent report shall be filed within five days after each subsequent contribution is made to the same such political committee:))~~

Sec. 7. Section 6, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.125 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to ((a candidate's)) the personal account of a candidate, or of a campaign treasurer or other individual or expended for ((a candidate's)) such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the ((candidate)) individual is not salaried, as an amount not to exceed income received by the

~~((candidate))~~ individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the ~~((candidate))~~ individual or the ~~((candidate's))~~ individuals's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the ~~((candidate))~~ individual. To receive reimbursement from ~~((his))~~ the political committee, the ~~((candidate))~~ individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the ~~((candidate))~~ individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

Sec. 8. Section 21, chapter 294, Laws of 1975 1st ex. sess. as amended by section 11, chapter 147, Laws of 1982 and RCW 42.17.155 are each amended to read as follows:

~~((+))~~ Each lobbyist shall at the time he registers submit to the commission a recent photograph of himself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his employment as a lobbyist before the legislature, a brief biographical description, and any other information he may wish to submit not to exceed fifty words in length~~((:))~~. Such photograph and information ~~((to))~~ shall be published at least annually in a booklet form by the commission for distribution to legislators and the public.

~~((2))~~ ~~There is established a fund to be known as the "lobbyists' booklet revolving fund" which shall consist of all receipts from sales of the booklets described in subsection (1) of this section. This fund shall be used for expenses of production and sale of such booklets and for no other purpose.~~

Sec. 9. Section 17, chapter 1, Laws of 1973 as last amended by section 13, chapter 147, Laws of 1982 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial

category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

Sec. 10. Section 20, chapter 1, Laws of 1973 and RCW 42.17.200 are each amended to read as follows:

(1) Any person who has made expenditures, not reported under other sections of this chapter, exceeding five hundred dollars in the aggregate

within any three-month period or exceeding two hundred dollars in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs(-);

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons(-);

(c) The names and addresses of ((a)) each person(s) contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed ((by each contributor));

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals ((which)) that are the subject matter of the campaign(-);

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which reports shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

Sec. 11. Section 37, chapter 1, Laws of 1973 as last amended by section 7, chapter 34, Laws of 1984 and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.04 RCW;

(2) Appoint and set, within the limits established by the committee on salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

~~((3))~~ (4) Make from time to time, on its own motion, audits and field investigations;

~~((4))~~ (5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

~~((5))~~ (6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records ~~((that the commission deems))~~ relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

~~((6))~~ (7) Adopt and promulgate a code of fair campaign practices;

~~((7))~~ (8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; ~~((and~~

~~((8))~~ (9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and

reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies((-));

~~((9))~~ (10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.04 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985.

Sec. 12. Section 12, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 16, chapter 147, Laws of 1982 and RCW 42.17.395 are each amended to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation of this chapter has occurred, shall hold a contested case hearing pursuant to the administrative procedure act (chapter 34.04 RCW)

to make such determination. Any order (~~which~~) that the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. (~~Such~~) The order may require the respondent to cease and desist from the activity (~~which~~) that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390(1) (b), (c), (d), or (e): PROVIDED, That no individual penalty assessed by the commission may exceed (~~two hundred fifty~~) one thousand dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty may not exceed two thousand five hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act (chapter 34.04 RCW). If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397, as now or hereafter amended.

Sec. 13. Section 1, chapter 60, Laws of 1982 and RCW 42.17.405 are each amended to read as follows:

(1) (~~During the period between March 26, 1982, and January 1, 1986~~) Except as provided in subsections (2) and (3) of this section, the reporting provisions of this chapter ((are suspended as they pertain)) do not apply to candidates, elected officials, and agencies in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction((~~The suspension also applies~~), to political committees formed to support or oppose ballot propositions in such jurisdictions, ((and)) or to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The (~~suspension shall not~~) reporting provisions of this chapter apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of five percent of the number of registered voters, as of the date of the most recent general election in the jurisdiction, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the jurisdiction is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every incumbent elected official and candidate in the

jurisdiction to file the required statement and reports within thirty days of the date of the order.

(3) The ~~((suspension shall not))~~ reporting provisions of this chapter apply in any jurisdiction which by ordinance, resolution, or other official action has petitioned the commission to ~~((void the suspension with respect))~~ make the provisions applicable to elected officials and candidates of the jurisdiction. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall issue an appropriate order ~~((voiding the suspension for that jurisdiction))~~. The commission, upon approval of the action, shall order every incumbent elected official and candidate in the jurisdiction to file the required statement and reports within thirty days of the date of the order.

(4) Any person exempted from reporting by ~~((the suspension under))~~ subsection (1) of this section may at his or her option file the statement and reports.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 1, Substitute Senate Bill No. 3367:

"AN ACT Relating to the public disclosure law."

Section 1 amends the definition of "election campaign." While there may need to be more clarity in this definition, I do not believe the proposed change is appropriate. Under the proposed new definitions an "election campaign" would begin when the initial campaign committee organization form is filed. It would not end until a final report showing a \$0 balance in the campaign fund is filed. In my opinion, this would mean an unacceptably long "election campaign" since most campaign committees do not file final reports after each November election.

With the exception of Section 1, Substitute Senate Bill No. 3367 is approved."

CHAPTER 368

[Substitute Senate Bill No. 3354]

INDUSTRIAL INSURANCE—MEDICAL AID—HEALTH CARE COST CONTAINMENT

AN ACT Relating to the medical aid fund; amending RCW 51.36.080, 51.44.020, 51.44-.110, and 43.88.180; creating new sections; and providing an effective date.

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

*NEW SECTION. Sec. 1. The legislature finds that:

(1) The governor's steering committee on the six-year state health care purchasing plan has estimated that health care expenditures by the department of labor and industries will rise from \$172.5 million in fiscal year 1985 to \$581.5 million in fiscal year 1991, an increase of two hundred thirty-seven percent in six years, while the number of persons receiving the care will rise only fifteen percent in the same period;

(2) The growing cost of health care for covered workers is a major cause of recent industrial insurance premium increases, adversely affecting both employers and employees;

(3) The department of labor and industries has not developed adequate means of controlling the costs of health care services to which covered workers are entitled by law;

(4) There is a need for all agencies of the state to act as prudent buyers in purchasing health care; and

(5) The absence of legislative oversight through appropriation authority has contributed to the lack of control over health care expenditure growth by the department of labor and industries.

The purposes of this act are to clarify the duty of the director of labor and industries to function as a prudent purchaser of health care for covered workers, to require some cost control measures that appear to have proven themselves effective in other programs, and to commit the legislature to scrutiny of future health care expenditures in industrial insurance through the appropriation process.

*Sec. 1 was partially vetoed, see message at end of chapter.

Sec. 2. Section 55, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.080 are each amended to read as follows:

All fees and medical charges under this title shall conform to regulations promulgated by the director. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner without unduly restricting access to necessary care by persons entitled to the care. With respect to workers admitted as hospital inpatients on or after the effective date of this 1985 act, the director shall pay for inpatient hospital services on the basis of diagnosis-related groups which the director shall establish by rules adopted in accordance with chapter 34.04 RCW.

*Sec. 3. Section 51.44.020, chapter 23, Laws of 1961 and RCW 51.44.020 are each amended to read as follows:

There shall be, in the ~~((office of the))~~ state ~~((treasurer))~~ treasury, a fund to be known and designated as the "medical aid fund~~((:))~~" disbursements from which shall be made pursuant to appropriation except as provided in RCW 51.44.110.

*Sec. 3 was vetoed, see message at end of chapter.

***Sec. 4. Section 51.44.110, chapter 23, Laws of 1961 as last amended by section 68, chapter 350, Laws of 1977 ex. sess. and RCW 51.44.110 are each amended to read as follows:**

Disbursement out of the several funds shall be made only upon warrants drawn by the department and disbursements out of the medical aid fund shall be made only pursuant to appropriation. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money appropriated in the fund on which any such warrant is drawn wherewith to pay the same, the warrant shall be paid out of the unappropriated portion of the fund. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose worker it was that the warrant was drawn shall pay the same, and he or she shall be credited upon his or her next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he or she shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund. If disbursements are made out of the unappropriated portion of the fund pursuant to this section, then the director shall make a full accounting to the legislative budget committee.

*Sec. 4 was vetoed, see message at end of chapter.

***Sec. 5. Section 43.88.180, chapter 8, Laws of 1965 as amended by section 8, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.180 are each amended to read as follows:**

Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. Said trust funds shall include, but shall not be limited to, the accident fund, (~~medical aid fund~~;) retirement system fund, Washington state patrol retirement fund and unemployment trust fund. Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. An appropriation may be required to permit payment of obligations by revolving funds, as provided in RCW 43.88.190.

*Sec. 5 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 6. Not later than December 1, 1986, the director of labor and industries shall provide to the committees on ways and means of the senate and house of representatives and to the committees on commerce and labor of the senate and house of representatives a progress report on health care cost containment in the industrial insurance program. The report shall include:

(1) A description of the inpatient hospital rate structure planned to meet the requirement of section 2 of this 1985 act;

(2) A plan for improved health care cost containment in the industrial insurance program to meet the director's duty to function as a prudent purchaser of health care under section 2 of this 1985 act;

(3) An estimate of the amount of the appropriation from the medical aid fund that will be needed to meet the requirements of chapter 51.44 RCW during the fiscal biennium beginning July 1, 1987, and ending June 30, 1989;

(4) Any proposals for legislative action the director deems appropriate to further the goal of prudent purchase of health care without unduly restricting access to necessary care by covered workers; and

(5) Such other information as the director deems appropriate.

***NEW SECTION.** Sec. 7. Sections 2 , 3, 4, and 5 of this act shall take effect July 1, 1987.

*Sec. 7 was partially vetoed, see message at end of chapter.

Passed the Senate April 28, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354, entitled:

"AN ACT Relating to the medical aid fund;"

These sections of the bill would require expenditures from the Medical Aid Fund to be subject to appropriation. While this has been a very troubled program in the past, I have appointed new management which is actively undertaking management improvements. The need for control of health care costs is to run the workers' compensation program like the insurance business that it is. To do this, management needs the flexibility to adequately direct the program. For these reasons, I have vetoed Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7.

With the exception of Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354 is approved."

CHAPTER 369

[Substitute Senate Bill No. 3356]

COUNTY ROADS

AN ACT Relating to county roads; amending RCW 36.32.250, 36.75.300, 36.77.030, 36.87.020, 36.87.060, 36.87.070, 36.88.010, and 36.88.090; adding a new section to chapter 36.82 RCW; and adding a new section to chapter 36.88 RCW.

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

Sec. 1. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 267, Laws of 1977 ex. sess. and RCW 36.32.250 are each amended to read as follows:

No contract, lease, or purchase ~~((shall))~~ may be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county ~~((legislative authority))~~ upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the ~~((date))~~ time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at ~~((a meeting of the county legislative authority on the date))~~ the time and place named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid ~~((shall))~~ may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease, or purchase shall be awarded to the lowest responsible bidder~~((:))~~, taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. ~~((Should))~~ If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the

successful bidder is accepted by the county legislative authority. In the letting of any contract, lease, or purchase involving less than three thousand five hundred dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than three thousand five hundred dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and three thousand five hundred dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone ((and/or)) or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

Sec. 2. Section 1, chapter 45, Laws of 1980 and RCW 36.75.300 are each amended to read as follows:

The legislative authority of each county may by resolution classify and designate portions of the county roads as primitive roads where the designated road portion:

- (1) Is not classified as part of the county primary road system, as provided for in RCW 36.86.070;
- (2) Has a gravel or earth driving surface; and
- (3) Has an average annual daily traffic of one hundred or fewer vehicles.

Any road designated as a primitive road shall be marked with signs indicating that it is a primitive road, as provided in the manual of uniform traffic control devices, at all places where the primitive road portion begins or connects with a highway other than another primitive road. No design or signing or maintenance standards or requirements, other than the requirement that warning signs be placed as provided in this section, ~~((shall be applicable))~~ apply to primitive roads.

The design of a primitive road, and the location, placing, or failing to place road signs, other than the requirement that warning signs be placed as provided in this section, shall not be considered in any action for damages brought against a county, or against a county employee or county employees, or both, arising from vehicular traffic on the primitive road.

Sec. 3. Section 36.77.030, chapter 4, Laws of 1963 and RCW 36.77-.030 are each amended to read as follows:

At the time and place fixed in the call for bids (~~((the board shall proceed to publicly open and read))~~), such bids as have been submitted (~~(, in the board room at the county seat)~~) shall be publicly opened and read. No bid (~~((shall))~~) may be considered unless it is accompanied by a bid deposit in the form of a surety bond, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

Sec. 4. Section 36.87.020, chapter 4, Laws of 1963 and RCW 36.87-.020 are each amended to read as follows:

Ten freeholders residing in the vicinity of any county road or portion thereof may petition the (~~((board))~~) county legislative authority to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The (~~((petition must be accompanied by a bond in the penal sum of one hundred dollars, payable to the county, executed by one or more of such petitioners as principal or principals, and two or more satisfactory sureties, and conditioned that the petitioners will pay into the county road fund of the county the amount of all cost and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon))~~) legislative authority may (1) require the petitioners to make an appropriate cash deposit or furnish an appropriate bond against which all costs and expenses incurred in the examination, report, and proceedings pertaining to the petition shall be charged; or (2) by ordinance or resolution require the petitioners to pay a fee adequate to cover such costs and expenses.

Sec. 5. Section 36.87.060, chapter 4, Laws of 1963 and RCW 36.87-.060 are each amended to read as follows:

(1) On the day fixed for the hearing, the ((board)) county legislative authority shall proceed to consider the report of the engineer, together with any evidence for or objection against such vacation and abandonment. If the county road is found useful as a part of the county road system it shall not be vacated, but if it is not useful and the public will be benefited by the vacation, the ((board)) county legislative authority may vacate the road or any portion thereof. Its decision shall be entered in the minutes of the hearing.

(2) As an alternative, the county legislative authority may appoint a hearing officer to conduct a public hearing to consider the report of the engineer and to take testimony and evidence relating to the proposed vacation. Following the hearing, the hearing officer shall prepare a record of the proceedings and a recommendation to the county legislative authority concerning the proposed vacation. Their decision shall be made at a regular or special public meeting of the county legislative authority.

Sec. 6. Section 36.87.070, chapter 4, Laws of 1963 and RCW 36.87-.070 are each amended to read as follows:

If the ~~((board determines to vacate the road))~~ county legislative authority has required the petitioners to make a cash deposit or furnish a bond, upon completion of the hearing, it shall certify all costs and expenses incurred in the proceedings to the county treasurer and ~~((upon payment of the certified costs and expenses by the principal or principals or sureties upon the bond the board shall declare the road, or portion thereof, vacated and enter its declaration in its minutes))~~, regardless of its final decision, the county legislative authority shall recover all such costs and expenses from the bond or cash deposit and release any balance to the petitioners.

Sec. 7. Section 36.88.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 60, Laws of 1965 and RCW 36.88.010 are each amended to read as follows:

All counties ~~((shall))~~ have the power to create county road improvement districts for the acquisition of rights of way and improvement of county roads, existing private roads that will become county roads as a result of this improvement district process and, with the approval of the state department of transportation, state highways; for the construction or improvement of necessary drainage facilities, bulkheads, retaining walls, and other appurtenances therefor, bridges, culverts, sidewalks, curbs and gutters, escalators, or moving sidewalks; and for the draining or filling of drainage potholes or swamps~~((, and said))~~. Such counties ~~((shall))~~ have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such acquisition of rights of way, construction, or improvement.

Sec. 8. Section 36.88.090, chapter 4, Laws of 1963 as amended by section 1, chapter 62, Laws of 1972 ex. sess. and RCW 36.88.090 are each amended to read as follows:

Whenever the assessment roll for any county road improvement district ~~((shall have))~~ has been prepared, such roll shall be filed with the clerk of the ~~((board))~~ county legislative authority. The ~~((board))~~ county legislative authority shall thereupon by resolution set the date for hearing upon such roll before ~~((the))~~ a board of equalization and direct the clerk to give notice of such hearing and the time and place thereof.

Such notice shall specify such time and place of hearing on such roll and shall notify all persons who may desire to object thereto to make such objection in writing and to file the same with ~~((such))~~ the clerk of the county legislative authority at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, ~~the~~ ~~((board))~~ county legislative authority will sit as a board of equalization for the purpose of considering such roll and at such hearing will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify such roll or any part

thereof, or set aside such roll in order that such assessment be made de novo as to such body shall appear just and equitable and then proceed to confirm the same by resolution.

Notice of the time and place of hearing under such assessment roll shall be given to the owner or reputed owner of the property whose name appears thereon, by mailing a notice thereof at least fifteen days before the date fixed for the hearing to such owner or reputed owner at the address of such owner as shown on the tax rolls of the county treasurer; and in addition thereto such notice shall be published at least two times in a newspaper of general circulation in the county (~~((if the newspaper is published weekly, but shall be published at least five times in such newspaper if said newspaper is published daily)).~~). At least fifteen days must elapse between the date of ~~((last))~~ the first publication ~~((thereof))~~ of the notice and the date fixed for such hearing ~~((: PROVIDED, That)).~~ However, mosquito control districts ~~((shall))~~ are ~~((be))~~ only ~~((be))~~ required to give notice by publication. ~~((The time and place of hearing under such assessment roll shall be published in two consecutive issues of a newspaper of general circulation in the county if the newspaper is published weekly, but shall be published in at least five consecutive issues of such newspaper if said newspaper is published daily. At least fifteen days must elapse between the date of last publication thereof and the date fixed for such hearing.))~~

The board of equalization, at the time fixed for hearing objections to the confirmation of ~~((said))~~ the roll, or at such time or times as ~~((said))~~ the hearing may be adjourned to, ~~((shall have))~~ has power to correct, revise, raise, lower, change, or modify ~~((such))~~ the roll or any part thereof, and to set aside ~~((such))~~ the roll in order that ~~((such))~~ the assessment be made de novo as to the board ~~((shall))~~ appear equitable and just, and then shall confirm the same by resolution. All objections shall be in writing and filed with the board and shall state clearly the grounds objected to, and objections not made within the time and in the manner ~~((herein))~~ described in this section shall be conclusively presumed to have been waived.

Whenever any such roll ~~((shall be))~~ is amended so as to raise any assessments appearing thereon, or to include property subject to assessment which has been omitted from the assessment roll for any reason, a new hearing, and a new notice of hearing upon such roll, as amended, shall be given as in the case of an original hearing ~~((and)).~~ At the conclusion of such hearing the board may confirm the same or any portion thereof by resolution and certify the same to the treasurer for collection. Whenever any property ~~((shall have))~~ has been entered originally on such roll, and the assessment upon such property shall not be raised, no objections ~~((thereto shall))~~ to it may be considered by the board or by any court on appeal, unless such objections ~~((be))~~ are made in writing at or prior to the date fixed for the original hearing upon such roll.

NEW SECTION. Sec. 9. A new section is added to chapter 36.82 RCW to read as follows:

Whenever a county legislative authority enters into a cooperative agreement with a conservation district as provided in chapter 89.08 RCW, the agreement may specify that the county will participate in the cost of any project which can be anticipated to result in a substantial reduction of the amount of soil deposited in a specifically described roadside ditch normally maintained by the county. The amount of participation by the county through the county road fund shall not exceed fifty percent of the project cost and shall be limited to those engineering and construction costs incurred during the initial construction or reconstruction of the project.

NEW SECTION. Sec. 10. A new section is added to chapter 36.88 RCW to read as follows:

If the county legislative authority desires to initiate the formation of a county road improvement district by resolution, it may elect to follow either the procedure set forth in chapter 35.43 RCW or the procedure set forth in RCW 36.88.030, and shall indicate the procedure selected in the resolution of intention.

Passed the Senate April 23, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 370

[Engrossed Substitute Senate Bill No. 3376]

HIGHER EDUCATION COORDINATING BOARD

AN ACT Relating to governance in higher education; amending RCW 28B.80.110, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.200, 28B.80.210, 28B.80.230, 28B.80.240, 28B.80.250, 28B.80.260, 28B.80.270, 28B.80.280, 28A.58.824, 28A.58.826, 28A.58.828, 28A.58.830, 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.05.030, 28B.05.050, 28B.05.130, 28B.07.020, 28B.07.030, 28B.07.040, 28B.10.020, 28B.10.215, 28B.10.220, 28B.10.650, 28B.10.790, 28B.10.792, 28B.10.802, 28B.10.840, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.543, 28B.15.730, 28B.15.732, 28B.15.734, 28B.15.736, 28B.15.750, 28B.15.752, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.760, 28B.15.762, 28B.15.764, 28B.20.280, 28B.30.500, 28B.35.205, 28B.40.206, 28B.65.040, 28B.65.050, 28B.65.060, 28C.04.040, 28C.04.510, 28B.10.050, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.140; amending section 6, chapter 166, Laws of 1983 (uncodified); adding new sections to chapter 28B.80 RCW; adding new sections to Title 28B RCW; creating new sections; repealing RCW 28B.40.240, 28B.40.244, 28B.10.045, 28B.10.052, 28B.80.010, 28B.80.020, 28B.80.030, 28B.80.035, 28B.80.040, 28B.80.050, 28B.80.060, 28B.80.070, 28B.80.080, 28B.80.090, 28B.80.120, 28B.80.220, 28B.80.900, 43.131.259, and 43.131.260; providing effective dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is hereby created the Washington higher education coordinating board.

NEW SECTION. Sec. 2. For the purposes of this chapter:

(1) "Board" means the higher education coordinating board; and

(2) "Four-year institutions" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.

NEW SECTION. Sec. 3. The purpose of the board is to provide planning, coordination, monitoring, and policy analysis for higher education in the state of Washington in cooperation and consultation with the institutions' autonomous governing boards and with all other segments of postsecondary education, including but not limited to the state board for community college education and the commission for vocational education. The legislature intends that the board represent the broad public interest above the interests of the individual colleges and universities.

NEW SECTION. Sec. 4. The board shall perform the following planning duties in consultation with the four-year institutions, the community college system, and when appropriate the commission for vocational education, the superintendent of public instruction for the vocational-technical institutes, and the independent higher educational institutions:

(1) Develop and establish role and mission statements for each of the four-year institutions and for the community college system;

(2) Identify the state's higher education goals, objectives, and priorities;

(3) Prepare a comprehensive master plan which includes but is not limited to:

(a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled workforce; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;

(b) Recommendations on enrollment and other policies and actions to meet those needs;

(c) Guidelines for continuing education, adult education, public service, and other higher education programs.

The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.

The plan shall be updated biennially, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the biennial updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;

(4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before October 15 of each even-numbered year, and to the legislature by January 1 of each odd-numbered year;

(5) Recommend legislation affecting higher education;

(6) Recommend tuition and fees policies and levels based on comparisons with peer institutions;

(7) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;

(8) Prepare recommendations on merging or closing institutions; and

(9) Develop criteria for identifying the need for new baccalaureate institutions.

NEW SECTION. Sec. 5. The board shall perform the following program responsibilities, in consultation with the institutions and with other interested agencies and individuals:

(1) Approve the creation of any new degree programs at the four-year institutions and prepare fiscal notes on any such programs;

(2) Review, evaluate, and make recommendations for the modification, consolidation, initiation, or elimination of on-campus programs, at the four-year institutions;

(3) Review and evaluate and approve, modify, consolidate, initiate, or eliminate off-campus programs at the four-year institutions;

(4) Approve, and adopt guidelines for, higher education centers and consortia;

(5) Approve purchase or lease of major off-campus facilities for the four-year institutions and the community colleges;

(6) Establish campus service areas and define on-campus and off-campus activities and major facilities; and

(7) Approve contracts for off-campus educational programs initiated by the state's four-year institutions individually, in concert with other public institutions, or with independent institutions.

NEW SECTION. Sec. 6. The board shall coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions, the state board for community college education, and the commission for vocational education shall coordinate information and activities with the board. The board shall have the following additional responsibilities:

- (1) Promote interinstitutional cooperation;
- (2) Establish minimum admission standards for four-year institutions;
- (3) Establish transfer policies;
- (4) Adopt rules implementing statutory residency requirements;
- (5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;
- (6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter 28B.16 RCW, and faculty using comparative data from peer institutions;
- (7) Monitor higher education activities for compliance with all relevant state policies for higher education;
- (8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;
- (9) Establish and implement a state system for collecting, analyzing, and distributing information;
- (10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and
- (11) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education.

NEW SECTION. Sec. 7. The board shall perform the following administrative responsibilities:

- (1) Administer the programs set forth in the following statutes: Chapter 28A.58 RCW (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.05 RCW (education registration); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); chapter 28B.12 RCW (work study); RCW 28B.15.067 through 28B.15.076 (educational costs for establishing tuition and fees); RCW 28B.15.543 (tuition waivers for

Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).

(2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high technology board); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80-.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.58.824 through 28A.58.832 (Washington scholars); RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B-.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW 28B.15.760 through 28B.15.764 (math/science loans). The board shall report the results of its study and recommendations to the legislature.

NEW SECTION. Sec. 8. The board shall have authority to adopt rules as necessary to implement this chapter.

NEW SECTION. Sec. 9. The board shall establish advisory committees composed of members representing faculty, administrators, students, regents and trustees, and staff of the public institutions, the superintendent of public instruction, and the independent institutions.

NEW SECTION. Sec. 10. The board shall consist of nine members who are representative of the public, including women and the racial minority community. All members shall be appointed at large by the governor and approved by the senate. The governor shall appoint the chair, who shall serve at the governor's pleasure.

NEW SECTION. Sec. 11. The members of the board, except the chair, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms.

NEW SECTION. Sec. 12. Any vacancies among board members shall be filled by the governor subject to confirmation by the senate then in session, or if not in session, at the next session. Board members appointed under this section shall have full authority to act as such prior to the time the senate acts on their confirmation. Appointments to fill vacancies shall be only for such terms as remain unexpired.

NEW SECTION. Sec. 13. The board shall adopt bylaws and shall meet at least four times each year and at such other times as determined by the chair who shall give reasonable prior notice to the members.

Board members are expected to consistently attend board meetings. The chair of the board may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.

NEW SECTION. Sec. 14. The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 28B.16 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 28B.16 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the commission for vocational education, and the state board for community college education. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

NEW SECTION. Sec. 15. All employees of the council for postsecondary education classified under chapter 28B.16 RCW are assigned to the board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state higher education personnel.

All employees of the council for postsecondary education exempt under chapter 28B.16 RCW and below the level of executive and deputy coordinator are assigned to the board to perform their usual duties upon the same terms as formerly. Such employees shall serve at the pleasure of and subject to the terms and conditions of the board or the director, if the authority is delegated to the director. By December 31, 1986, the director shall evaluate such employees.

Sec. 16. Section 12, chapter 277, Laws of 1969 ex. sess. as last amended by section 65, chapter 287, Laws of 1984 and RCW 28B.80.110 are each amended to read as follows:

Members of the ((council)) board shall be compensated in accordance with RCW 43.03.240 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 17. Section 3, chapter 4, Laws of 1974 ex. sess. and RCW 28B-80.150 are each amended to read as follows:

~~((In addition to the functions delegated to the council by RCW 28B-80.030,))~~ The ((council)) board is hereby specifically directed to develop such state plans as are necessary to coordinate the state of Washington's participation within the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70 RCW. In addition to establishing such plans the ~~((council))~~ board shall designate the state certifying officer for student programs.

Sec. 18. Section 4, chapter 4, Laws of 1974 ex. sess. and RCW 28B-80.160 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B-80.150, the ~~((council))~~ board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance grants;

(2) If appropriations are insufficient to fund all students qualifying under subsection (1) ~~((hereof))~~ of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

Sec. 19. Section 5, chapter 4, Laws of 1974 ex. sess. and RCW 28B-80.170 are each amended to read as follows:

The ~~((council))~~ board shall periodically advise the governor and the legislature of the policy implications of the state of Washington's participation in the Western Interstate Commission for Higher Education student exchange programs as they affect long-range planning for post-secondary education, together with recommendations on the most efficient way to provide high cost or special educational programs to Washington residents.

Sec. 20. Section 9, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.200 are each amended to read as follows:

The ~~((council))~~ higher education coordinating board is designated as the state commission as provided for in Section 1202 of the education amendments of 1972 (Public Law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law: PROVIDED, That notwithstanding the provisions of RCW 28B.80.050, all members of the ~~((council))~~ board shall have full voting powers in taking actions related to federal postsecondary educational planning functions as provided for in this section and RCW 28B.80.210 through 28B.80.240.

Sec. 21. Section 12, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.210 are each amended to read as follows:

The ~~((council))~~ board shall administer ~~((the following programs: Title IV-B and VI of the Higher Education Act of 1965; Title I of the Higher Education Facilities Act of 1963; and))~~ any ~~((other))~~ federal act pertaining to higher education which is not administered by another state agency.

Sec. 22. Section 14, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.230 are each amended to read as follows:

The ~~((council))~~ board is authorized to receive and expend federal funds and any private gifts or grants, such federal funds or private funds to be expended in accordance with the conditions contingent in such grant thereof.

Sec. 23. Section 15, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.240 are each amended to read as follows:

The ~~((council))~~ board shall administer any state program or state-administered federal program of student financial aid now or hereafter established.

Sec. 24. Section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Management employees" mean administrative exempt personnel of the ~~((council for postsecondary education))~~ higher education coordinating board who are specified by the ~~((council))~~ board as management.

Sec. 25. Section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260 are each amended to read as follows:

(1) The ~~((council))~~ board shall develop performance evaluation procedures and forms which shall be used for the appraisal of management employees.

(2) The performance evaluation shall measure management employees' performance within at least five performance rating categories.

(3) The ~~((council))~~ board shall adopt rules designed to insure that performance evaluations of management employees do not result in unrealistic concentration in any performance rating category.

Sec. 26. Section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270 are each amended to read as follows:

~~((Beginning on July 1, 1984,))~~ Management employees of the ((council)) board shall be subject to performance evaluation using the procedures developed under RCW 28B.80.260. Such employees may be granted merit increases in salary based on performance as determined by the ~~((council))~~ board for its employees.

Sec. 27. Section 1, chapter 304, Laws of 1983 and RCW 28B.80.280 are each amended to read as follows:

The ((council)) board shall, in cooperation with the state institutions of higher education and the state board for community college education, establish and maintain a state-wide transfer of credit policy and agreement. The policy and agreement shall, where feasible, include course and program descriptions consistent with state-wide interinstitutional guidelines. The institutions of higher education shall provide support and staff resources as necessary to assist in developing and maintaining this policy and agreement. The state-wide transfer of credit policy and agreement shall be effective beginning with the 1985-86 academic year. The ((council)) board shall report on developments toward that objective at ((both)) the ((1984 and 1985)) 1987 regular session((s)) of the legislature.

NEW SECTION. Sec. 28. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the council for postsecondary education shall be delivered to the custody of the higher education coordinating board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the council for postsecondary education shall be made available to the higher education coordinating board. All funds, credits, or other assets held by the council for postsecondary education shall be assigned to the higher education coordinating board.

Any appropriations made to the council for postsecondary education shall, on the effective date of this section, be transferred and credited to the higher education coordinating board. The council for postsecondary education shall provide such funds as are necessary to the board for activities necessary to implement this act on its effective date.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 29. All rules and all pending business before the council for postsecondary education shall be continued and acted upon by the higher education coordinating board. All existing contracts and obligations shall remain in full force and shall be performed by the higher education coordinating board.

NEW SECTION. Sec. 30. The transfer of the powers, duties, and functions of the council for postsecondary education shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 31. If apportionments of budgeted funds are required because of the transfers directed by sections 15, 28, and 29 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of

these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

Sec. 32. Section 3, chapter 54, Laws of 1981 and RCW 28A.58.824 are each amended to read as follows:

The (~~(council for postsecondary education)~~) higher education coordinating board shall have the responsibility for administration of the Washington scholars program. The program will be developed cooperatively with the Washington association of secondary school principals, a voluntary professional association of secondary school principals. The cooperation of other state agencies and private organizations having interest and responsibility in public and private education shall be sought for planning assistance.

Sec. 33. Section 4, chapter 54, Laws of 1981 and RCW 28A.58.826 are each amended to read as follows:

The (~~(council for postsecondary education)~~) higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.58.822(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the state board of education, the office of superintendent of public instruction, the council of presidents, the state board for community college education, and the Washington friends of higher education.

Sec. 34. Section 5, chapter 54, Laws of 1981 and RCW 28A.58.828 are each amended to read as follows:

Each year on or before March 1st, the Washington association of secondary school principals shall submit to the (~~(council for postsecondary education)~~) higher education coordinating board the names of graduating senior high school students who have been identified and recommended to be outstanding in academic achievement by their school principals based on criteria to be established under RCW 28A.58.826.

Sec. 35. Section 6, chapter 54, Laws of 1981 and RCW 28A.58.830 are each amended to read as follows:

Washington scholars annually shall be selected from among the students so identified. The (~~(council for postsecondary education)~~) higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The (~~council~~) board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars recipients. An awards ceremony at an appropriate time and place shall be planned by the (~~council~~) board in cooperation with the Washington association of secondary school principals, and with the approval of the governor.

Sec. 36. Section 2, chapter 73, Laws of 1979 as amended by section 1, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.020 are each amended to read as follows:

The legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the strength, durability, and purpose of our state.

The legislature further finds that there is an increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, disability of spouse, or other loss of family income of a spouse. As a consequence, displaced homemakers are very often left with little or no income; they are ineligible for categorical welfare assistance; they are subject to the highest rate of unemployment of any sector of the work force; they face continuing discrimination in employment because of their age and lack of recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security benefits because they are too young, and many never qualify because they have been divorced from the family wage earner; they may have lost beneficiaries' rights under employer's pension and health plans through divorce or death of spouse; and they are often unacceptable to private health insurance plans because of their age.

It is the purpose of this chapter to establish guidelines under which the (~~council for postsecondary education~~) higher education coordinating board shall contract to establish multipurpose service centers and programs to provide necessary training opportunities, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

Sec. 37. Section 3, chapter 73, Laws of 1979 and RCW 28B.04.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Council" means the council for postsecondary education~~) "Board" means the higher education coordinating board.

(2) "Center" means a multipurpose service center for displaced homemakers as described in RCW 28B.04.040.

(3) "Program" means those programs described in RCW 28B.04.050 which provide direct, outreach, and information and training services which serve the needs of displaced homemakers.

(4) "Displaced homemaker" means an individual who:

- (a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and
- (b) Is not gainfully employed;
- (c) Needs assistance in securing employment; and
- (d) Has been dependent on the income of another family member but is no longer supported by that income, or has been dependent on federal assistance but is no longer eligible for that assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

Sec. 38. Section 4, chapter 73, Laws of 1979 as amended by section 2, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.040 are each amended to read as follows:

(1) The ~~((council))~~ board, in consultation with state and local governmental agencies, community groups, and local and national organizations concerned with displaced homemakers, shall receive applications and may contract with public or private nonprofit organizations to establish multi-purpose service centers for displaced homemakers. In determining sites and administering agencies or organizations for the centers, the ~~((council))~~ board shall consider the experience and capabilities of the public or private nonprofit organizations making application to provide services to a center.

(2) ~~((Not later than ninety days after June 7, 1979;))~~ The ~~((council))~~ board shall issue rules prescribing the standards to be met by each center in accordance with the policies set forth in this chapter. Continuing funds for the maintenance of each center shall be contingent upon the determination by the ~~((council))~~ board that the center is in compliance with the contractual conditions and with the rules prescribed by the ~~((council))~~ board.

Sec. 39. Section 5, chapter 73, Laws of 1979 as amended by section 3, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.050 are each amended to read as follows:

(1) Each center contracted for under this chapter shall include or provide information and referral to the following services:

- (a) Job counseling services which shall:
 - (i) Be specifically designed for displaced homemakers;
 - (ii) Counsel displaced homemakers with respect to appropriate job opportunities; and
 - (iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development;
- (b) Job training and job placement services which shall:
 - (i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which lead to gainful employment;

(ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;

(iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors;

(c) Health counseling services, including referral to existing health programs, with respect to:

(i) General principles of preventative health care;

(ii) Health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;

(iii) Family health care and nutrition;

(iv) Alcohol and drug abuse; and

(v) Other related health care matters;

(d) Financial management services which provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters;

(e) Educational services, including:

(i) Outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and

(ii) Information about such other programs as are determined to be of interest and benefit to displaced homemakers by the ((~~council~~)) board;

(f) Legal counseling and referral services; and

(g) Outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the ((~~council~~)) board determines would be of interest and benefit to displaced homemakers.

(2) The staff positions of each multipurpose center contracted for in accordance with RCW 28B.04.040, including supervisory, technical, and administrative positions, shall, to the maximum extent possible, be filled by displaced homemakers.

Sec. 40. Section 6, chapter 73, Laws of 1979 as amended by section 4, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.060 are each amended to read as follows:

The ((~~council~~)) board may contract, where appropriate, with public or private nonprofit groups or organizations serving the needs of displaced homemakers for programs designed to:

(1) Provide direct services to displaced homemakers, including job counseling, job training and placement, health counseling, financial management, educational counseling, legal counseling, and referral services as described in RCW 28B.04.050;

(2) Provide state-wide outreach and information services for displaced homemakers; and

(3) Provide training opportunities for persons serving the needs of displaced homemakers, including those persons in areas not directly served by programs and centers established under this chapter.

Sec. 41. Section 7, chapter 73, Laws of 1979 as amended by section 5, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.070 are each amended to read as follows:

The ~~((council))~~ board shall submit to the legislature ~~((an evaluation at the end of the first two years and))~~ a biennial evaluation ~~((beginning))~~ in January ~~((1984))~~ of each even-numbered year. The evaluations may include recommendation for future programs as determined by the ~~((council))~~ board.

Sec. 42. Section 8, chapter 73, Laws of 1979 as amended by section 6, chapter 15, Laws of 1982 1st ex. sess. and RCW 28B.04.080 are each amended to read as follows:

(1) The ~~((council))~~ board shall consult and cooperate with the department of social and health services; the state board for community college education; the superintendent of public instruction; the commission for vocational education; the employment security department; the department of labor and industries; sponsoring agencies under the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.), and any other persons or agencies as the ~~((council))~~ board deems appropriate to facilitate the coordination of centers established under this chapter with existing programs of a similar nature.

(2) Annually on July 1st, each agency listed in subsection (1) of this section shall submit a description of each service or program under its jurisdiction which would support the programs and centers established by this chapter and the funds available for such support.

(3) The ~~((council))~~ board shall serve as a clearinghouse for displaced homemaker information and resources and shall compile and disseminate state-wide information to the centers, related agencies, and interested persons upon request.

Sec. 43. Section 11, chapter 73, Laws of 1979 and RCW 28B.04.110 are each amended to read as follows:

The ~~((council))~~ board may, in carrying out this chapter, accept, use, and dispose of contributions of money, services, and property: PROVIDED, That funds generated within individual centers may be retained and utilized

by those centers. All moneys received by the ((~~council~~)) board or any employee thereof pursuant to this section shall be deposited in a depository approved by the state treasurer. Disbursements of such funds shall be on authorization of the ((~~council~~)) board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

Sec. 44. Section 3, chapter 188, Laws of 1979 ex. sess. as amended by section 1, chapter 283, Laws of 1981 and RCW 28B.05.030 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly indicates to the contrary:

(1) "Educational institution" includes, but is not limited to, an academic, vocational, technical, home study, business, professional, or other school, institution, college, or university, or other organization or person not exempted under RCW 28B.05.040, offering educational credentials, instruction, or services primarily to persons who have completed or terminated their secondary education, or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives.

(2) "To operate", means to establish, keep, or maintain any facility or location in this state where, from, or through which education is offered or educational credentials are offered or granted, and includes contracting for the performance of any such act.

(3) "To offer" includes, in addition to its usual meanings, to advertise, or publicize. "To offer" shall also mean to solicit or encourage any person, directly or indirectly, to perform the act described.

(4) "To grant" includes to award, issue, sell, confer, bestow, or give.

(5) "Education" or "educational services" includes but is not limited to, any class, course, or program of training, instruction, or study.

(6) "Chief administrative officer" means the person designated by the institution under RCW 28B.05.070.

(7) "Agent" means a person owning an interest in, employed by, or representing for remuneration an educational institution within or without this state, who enrolls or personally attempts to secure the enrollment in such school of a resident of this state, offers to award educational credentials for remuneration on behalf of any such school, or holds himself or herself out to residents of this state as representing an educational institution for any such purpose.

(8) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(9) "Entity" includes but is not limited to a person, company, firm, society, association, partnership, corporation, and trust.

(10) "Degree granting institution" shall mean an educational institution, which offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree or certificate beyond the secondary level.

(11) "Private vocational school" shall mean an educational institution, the objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations which are not designated as professional or requiring a baccalaureate or higher degree.

(12) "Private nonvocational school" shall mean any educational institution that is not a "degree granting institution" or a "private vocational school."

(13) "Dual purpose institution" shall mean any educational institution which satisfies the definitions of both (a) "degree-granting institution" and (b) "private vocational school" or "private nonvocational school." Either the ((~~council for postsecondary education~~)) higher education coordinating board or the commission for vocational education may be selected by the "dual purpose institution" for purposes of complying with the requirements of RCW 28B.05.080, 28B.05.090, 28B.05.100 and 28B.05.110.

(14) "Agency" shall mean the ((~~council for postsecondary education~~)) higher education coordinating board in the case of degree granting institutions and the commission for vocational education in the case of private vocational schools and private nonvocational schools.

Sec. 45. Section 5, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.050 are each amended to read as follows:

The commission for vocational education with respect to private vocational schools, the ((~~council for postsecondary education~~)) higher education coordinating board with respect to degree granting institutions, shall:

(1) Establish more detailed criteria to implement the standards set forth in RCW 28B.05.060;

(2) Maintain a list of educational institutions registered in this state under this chapter, which list shall separately identify dual purpose institutions and be available to the public; upon the registration of a "dual purpose institution" insure that such registration is communicated to the council for postsecondary education and the commission for vocational education;

(3) Adopt reasonable rules and regulations in accordance with chapter 34.04 RCW, the administrative procedure act, for enforcing and carrying out the provisions and purposes of this chapter;

(4) Investigate on its own initiative or in response to any complaint filed with it, any person, group, or entity subject to, or reasonably believed by the agency to be subject to, the jurisdiction of this chapter; and in connection therewith, to administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any

books, papers, correspondence, memorandums, or other records which the agency deems relevant or material to such investigation;

(5) Coordinate the policies and rules developed under subsections (1) and (3) of this section so as to develop where possible consistent procedures and standards applicable to degree-granting institutions, private vocational school, and dual purpose institutions.

Sec. 46. Section 13, chapter 188, Laws of 1979 ex. sess. as amended by section 3, chapter 283, Laws of 1981 and RCW 28B.05.130 are each amended to read as follows:

The executive director or executive coordinator of the agency may suspend or modify any of the registration or other requirements contained in this chapter in a particular case if the executive director or executive coordinator finds (1) that such suspension or modification will not frustrate the purposes of this chapter and (2) that the educational services to be offered address a substantial, demonstrated need among residents of the state of Washington or that literal application of this chapter works a manifestly unreasonable hardship on the educational institution: PROVIDED, That the chief administrative officer of the institution, after hearing, shall be entitled to appeal the decision of the executive director or executive coordinator to the commission for vocational education or the (~~council for postsecondary education~~) higher education coordinating board.

Sec. 47. Section 2, chapter 169, Laws of 1983 and RCW 28B.07.020 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

(1) "Authority" means the Washington higher education facilities authority created under RCW 28B.07.030 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter.

(3) "Bond resolution" means any resolution of the authority, adopted under this chapter, authorizing the issuance and sale of bonds.

(4) "Higher education institution" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the state, which neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the (~~council for postsecondary education~~) higher education coordinating board.

(5) "Participant" means a higher education institution which, under this chapter, undertakes the financing of a project or projects or undertakes

the refunding or refinancing of obligations, mortgages, or advances previously incurred for a project or projects.

(6) "Project" means any land or any improvement, including, but not limited to, buildings, structures, fixtures, utilities, machinery, excavations, paving, and landscaping, and any interest in such land or improvements, and any personal property pertaining or useful to such land and improvements, which are necessary, useful, or convenient for the operation of a higher education institution, including but not limited to, the following: Dormitories or other multi-unit housing facilities for students, faculty, officers, or employees; dining halls; student unions; administration buildings; academic buildings; libraries; laboratories; research facilities; computer facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or utility facilities; parking facilities; or any combination thereof, or any other structures, facilities, or equipment so related.

(7) "Project cost" means any cost related to the acquisition, construction, improvement, alteration, or rehabilitation by a participant or the authority of any project and the financing of the project through the authority, including, but not limited to, the following costs paid or incurred: Costs of acquisition of land or interests in land and any improvement; costs of contractors, builders, laborers, materialmen, and suppliers of tools and equipment; costs of surety and performance bonds; fees and disbursements of architects, surveyors, engineers, feasibility consultants, accountants, attorneys, financial consultants, and other professionals; interest on bonds issued by the authority during any period of construction; principal of and interest on interim financing of any project; debt service reserve funds; depreciation funds, costs of the initial start-up operation of any project; fees for title insurance, document recording, or filing; fees of trustees and the authority; taxes and other governmental charges levied or assessed on any project; and any other similar costs. Except as specifically set forth in this definition, the term "project cost" does not include books, fuel, supplies, and similar items which are required to be treated as a current expense under generally accepted accounting principles.

(8) "Trust indenture" means any agreement, trust indenture, or other similar instrument by and between the authority and one or more corporate trustees.

Sec. 48. Section 3, chapter 169, Laws of 1983 as amended by section 62, chapter 287, Laws of 1984 and RCW 28B.07.030 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive (~~(coordinator)~~) director of the (~~(state council for postsecondary education)~~) higher education coordinating board, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a

quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

Sec. 49. Section 4, chapter 169, Laws of 1983 and RCW 28B.07.040 are each amended to read as follows:

The authority is authorized and empowered to do the following, on such terms, with such security and undertakings, subject to such conditions, and in return for such consideration, as the authority shall determine in its discretion to be necessary, useful, or convenient in accomplishing the purposes of this chapter:

- (1) To promulgate rules in accordance with chapter 34.04 RCW;
- (2) To adopt an official seal and to alter the same at pleasure;
- (3) To maintain an office at any place or places as the authority may designate;
- (4) To sue and be sued in its own name, and to plead and be impleaded;
- (5) To make and execute agreements with participants and others and all other instruments necessary, useful, or convenient for the accomplishment of the purposes of this chapter;
- (6) To provide long-term or short-term financing or refinancing to participants for project costs, by way of loan, lease, conditional sales contract, mortgage, option to purchase, or other financing or security device or any such combination;
- (7) If, in order to provide to participants the financing or refinancing of project costs described in subsection (6) of this section, the authority deems it necessary or convenient for it to own a project or projects or any part of a project or projects, for any period of time, it may acquire, contract, improve, alter, rehabilitate, repair, manage, operate, mortgage, subject to a security interest, lease, sell, or convey the project;
- (8) To fix, revise from time to time, and charge and collect from participants and others rates, rents, fees, charges, and repayments as necessary to fully and timely reimburse the authority for all expenses incurred by it in providing the financing and refinancing and other services under this section and for the repayment, when due, of all the principal of, redemption premium, if any, and interest on all bonds issued under this chapter to provide the financing, refinancing, and services;
- (9) To accept and receive funds, grants, gifts, pledges, guarantees, mortgages, trust deeds, and other security instruments, and property from the federal government or the state or other public body, entity, or agency

and from any public or private institution, association, corporation, or organization, including participants. It shall not accept or receive from the state or any taxing agency any money derived from taxes, except money to be devoted to the purposes of a project of the state or of a taxing agency;

(10) To open and maintain a bank account or accounts in one or more qualified public depositories in this state and to deposit all or any part of authority funds therein;

(11) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, an executive director, and such other employees and agents as may be necessary in its judgment to carry out the purposes of this chapter, and to fix their compensation;

(12) To provide financing or refinancing to two or more participants for a single project or for several projects in such combinations as the authority deems necessary, useful, or convenient;

(13) To charge to and equitably apportion among participants the administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

(14) To consult with the ~~((council for postsecondary education))~~ higher education coordinating board to determine project priorities under the purposes of this chapter; and

(15) To do all other things necessary, useful, or convenient to carry out the purposes of this chapter.

In the exercise of any of these powers, the authority shall incur no expense or liability which shall be an obligation, either general or special, of the state, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority. Funds of the state shall not be used for such purpose.

Sec. 50. Section 28B.10.020, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.020 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively. However, the purchase or lease of major off-campus facilities is subject to the approval of the higher education coordinating board under section 5 of this 1985 act.

Sec. 51. Section 28B.10.215, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.10.215 are each amended to read as follows:

There is allocated to each and every blind student attending any institution of higher education within the state a sum not to exceed two hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the (~~council for postsecondary education~~) higher education coordinating board in the state of Washington, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher education: PROVIDED, That said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

Sec. 52. Section 28B.10.220, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.10.220 are each amended to read as follows:

All blind student assistance shall be distributed under the supervision of the (~~council for postsecondary education~~) higher education coordinating board in the state of Washington. The moneys or any part thereof allocated in the manner referred to in RCW 28B.10.215 shall, for furnishing said books or equipment or supplying said services, be paid by said (~~council~~) board directly to the state institution of higher education, directly to such blind student, heretofore mentioned, or to (~~his~~) the student's parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the (~~council~~) board.

The (~~council~~) board shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28B.10.215.

Sec. 53. Section 3, chapter 14, Laws of 1979 as last amended by section 1, chapter 113, Laws of 1981 and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) (~~hereof~~) of this section.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall maintain such information which will ensure compliance with the provisions of this section. The (~~council for postsecondary education~~) higher education coordinating board shall periodically request such information as to ensure institutions are in compliance.

Sec. 54. Section 1, chapter 13, Laws of 1980 and RCW 28B.10.790 are each amended to read as follows:

Washington residents attending any nonprofit college or university in another state which has a reciprocity agreement with the state of

Washington shall be eligible for the student financial aid program outlined in RCW 28B.10.800 through 28B.10.824 if (1) they qualify as a "needy student" under RCW 28B.10.802(3), and (2) the institution attended is a member institution of an accrediting association recognized by rule of the ((council)) higher education coordinating board for the purposes of this section and is specifically encompassed within or directly affected by such reciprocity agreement and agrees to and complies with program rules and regulations pertaining to such students and institutions adopted pursuant to RCW 28B.10.822.

Sec. 55. Section 2, chapter 13, Laws of 1980 and RCW 28B.10.792 are each amended to read as follows:

The ((council)) higher education coordinating board shall develop guidelines for determining the conditions under which an institution can be determined to be directly affected by a reciprocity agreement for the purposes of RCW 28B.10.790: PROVIDED, That no institution shall be determined to be directly affected unless students from the county in which the institution is located are provided, pursuant to a reciprocity agreement, access to Washington institutions at resident tuition and fee rates to the extent authorized by Washington law.

Sec. 56. Section 8, chapter 222, Laws of 1969 ex. sess. as last amended by section 1, chapter 235, Laws of 1979 ex. sess. and RCW 28B.10.802 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the ((council)) board for the purposes of this section: PROVIDED, That any 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: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a full time student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) ((above)) of this section who demonstrates to the ((council)) board the financial inability, either through ((his)) the student's parents, family and/or personally, to

meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify ~~((him))~~ the student for enrollment as a full time student.

(5) "Commission" or ~~(("council"))~~ "board" shall mean the ~~((council for postsecondary education created in RCW 28B.80.010 as now or hereafter amended))~~ higher education coordinating board.

Sec. 57. Section 1, chapter 23, Laws of 1972 ex. sess. as amended by section 17, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.10.840 are each amended to read as follows:

The term "institution of higher education" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean any public institution of higher education in Washington. The term "educational board" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean the state board for community college education and the ~~((council on [for] postsecondary education))~~ higher education coordinating board.

Sec. 58. Section 4, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.040 are each amended to read as follows:

The ~~((commission on))~~ higher education coordinating board shall develop and administer the college work-study program and shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the ~~((commission on))~~ higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

The share from funds disbursed under the college work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

Sec. 59. Section 5, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.050 are each amended to read as follows:

The ~~((commission on))~~ higher education coordinating board shall disburse college work-study funds after consideration of recommendations of a panel convened by the ~~((commission on))~~ higher education coordinating board, and composed of representatives of eligible institutions and post-secondary education advisory and governing bodies. Said commission shall

establish criteria for the panel designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

Sec. 60. Section 6, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.060 are each amended to read as follows:

The ~~((commission on))~~ higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 61. Section 7, chapter 177, Laws of 1974 ex. sess. and RCW 28B.12.070 are each amended to read as follows:

Each eligible institution shall submit to the (~~(commission on)~~) higher education coordinating board an annual report in accordance with such requirements as are promulgated by the commission.

Sec. 62. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 285, Laws of 1983 and RCW 28B.15.012 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which (~~(he)~~) the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of (~~(his)~~) the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; or (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that (~~(he)~~) the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended. A nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service and who does not also meet and comply with all

the applicable requirements in RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where ~~((he))~~ the student intends to remain, and to which ~~((he))~~ the student expects to return when ~~((he))~~ the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the ~~((council for postsecondary education))~~ higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or ~~((his))~~ the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the ~~((council))~~ board may require.

~~((6) The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.))~~

Sec. 63. Section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 2, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a person formerly domiciled in another state has occurred if such person is physically present in Washington primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) Unless proven to the contrary it shall be presumed that:

(a) The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

(b) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington; any resident dependent student who remains in this state when such student's parents, having theretofore been domiciled in this state for a period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at

any institution, remove from this state, shall be entitled to continued classification as a resident student so long as such student's attendance (except summer sessions) at an institution in this state is continuous.

(3) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington primarily for purposes other than educational, the rules and regulations adopted by the (~~council for postsecondary education~~) higher education coordinating board shall include but not be limited to the following:

(a) Registration or payment of Washington taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required will be a factor in considering evidence of the establishment of a Washington domicile.

(b) Permanent full time employment in Washington by a person will be a factor in considering the establishment of a Washington domicile.

(c) Registration to vote for state officials in Washington will be a factor in considering the establishment of a Washington domicile.

(4) After a student has registered at an institution such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect the semester or quarter such evidence was filed with the institution: PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. Any determination of classification shall be considered a ruling on a contested case subject to court review only under procedures prescribed by chapter 28B.19 RCW.

Sec. 64. Section 4, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.015 are each amended to read as follows:

The (~~council for postsecondary education~~) higher education coordinating board, upon consideration of advice from representatives of the state's institutions with the advice of the attorney general, shall adopt rules and regulations to be used by the state's institutions for determining a student's resident and nonresident status and for recovery of fees for improper classification of residency.

Sec. 65. Section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 16, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.070 are each amended to read as follows:

The house and senate (~~((higher education))~~) committees responsible for higher education shall develop, in cooperation with the (~~((council for postsecondary education))~~) higher education coordinating board and the respective fiscal committees of the house and senate, the office of financial management and the state institutions of higher education (~~((no later than))~~) by December ((1981, and at)) of each ((two year interval thereafter)) odd-numbered year, definitions, criteria and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities and community colleges upon which general tuition and operating fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the (~~((council))~~) board shall be deemed to be approved.

Sec. 66. Section 4, chapter 257, Laws of 1981 as amended by section 17, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.076 are each amended to read as follows:

The (~~((council for postsecondary education))~~) higher education coordinating board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year. General tuition fees and operating fees shall be based on such costs in accordance with the provisions of this chapter.

Sec. 67. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.100 are each amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged general tuition, operating, and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged general tuition, operating, and services and activities fees at the rate established for two credit hours:

PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the ~~((council for postsecondary education))~~ higher education coordinating board that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states ~~((or that, until June 30, 1983, it is in the interest of the residents of such community college district to authorize the exchange of educational opportunities between Washington and other such states on a resident tuition and fee basis))~~.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour general tuition and operating fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge.

Sec. 68. Section 17, chapter 278, Laws of 1984 and RCW 28B.15.543 are each amended to read as follows:

(1) The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition, operating, and service and activities fees for two years for recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.832. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

(2) The ~~((council for postsecondary education))~~ higher education coordinating board shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years.

Sec. 69. Section 1, chapter 80, Laws of 1979 as amended by section 1, chapter 104, Laws of 1983 and RCW 28B.15.730 are each amended to read as follows:

(1) The state board for community college education and the boards of trustees for community college districts thirteen, fourteen, sixteen, nineteen, and twenty, for Lower Columbia, Clark, Yakima Valley, Columbia Basin, and Walla Walla community colleges, respectively, and the board of trustees for The Evergreen State College, for any program it offers in

Vancouver, shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of an agreement between the (~~council for postsecondary education~~) higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of Cowlitz, Clark, Wahkiakum, Skamania, and Klickitat counties, Washington, who qualify for junior or senior standing to attend Portland State University at the undergraduate level.

(2) The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of and to the extent permitted by an agreement between the (~~council for postsecondary education~~) higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of the state of Washington.

Sec. 70. Section 2, chapter 80, Laws of 1979 and RCW 28B.15.732 are each amended to read as follows:

Prior to January 1(~~;~~) of each odd-numbered year the (~~council for postsecondary education~~) higher education coordinating board, in cooperation with the state board for community college education, and in consultation with appropriate agencies and officials in the state of Oregon, shall determine for the purposes of RCW 28B.15.730 the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the (~~council~~) board determine that the state of Oregon has experienced a greater net tuition and fee revenue loss than institutions in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institutions in Oregon an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Oregon, minus twenty-five thousand dollars for each year of the biennium: PROVIDED, That appropriate officials in the state of Oregon agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Oregon.

Sec. 71. Section 3, chapter 80, Laws of 1979 and RCW 28B.15.734 are each amended to read as follows:

The (~~council for postsecondary education~~) higher education coordinating board may enter into an agreement with appropriate officials or

agencies in Oregon to implement the provisions of RCW 28B.15.730 through 28B.15.734.

Sec. 72. Section 4, chapter 80, Laws of 1979 as amended by section 2, chapter 104, Laws of 1983 and RCW 28B.15.736 are each amended to read as follows:

By January 10 of each odd-numbered year, the (~~council for postsecondary education~~) higher education coordinating board shall review the costs and benefits of this program and shall transmit copies (~~or~~ ~~off~~) of their review to the governor and the appropriate policy and fiscal committees of the legislature.

Sec. 73. Section 1, chapter 166, Laws of 1983 and RCW 28B.15.750 are each amended to read as follows:

The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of Idaho, upon completion of and to the extent permitted by an agreement between the (~~council for postsecondary education~~) higher education coordinating board and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington.

Sec. 74. Section 2, chapter 166, Laws of 1983 and RCW 28B.15.752 are each amended to read as follows:

Prior to January 1 of each odd-numbered year, the (~~council for postsecondary education~~) higher education coordinating board, in cooperation with the state board for community college education and in consultation with appropriate agencies and officials in the state of Idaho, shall determine for the purposes of RCW 28B.15.750 the number of students for whom nonresident tuition and fees have been waived for the first academic year of the biennium and the fall term of the second academic year, and make an estimate of the number of such students for the remainder of the second academic year, and the difference between the aggregate amount of tuition and fees that would have been paid to the respective states by residents of the other state had such waivers not been made, and the aggregate amount of tuition and fees paid by residents of the other state. Should the (~~council~~) board determine that the state of Idaho has experienced a greater net tuition and fee revenue loss than institutions in Washington, it shall pay from funds appropriated for this purpose to the appropriate agency or institution in Idaho an amount determined by subtracting the net tuition and fee revenue loss of Washington from the net tuition and fee revenue loss of Idaho, minus twenty-five thousand dollars for each year of the biennium if

the appropriate officials in the state of Idaho agree to make similar restitution to the state of Washington should the net tuition and fee revenue loss in Washington be greater than that in Idaho.

Sec. 75. Section 3, chapter 166, Laws of 1983 and RCW 28B.15.754 are each amended to read as follows:

The (~~council for postsecondary education~~) higher education coordinating board may enter into an agreement with appropriate officials or agencies in the state of Idaho to implement RCW 28B.15.750 and 28B.15.752. By January 10 of each odd-numbered year, the (~~council~~) board shall review the costs and benefits of any agreement entered into under RCW 28B.15.750 and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the (~~council~~) board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.

Sec. 76. Section 4, chapter 166, Laws of 1983 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the (~~council for postsecondary education~~) higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia.

Sec. 77. Section 5, chapter 166, Laws of 1983 and RCW 28B.15.758 are each amended to read as follows:

The (~~council for postsecondary education~~) higher education coordinating board may enter into an agreement with appropriate officials or agencies in the Canadian province of British Columbia to implement RCW 28B.15.756. The agreement should provide for a balanced exchange of enrollment opportunities, without payment of excess tuition or fees, for residents of the state of Washington or the Canadian province of British Columbia. By January 10 of each odd-numbered year, the (~~council~~) board shall review the costs and benefits of any agreement entered into under RCW 28B.15.756 and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. In addition, the (~~council~~) board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.

Sec. 78. Section 6, chapter 166, Laws of 1983 (uncodified) is amended to read as follows:

~~((Sections one through five of this act))~~ RCW 28B.15.750 through 28B.15.758 shall expire on June 30, 1987.

Sec. 79. Section 1, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.760 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.15.762 and 28B.15.764.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the ~~((council for post-secondary education))~~ higher education coordinating board.

(2) ~~(("Council" means the council for postsecondary education))~~ "Board" means the higher education coordinating board.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a "needy student" as defined in RCW 28B.10.802, and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a certificated teacher who meets the same credit hour and "needy student" requirements and is seeking an additional degree in science or mathematics.

(4) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(5) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(6) "Satisfied" means paid-in-full.

(7) "Borrower" means an eligible student who has received a loan under RCW 28B.15.762.

Sec. 80. Section 2, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.762 are each amended to read as follows:

(1) The ~~((council))~~ board may make long-term loans to eligible students at institutions of higher education from the funds appropriated to the ~~((council))~~ board for this purpose. The amount of any such loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each academic year whichever is less, and the total amount of such loans to an eligible student shall not exceed ten thousand dollars. The interest rates and terms of deferral of such loans shall be consistent with the terms of the guaranteed loan program established by 20 U.S.C. Sec. 1701 et seq. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly commencing nine

months from the date the borrower graduated. The entire principal and interest of each loan payment shall be forgiven for each payment period in which the borrower teaches science or mathematics in a public school in this state until the entire loan is satisfied or the borrower ceases to teach science or mathematics at a public school in this state. Should the borrower cease to teach science or mathematics at a public school in this state before the time in which the principal and interest on the loan are satisfied, payments on the unsatisfied portion of the principal and interest on the loan shall begin the next payment period and continue until the remainder of the loan is paid.

(2) The ~~((council))~~ board is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of loans under subsection (1) of this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The ~~((council))~~ board is responsible to forgive all or parts of such loans under the criteria established in subsection (1) of this section and shall maintain all necessary records of forgiven payments.

(3) Receipts from the payment of principal or interest or any other subsidies to which the ~~((council))~~ board as lender is entitled, which are paid by or on behalf of borrowers under subsection (1) of this section, shall be deposited with the ~~((council for postsecondary education))~~ higher education coordinating board and shall be used to cover the costs of making the loans under subsection (1) of this section, maintaining necessary records, and making collections under subsection (2) of this section. The ~~((council))~~ board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

(4) The ~~((council for postsecondary education))~~ board shall adopt necessary rules to implement this section.

Sec. 81. Section 3, chapter 74, Laws of 1983 1st ex. sess. and RCW 28B.15.764 are each amended to read as follows:

The ~~((council for postsecondary education))~~ board and institutions of higher education shall work cooperatively to implement RCW 28B.15.762 and to publicize this program to eligible students.

Sec. 82. Section 10, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.20.280 are each amended to read as follows:

The board of regents of the University of Washington may offer masters level and doctorate level degrees in technology subject to review and approval by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 83. Section 12, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.30.500 are each amended to read as follows:

The board of regents of Washington State University may offer masters level and doctorate level degrees in technology subject to review and approval by the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 84. Section 4, chapter 14, Laws of 1979 and RCW 28B.35.205 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and ~~((recommendation))~~ approval of the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 85. Section 1, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.206 are each amended to read as follows:

In addition to all other powers and duties given to them by law, the board of trustees of The Evergreen State College is hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That any degree authorized under this section shall be subject to the review and ~~((favorable recommendation))~~ approval of the ~~((council for postsecondary education))~~ higher education coordinating board.

Sec. 86. Section 5, chapter 72, Laws of 1983 1st ex. sess. as amended by section 1, chapter 66, Laws of 1984 and RCW 28B.65.040 are each amended to read as follows:

(1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of seventeen members as follows:

(a) Eleven shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) Six of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and regional universities, the director for the state system of community colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, and a representative of the ~~((council for postsecondary education))~~ higher education coordinating board.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

Sec. 87. Section 6, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.050 are each amended to read as follows:

(1) The board shall oversee and coordinate the high-technology education and training program.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the ~~((council for postsecondary education))~~ higher education coordinating board on their findings;

(b) Identify economic areas with high-technology industries in need of technical training critical to economic renewal or economic development and advise the institutions of higher education and the ~~((council for postsecondary education))~~ higher education coordinating board on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the ~~((council for postsecondary education))~~ higher education coordinating board during the ~~((council's))~~ board's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the ~~((council for postsecondary education))~~ higher education coordinating board over the review of new degree programs as established in ~~((RCW 28B.80.035))~~ section 6(2) of this 1985 act; and

~~(f) ((Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state's community colleges and four-year colleges and universities pursuant to RCW 28B.65.080, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of such consortiums within existing resources; and~~

~~(g))~~ Prepare and submit to the legislature before the first day of each regular session an annual report on the Washington high-technology education and training program including, but not limited to:

- (i) An evaluation of the program;
- (ii) A determination of the feasibility of expanding the program; and
- (iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

***Sec. 88. Section 7, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.060 are each amended to read as follows:**

Staff support for the high-technology coordinating board shall be provided by the ((council for postsecondary education)) higher education coordinating board.

***Sec. 88 was vetoed, see message at end of chapter.**

Sec. 89. Section 4, chapter 174, Laws of 1975 1st ex. sess. as amended by section 3, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the ((council on)) higher education coordinating board and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

(4) Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held,

used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.

(5) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of RCW 28C.04.420 through 28C.04.480;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

Sec. 90. Section 12, chapter 174, Laws of 1975 1st ex. sess. as last amended by section 23, chapter 151, Laws of 1979 and RCW 28C.04.510 are each amended to read as follows:

The governor is hereby authorized, with the advice of the office of financial management to determine to which of the following state agencies those functions of the coordinating council for occupational education not ~~((herein))~~ transferred by chapter 174, Laws of 1975 1st ex. sess. to the commission for vocational education shall be transferred: The ~~((council on))~~ higher education coordinating board; the department of social and health services; the department of labor and industries; the superintendent of public instruction; the state board for community colleges; the employment security department; the state library, or any educational administrative agency created during the forty-fourth legislative session. The governor has the authority to transfer such personnel, funds, and equipment to the agency he so determines as may be necessary to carry out those functions. The governor shall make a report to the legislature concerning such determinations as he has made by December 1, 1975. All remaining funds of the coordinating council not disposed of or otherwise provided for in this chapter shall remain within the jurisdiction of the commission.

Sec. 91. Section 28B.10.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 278, Laws of 1984 and RCW 28B.10.050 are each amended to read as follows:

Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College may establish entrance requirements for their respective institutions of higher education ~~((that))~~ which meet or exceed the minimum entrance requirements established under ~~((RCW 28B.10.045))~~ section 6(2) of this 1985 act.

Sec. 92. Section 28B.20.130, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 75, Laws of 1977 and RCW 28B.20.130 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds, except as otherwise provided by law.

(2) To employ the president of the university, his assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under section 6(2) of this 1985 act. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises. The board shall adopt proper

rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above-mentioned, and shall make full report of the same in the customary biennial report to the governor and members of the legislature, or more frequently if required by law: PROVIDED, HOWEVER, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of RCW 28B.20.380.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.

(10) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

Sec. 93. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 75, Laws of 1977 and RCW 28B.30.150 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds, except as otherwise provided by law.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under section 6(2) of this 1985 act. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

~~((6))~~ (7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

~~((7))~~ (8) Provide for holding agricultural institutes including farm marketing forums.

~~((8))~~ (9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

~~((9))~~ (10) Provide training in military tactics for those students electing to participate therein.

~~((10))~~ (11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

~~((11))~~ (12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

~~((12))~~ (13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

~~((13))~~ (14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

~~((14))~~ (15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

~~((15))~~ (16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or

improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

~~((16))~~ (17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

~~((17))~~ (18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

~~((18))~~ (19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

~~((19))~~ (20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

~~((20))~~ (21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

~~((21))~~ (22) Supervise and control the agricultural experiment station at Puyallup.

~~((22))~~ (23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

~~((23))~~ (24) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises,

and make full report thereof in a biennial report to the governor and members of the legislature.

~~((24))~~ (25) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

~~((25))~~ (26) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

Sec. 94. Section 48, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: **PROVIDED**, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10-.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 95. Section 28B.40.120, chapter 223, Laws of 1969 ex. sess. as amended by section 68, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10-.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to section 5 of this 1985 act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 96. Section 6, chapter 14, Laws of 1979 as last amended by section 3, chapter 246, Laws of 1981 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However,

the authority of community college boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to section 5(5) of this 1985 act;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community college education and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the

normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; (~~and~~)

(19) Subject to the approval of the higher education coordinating board pursuant to section 5(4) of this 1985 act, may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

NEW SECTION. Sec. 97. Washington State and Eastern Washington Universities shall establish, in cooperation with the council for postsecondary education or its successor agency, a joint center for higher education in Spokane on or before January 1, 1986.

NEW SECTION. Sec. 98. (1) The joint center for higher education shall coordinate all undergraduate and graduate degree programs, and all other seminars, courses, and programs of any type offered in the Spokane area by Washington State University and by Eastern Washington University outside of its Cheney campus. The joint center for higher education shall not coordinate the intercollegiate center for nursing.

(2) The joint center for higher education shall coordinate the following higher education activities in the Spokane area outside of the Eastern Washington University Cheney campus:

(a) Articulation between lower division and upper division programs;

(b) The participation of Washington State University in its joint engineering program with Gonzaga University and in its joint engineering management program with Eastern Washington University and Gonzaga University; and

(c) All contractual negotiations between public and independent colleges and universities.

(3) The participating institutions in the joint center for higher education shall maintain jurisdiction over the content of the course offerings and the entitlement to degrees.

(4) Disputes regarding which programs are to be coordinated by the joint center for higher education shall be arbitrated by the council for postsecondary education or its successor agency. The decision of the arbitrating agency shall be binding.

NEW SECTION. Sec. 99. (1) The joint center for higher education shall be administered by a board consisting of:

(a) Two representatives of Eastern Washington University appointed by the board of trustees;

(b) Two representatives of Washington State University appointed by the board of regents;

(c) One representative of the community colleges in the Spokane area appointed by the board of trustees of the Spokane community college district; and

(d) Two citizens residing in Spokane county. The governor, with the consent of the senate, shall appoint the initial members, one for a two-year term and one for a four-year term. Subsequent citizen board members shall be appointed for four-year terms by the remaining voting members of the board.

(2) The executive coordinator or designee of the council for postsecondary education or its successor agency shall serve as a nonvoting member of the board.

(3) Each of the seven voting members shall have one vote. The voting members shall select a chairperson. A majority of the voting members shall constitute a quorum for conducting business.

NEW SECTION. Sec. 100. The board of the joint center for higher education shall hire a director who may hire other staff as necessary to carry out the center's duties. The director shall have the status of resident dean at the center and of dean at both Washington State and Eastern Washington Universities.

NEW SECTION. Sec. 101. Washington State University and Eastern Washington University shall each allocate at least fifty thousand dollars per year to implement sections 97 through 102 of this act. The board shall contract for financial and personnel services, or provide such services through other means as agreed upon by the board.

NEW SECTION. Sec. 102. The board of regents of Washington State University and the board of trustees of Eastern Washington University shall be responsible for achieving improved cooperation and joint use of resources and facilities between the two institutions. The governing boards of the two public universities shall report to the appropriate standing committees of the legislature on their actions and recommendations by January 1 of 1987 and 1989.

NEW SECTION. Sec. 103. Sections 97 through 102 of this act shall constitute new sections in Title 28B RCW.

NEW SECTION. Sec. 104. Sections 1 through 14 of this act are each added to chapter 28B.80 RCW.

NEW SECTION. Sec. 105. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40-.240;

(2) Section 3, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40-.244;

(3) Section 18, chapter 278, Laws of 1984 and RCW 28B.10.045;

(4) Section 20, chapter 278, Laws of 1984 and RCW 28B.10.052;

(5) Section 1, chapter 277, Laws of 1969 ex. sess., section 1, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.010;

(6) Section 2, chapter 277, Laws of 1969 ex. sess., section 2, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.020;

(7) Section 3, chapter 277, Laws of 1969 ex. sess., section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030;

(8) Section 2, chapter 201, Laws of 1977 ex. sess. and RCW 28B.80-.035;

(9) Section 4, chapter 277, Laws of 1969 ex. sess., section 4, chapter 132, Laws of 1975 1st ex. sess., section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040;

(10) Section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80-.050;

(11) Section 6, chapter 277, Laws of 1969 ex. sess., section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060;

(12) Section 7, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80-.070;

(13) Section 9, chapter 277, Laws of 1969 ex. sess., section 6, chapter 132, Laws of 1975 1st ex. sess., section 22, chapter 151, Laws of 1979 and RCW 28B.80.080;

(14) Section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B-.80.090;

(15) Section 13, chapter 277, Laws of 1969 ex. sess. and RCW 28B-.80.120;

(16) Section 13, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.220 ; and

(17) Section 14, chapter 277, Laws of 1969 ex. sess., section 10, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.900.

NEW SECTION. Sec. 106. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 197, Laws of 1983 and RCW 43.131.259; and

(2) Section 29, chapter 197, Laws of 1983 and RCW 43.131.260.

NEW SECTION. Sec. 107. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 108. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Section 106 of this act shall

take effect June 30, 1985. Sections 1 through 96, and 105 of this act shall take effect January 1, 1986, but any steps that may be necessary to ensure that this act is implemented on its effective dates may be taken immediately.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Engrossed Substitute Senate Bill No. 3376, entitled:

"AN ACT Relating to governance in higher education;"

Senate Bill 3630 transfers the High Technology Coordinating Board's administrative support responsibility from the existing Council for Postsecondary Education to the Department of Commerce and Economic Development. Engrossed Substitute Senate Bill No. 3376 replaces CPE with a new Higher Education Coordinating Board and changes existing statutes accordingly. Therefore, Section 3 of Senate Bill No. 3630 and Section 88 of Engrossed Substitute Senate Bill No. 3376 are in conflict as they relate to staff for the High Technology Coordinating Board. To carry out legislative intent, I, therefore, have vetoed Section 88 of Engrossed Substitute Senate Bill No. 3376.

With the exception of Section 88, Engrossed Substitute Senate Bill No. 3376 is approved."

CHAPTER 371

[Senate Bill No. 3456]

ALCOHOL USED AS FUEL—TAX EXEMPTIONS

AN ACT Relating to tax exemptions; amending RCW 82.04.325, 82.29A.135, 82.36.225, 82.36.280, 82.38.085, and 84.36.490; and amending section 6, chapter 131, Laws of 1980 (uncodified).

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

Sec. 1. Section 6, chapter 131, Laws of 1980 (uncodified) is amended to read as follows:

~~((Sections 1 through 4 of this 1980 act))~~ RCW 82.08.0286 and 82.12.0281 shall expire December 31, ((1986)) 1992.

Sec. 2. Section 13, chapter 196, Laws of 1979 ex. sess. as amended by section 3, chapter 157, Laws of 1980 and RCW 82.04.325 are each amended to read as follows:

The tax imposed by RCW 82.04.270(1) does not apply to any person who manufactures alcohol with respect to sales of said alcohol to be used in the production of gasohol for use as motor vehicle fuel, nor with respect to sales of gasohol for use as motor vehicle fuel. As used in this section, "motor vehicle fuel" has the meaning given in RCW 82.36.010(2), and "gasohol" means motor vehicle fuel which contains more than nine and one-half

percent alcohol by volume. This RCW section shall expire December 31, ((+1986)) 1992.

Sec. 3. Section 2, chapter 157, Laws of 1980 and RCW 82.29A.135 are each amended to read as follows:

(1) For the purposes of this section, "alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements and machines or implements of husbandry.

(2) All leasehold interests in buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of alcohol fuel, the land upon which such property is located, and land that is reasonably necessary in the manufacturing of alcohol fuel, but not land necessary for growing of crops, which together comprise a new alcohol manufacturing facility or an addition to an existing alcohol manufacturing facility, are exempt from leasehold taxes for a period of six years from the date on which the facility or the addition to the existing facility becomes operational.

For alcohol manufacturing facilities which produce alcohol for use as alcohol fuel and alcohol used for other purposes, the amount of the leasehold tax exemption shall be based upon an annually determined percentage of the total gallons of alcohol produced that is sold and used as alcohol fuel.

(3) Claims for exemptions authorized by this section shall be filed with the department of revenue on forms prescribed by the department of revenue and furnished by the department of revenue. Once filed, the exemption is valid for six years and shall not be renewed. The department of revenue shall verify and approve such claims as the department of revenue determines to be justified and in accordance with this section. No claims may be filed after December 31, ((+1986)) 1992.

The department of revenue may promulgate such rules, pursuant to chapter 34.04 RCW, as are necessary to properly administer this section.

Sec. 4. Section 3, chapter 131, Laws of 1980 as amended by section 4, chapter 342, Laws of 1981 and RCW 82.36.225 are each amended to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles, farm implements and machines, or implements of husbandry is exempt from the motor vehicle fuel tax under this chapter. In addition, a tax credit of sixty percent of the tax rate imposed by RCW 82.36.025 shall be given for every gallon of alcohol used in an alcohol-gasoline blend which contains at least nine and one-half percent or more by volume of alcohol: PROVIDED, That in no case may the tax credit claimed be greater than the tax due on the gasoline portion of the blended fuel.

This section shall expire on December 31, ((+1986)) 1992.

Sec. 5. Section 82.36.280, chapter 15, Laws of 1961 as last amended by section 5, chapter 131, Laws of 1980 and RCW 82.36.280 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed by any motor vehicle as herein defined that is required to be registered and licensed as provided in chapter 46.16 RCW; and is operated over and along any public highway except that a refund shall be allowed for motor vehicle fuel consumed:

(1) In a motor vehicle owned by the United States that is operated off the public highways for official use;

(2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the department or is established by either of the following formulae:

(a) For fuel used in pumping fuel or heating oils by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of fuel oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or load compactor on a garbage truck, claimant shall be allowed a refund of twenty-five percent of the tax paid on all fuel used in such a truck; and

(3) Before December 31, (~~1986~~) 1992, in a commercial vehicle as defined in RCW 46.04.140 or a farm vehicle as defined in RCW 46.04.181, if the motor vehicle fuel consumed contains nine and one-half percent or more by volume of alcohol and the commercial vehicle or farm vehicle is operated off the public highways of this state.

Sec. 6. Section 4, chapter 131, Laws of 1980 as amended by section 7, chapter 342, Laws of 1981 and RCW 82.38.085 are each amended to read as follows:

Alcohol of any proof that is sold in this state for use as fuel in motor vehicles is exempt from the special fuel tax under this chapter. In addition, a tax credit of sixty percent of the tax rate imposed by RCW 82.38.030 shall be given for every gallon of alcohol used in an alcohol-special fuel blend which contains at least nine and one-half percent or more by volume of alcohol: PROVIDED, That in no case may the tax credit claimed be greater than the tax due on the special fuel portion of the blended fuel.

This section shall expire on December 31, (~~(+1986)~~) 1992.

Sec. 7. Section 1, chapter 157, Laws of 1980 and RCW 84.36.490 are each amended to read as follows:

(1) For the purposes of this section, "alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements and machines or implements of husbandry.

(2) All buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of alcohol fuel, the land upon which such property is located, and land that is reasonably necessary in the manufacturing of alcohol fuel, but not land necessary for growing of crops, which together comprise a new alcohol manufacturing facility or an addition to an existing alcohol manufacturing facility, are exempt from property taxation for the six assessment years following the date on which the facility or the addition to the existing facility becomes operational.

For alcohol manufacturing facilities which produce alcohol for use as alcohol fuel and alcohol used for other purposes, the amount of the property tax exemption shall be based upon an annually determined percentage of the total gallons of alcohol produced that is sold or used as alcohol fuel.

(3) Claims for exemptions authorized by this section shall be filed with the county assessor on forms prescribed by the department of revenue and furnished by the assessor. Once filed, the exemption is valid for six years and shall not be renewed. The assessor shall verify and approve such claims as the assessor determines to be justified and in accordance with this section. No claims may be filed after December 31, (~~(+1986)~~) 1992.

The department of revenue may promulgate such rules, pursuant to chapter 34.04 RCW, as are necessary to properly administer this section.

Passed the Senate April 23, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 372

[Engrossed Second Substitute House Bill No. 3]
RADIATION MONITORING

AN ACT Relating to protection from radiation; amending RCW 70.98.050, 70.98.090, and 70.94.331; and creating a new section.

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

Sec. 1. Section 5, chapter 207, Laws of 1961 as last amended by section 10, chapter 189, Laws of 1971 ex. sess. and RCW 70.98.050 are each amended to read as follows:

(1) The department of social and health services is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The secretary of social and health services shall be director of the agency, hereinafter referred to as the secretary, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties.

(4) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Conduct environmental radiation monitoring programs which will determine the presence and significance of radiation in the environment and which will verify the adequacy and accuracy of environmental radiation monitoring programs conducted by the federal government at its installations in Washington and by radioactive materials licensees at their installations;

(d) Formulate, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

~~((d))~~ (e) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

~~((e))~~ (f) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

((f)) (g) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

((g)) (h) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

((h)) (i) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

Sec. 2. Section 9, chapter 207, Laws of 1961 and RCW 70.98.090 are each amended to read as follows:

The agency or its duly authorized representative shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this chapter and rules and regulations issued thereunder(~~(, except that entry into areas under the exclusive jurisdiction of the federal government, or security areas under the direct or indirect jurisdiction of the federal government, shall be effected only with the concurrence of the federal government or its duly designated representative)).~~

NEW SECTION. Sec. 3. The department of ecology shall seek federal funding, such as is available under the clean air act (42 U.S.C. Sec. 1857 et seq.) and the nuclear waste policy act (42 U.S.C. Sec. 10101 et seq.) to carry out the purposes of RCW 70.98.050(4)(c).

Sec. 4. Section 46, chapter 238, Laws of 1967 as amended by section 34, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.331 are each amended to read as follows:

(1) The state board shall have all the powers as provided in RCW 70.94.141.

(2) The state board, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapter 42-.32 RCW and chapter 34.04 RCW shall:

(a) Adopt rules and regulations establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, but in no event may less stringent standards be enacted by an authority without the prior approval of the state board after public hearing and due notice to interested parties;

(c) Adopt by rule and regulation air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter.

(3) The air quality standards and emission standards may be for the state as a whole or may vary from area to area, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or reasonable foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The state board is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The state board is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

(6) The state board shall enforce the air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The state board shall encourage local units of government to handle air pollution problems within their respective jurisdictions; and, on a cooperative basis provide technical and consultative assistance therefor.

(8) The state board shall have the power to require the addition to or deletion of a county from an existing authority in order to carry out the purposes of this chapter: **PROVIDED, HOWEVER,** That no such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the House March 20, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 373

[Engrossed Substitute Senate Bill No. 3654]

CAPITAL BUDGET

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1987, out of the several funds specified in this act.

NEW SECTION. Sec. 2. (1) As used in this act, the following phrases have the following meanings:

"Common School Constr Fund" means Common School Construction Fund;

"GF, Cap Bldg Constr Acct" means General Fund—Capitol Building Construction Account;

"GF, St Bldg Constr Acct" means General Fund—State Building Construction Account;

"GF, St Fac Renew Acct" means State Facilities Renewal Account;

"GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;

"GF, ORA" means General Fund—Outdoor Recreation Account;

"GF, Sal Enhmt Constr Acct" means General Fund—Salmon Enhancement Construction Account;

"GF, For Dev Acct" means General Fund—Forest Development Account;

"GF, Res Mgmt Cost Acct" means General Fund—Resource Management Cost Account;

"GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"GF, DSHS Constr Acct" means General Fund—State Social and Health Services Construction Account;

"GF, CEP & RI Acct" means General Fund—Charitable, Educational, Penal, and Reformatory Institutions Account;

"GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account;

"GF, WSU Bldg Acct" means General Fund—Washington State University Building Account;

"GF, St H Ed Constr Acct" means General Fund—State Higher Education Construction Account;

"GF, EWU Cap Proj Acct" means General Fund—Eastern Washington University Capital Projects Account;

"GF, TESC Cap Proj Acct" means General Fund—The Evergreen State College Capital Projects Account;

"GF, Com Col Cap Impvmt Acct" means General Fund—Community College Capital Improvement Account;

"GF, Com Col Cap Proj Acct" means General Fund—Community College Capital Projects Account;

"GF, Com Col Cap Constr Acct" means General Fund—1975 Community College Capital Construction Account;

"GF, CWU Cap Proj Acct" means General Fund—Central Washington University Capital Projects Account;

"GF, UW Bldg Acct" means General Fund—University of Washington Building Account;

"GF, St Bldg Auth Constr Acct" means General Fund—State Building Authority Construction Account;

"GF, WWU Cap Proj Acct" means General Fund—Western Washington University Capital Projects Account;

"GF, Cap Purch & Dev Acct" means General Fund—Capitol Purchase and Development Account;

"GF, Hndcp Fac Constr Acct" means General Fund—Handicapped Facilities Construction Account;

"GF, LIRA, Waste Disp Fac" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities;

"GF, State Emerg Water Proj Rev" means General Fund—Emergency Water Project Revolving Account—State;

"GF, LIRA, Waste Fac 1980" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"GF, LIRA, Water Sup Fac" means General Fund—State and Local Improvement Revolving Account—Water Supply Facilities;

"GF, LIRA" means General Fund—State and Local Improvement Revolving Account;

"GF, LIRA, Public Rec Fac" means General Fund State and Local Improvement Revolving Account—Public Recreation Facilities;

"GF, PNW Fest Fac Constr Acct" means General Fund—Pacific Northwest Festival Facility Construction Account;

"GF, Cultural Fac Constr Acct" means General Fund—Cultural Facilities Construction Account;

"GF, H Ed Constr Acct" means General Fund—Higher Education Construction Account 1979;

"GF, H Ed Reimb S/T Bonds Acct" means General Fund—Higher Education Reimbursable Short-Term Bonds Account;

"MV, St Patrol Hiwy Acct" means Motor Vehicle Fund—State Patrol Highway Account.

The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

(2) Letters and numbers in parenthesis following each project description are the unique project identifiers used throughout a project's duration to identify it.

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Arts Commission, sec. 707
 Central Washington University, secs. 398–413
 Commerce and Economic Development Department, secs. 558–560
 Community College Education Board, secs. 310–353
 Community Development Department, sec. 257
 Convention and Trade Center, sec. 663
 Corrections Department, secs. 240–257
 Eastern Washington State Historical Society, secs. 704–705
 Eastern Washington University, secs. 389–397
 Ecology Department, secs. 501–509
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 Emergency Management Department, secs. 134–135
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Veterans Affairs Department, secs. 234-239
 Vocational Education Commission, secs. 354-356
 Washington State Historical Society, secs. 701-703
 Washington State University, secs. 377-388
 Western Washington State University, secs. 425-428

PART I
 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE SECRETARY OF STATE

Archives renovation: King county (CI-86-1-004)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		95,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
73,000		168,000

NEW SECTION. Sec. 102. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Nondeferrable repair projects (CR-83-1-R02)

	Reappropriation	Appropriation
GF, Cap Purch & Dev Acct	107,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
469,000		576,000

NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor improvements (CR-83-R-004)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	40,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
32,000		72,000

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**Campus conveyance system repair, phase II (CR-83-R-005)**

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	56,000	
GF, St Fac Renew Acct		852,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
137,000	1,381,000	2,426,000

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**Campus roof repairs (CR-83-R-006)**

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
198,000		298,000

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**Capitol campus water distribution system repairs, phase II (CR-83-R-007)**

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	110,000	
GF, St Bldg Constr Acct		544,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
65,000	450,000	1,169,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State library: Fire protection systems (CR-83-4-008)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	370,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
29,000		399,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus accessibility improvements, phase II (CI-83-R-013)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	34,000	
GF, Cap Purch & Dev Acct	50,000	
GF, St Fac Renew Acct		31,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
502,000	709,000	1,326,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Energy retrofit projects (CI-83-R-015)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	510,000	630,000
GF, Cap Purch & Dev Acct	228,000	
GF, St Fac Renew Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
140,000	878,000	2,436,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Repairs to plaza garage (CR-83-1-020)

Reappropriation	Appropriation
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GF, Cap Purch & Dev Acct	225,000	308,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
137,000		670,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building No. 2 fire repairs and retrofit (CI-84-1-R11)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	1,980,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,502,000		3,482,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern state multi-service center: Repairs, phase II (CR-84-R-007)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		385,000
GF, St Bldg Constr Acct	600,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
465,000	2,200,000	3,650,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency repairs (CR-86-1-001)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85

Thereafter

200,000

NEW SECTION, Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Small repairs and improvements (CR-86-1-002)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		500,000

NEW SECTION, Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Boiler plant structural evaluation (CR-86-1-003)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		67,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		67,000

NEW SECTION, Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State facilities routine maintenance program: Inventory and standards (CR-86-1-004)

	Reappropriation	Appropriation
General Fund, State		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		400,000

NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake dam repair (CR-86-1-006)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		209,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		209,000

The appropriations in this section are subject to the following conditions and limitations: Each dollar of Referendum 39 moneys granted for the purposes of this section shall be substituted for the like amount of St Fac Renew Acct funds appropriated in this section. The total amount of Referendum 39 funds allotted for this project shall be determined prior to the allotment of St Fac Renew Acct funds.

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus heating, ventilation, and air conditioning repairs (CR-86-1-009)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		250,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		250,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Temple of Justice renovation (CR-86-1-011)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		600,000
GF, St Fac Renew Acct		48,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	10,000,000	10,648,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus sidewalk and street repairs (CR-86-1-012)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		45,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	875,000	920,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building renovation (CR-86-2-013)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		970,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,581,000	2,551,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus roof repairs (CR-86-2-015)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		248,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	130,000	378,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus building exterior repairs (CR-86-2-016)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		190,000
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
	1,500,000	1,690,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus building: Interior revisions (CI-86-1-017)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		284,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		284,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus electrical system revisions (CI-86-2-019)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		390,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		390,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake preservation (CR-86-2-024)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		1,294,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		1,294,000

The appropriations in this section are subject to the following conditions and limitations: Each dollar of Referendum 39 moneys granted for the

purposes of this section shall be substituted for the like amount of St Fac Renew Acct funds appropriated in this section. The total amount of Referendum 39 funds allotted for this project shall be determined prior to the allotment of St Fac Renew Acct funds.

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

House Office Building remodel (CR-86-2-025)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct	150,000	
GF, St Bldg Constr Acct		2,764,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,302,000	4,216,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Dawley property acquisition (CI-86-4-027)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		390,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		390,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus irrigation repairs and landscaping (CR-86-2-030)

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		100,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	398,000	498,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Former Thurston County Courthouse renovation (CI-86-2-028)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		520,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		520,000

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Archives Building renovation (CI-88-2-004)

	Reappropriation	Appropriation
GF, Cap Purch & Dev Acct		10,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	550,000	560,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF PERSONNEL

State employees pilot day care project

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		90,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		90,000

NEW SECTION. Sec. 133. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Restoration cost analysis: McNeil Island; long-term need and cost benefit study of constructing an intensive management unit at the Washington State Reformatory (CR-86-4-L50)

	Reappropriation	Appropriation
GF, CEP & RI Acct		150,000
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
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150,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

Repairs to headquarters building roof and heating system (CR-86-1-006)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		30,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

30,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

Water retention structure: Green and Toutle rivers (CI-86-1-001)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		13,000,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

13,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall lapse if the federal government does not appropriate and authorize a single retention structure at the Green River site on the North Fork Toutle River; and

(2) Any moneys appropriated under this section for the acquisition of lands, easements, and rights of way may be transferred to the federal government in accordance with federal law if the federal government acts on behalf of the state to acquire the necessary lands, easements, and rights of way.

NEW SECTION. Sec. 136. FOR THE MILITARY DEPARTMENT

Unit training equipment site (CI-84-1-001)

Reappropriation	Appropriation
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General Fund, Federal	1,429,000	324,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
9,000		1,762,000

NEW SECTION. Sec. 137. FOR THE MILITARY DEPARTMENT

Organizational maintenance shop (CI-84-1-002)

	Reappropriation	Appropriation
General Fund, Federal	192,000	83,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,000		276,000

NEW SECTION. Sec. 138. FOR THE MILITARY DEPARTMENT

Tacoma Armory structural renovation (CR-86-1-001)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	93,000	2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
212,000		2,305,000

NEW SECTION. Sec. 139. FOR THE MILITARY DEPARTMENT

Watercraft support maintenance center (CI-86-1-003)

	Reappropriation	Appropriation
General Fund, Federal		3,024,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
90,000	2,477,000	5,591,000

NEW SECTION. Sec. 140. FOR THE MILITARY DEPARTMENT

Minor works (CI-86-1-005)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,040,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,174,000	3,931,000	6,145,000

NEW SECTION. Sec. 141. FOR THE MILITARY DEPARTMENT

Facility contingency (CR-86-2-006)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		475,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
600,000	1,210,000	2,285,000

NEW SECTION. Sec. 142. FOR THE MILITARY DEPARTMENT

South King County Armory (CI-86-3-007)

	Reappropriation	Appropriation
General Fund, Federal	1,260,000	207,000
GF, St Bldg Constr Acct	489,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,956,000

NEW SECTION. Sec. 143. FOR THE MILITARY DEPARTMENT

Organizational maintenance shop (CI-88-1-009)

	Reappropriation	Appropriation
General Fund, Federal		22,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	303,000	325,000

PART II

HUMAN RESOURCES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37 projects (CI-79-3-R01)

Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps involving eleven projects, of which two are reductions in scope from prior legislative approval. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1985, and approved by March 31, 1986.

	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	4,242,000	
GF, LIRA, DSHS Fac		90,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
20,758,000		25,090,000

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 29 projects (CR-79-3-R02)

	Reappropriation	Appropriation
GF, LIRA, DSHS Fac	1,200,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
100,000		1,300,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Utilities and fire safety improvements, phase IV: Fircrest (CR-79-1-R21)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	425,000	
Project Costs	Estimated Costs	Estimated Total

Through 6/30/85	7/1/87 and Thereafter	Costs
2,431,000		2,856,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Artwork for 225-bed addition, Western State Hospital (CI-79-4-005)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	75,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
21,111,000		21,186,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct and equip habilitation center: Lakeland Village (CI-79-R-009)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	1,400,000	5,462,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
18,365,000		25,227,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Evergreen Center renovation, phase IV: Rainier School (CR-79-R-017)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	2,094,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
26,586,000	10,113,000	38,793,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Multi-purpose facility: Yakima Valley School (CI-79-R-039)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	5,000,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
9,061,000		14,061,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct and equip new state public health laboratory (CI-81-3-R10)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	2,900,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
8,362,000		11,262,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Energy conservation program (CR-81-2-R11)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	625,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
1,706,000		2,331,000

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Health, safety, facility, utility, and roofing: Western State Hospital (CR-81-1-033)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	475,000	
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
1,856,000		2,331,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovation, repair, and construction related to small projects (CR-83-2-R01)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	1,300,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
1,501,000		2,801,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency generator: Western State Hospital (CR-83-2-005)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	305,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
351,000		656,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fire safety improvements: Western State Hospital (CR-83-1-006)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	225,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
64,000		289,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Repair and upgrade utilities: Maple Lane School (CR-83-2-007)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	562,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
47,000		609,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Repair and upgrade utilities: Green Hill School (CR-83-2-008)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	155,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
152,000		307,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Preplanning (CI-83-4-009)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	4,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
298,000		302,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct three living units: Child study and treatment center (CI-83-3-012)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	50,000	4,650,000
Project Costs	Estimated Costs	Estimated Total

Through 6/30/85	7/1/87 and Thereafter	Costs
195,000		4,895,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Convert dormitories for school and gym: Frances H. Morgan (CR-83-R-015)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	375,000	27,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
2,237,000	4,175,000	6,814,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate wards: Eastern State Hospital (CR-83-R-016)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	2,900,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
394,000		3,294,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate wards: Western State Hospital, phase II (CR-83-R-017)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	2,900,000	10,998,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
1,105,000		15,003,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Artwork for education building: Green Hill School (CI-83-4-020)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	10,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
1,790,000		1,800,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fire safety improvements: Safety (CR-84-1-017)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	850,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
650,000		1,500,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Kitchen renovation and correct security safety hazards: Mission Creek (CR-84-1-033)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	24,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
36,000		60,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Therapy pool: Interlake School (CI-84-R-034)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	5,000	1,281,000
Project Costs	Estimated Costs	Estimated Total

Through 6/30/85	7/1/87 and Thereafter	Costs
25,000		1,311,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency and small repairs contingency (CR-86-1-010)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		977,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	2,000,000	2,977,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works request: Juvenile rehabilitation (CR-86-1-020)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,433,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,859,000	4,292,000

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works request: Mental health (CR-86-1-030)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,354,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,077,000	2,431,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works request: Developmental disabilities (CR-86-1-040)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		770,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,700,000	2,470,000

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate residential and training buildings: Mission Creek (CR-86-1-202)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,048,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,048,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct and equip two new living units: Green Hill School: PROVIDED, That a study of future use of Green Hill School is completed prior to allotment of design funds (CR-86-1-203)

	Reappropriation	Appropriation
GF, DSHS Constr Acct		2,600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,600,000

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Repair roads: Eastern State Hospital (CR-86-1-335)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,136,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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1,136,000

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct and equip new building: Fircrest School (CI-86-1-403)

	Reappropriation	Appropriation
GF, DSHS Constr Acct		4,098,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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4,098,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Prepare a comprehensive programming study for the Interlake Program and various small repairs and improvements at Interlake School (CR-86-1-408)

	Reappropriation	Appropriation
GF, LIRA, DSHS Fac		169,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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169,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Repair and improve facilities: Omnibus (CR-81-1-R01)

	Reappropriation	Appropriation
GF, CEP & RI Acct	55,000	

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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279,000

334,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency repairs (CR-86-1-001)

	Reappropriation	Appropriation
GF, CEP & RI Acct		75,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		75,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Walla Walla Veterans Center (CI-86-3-002)

	Reappropriation	Appropriation
GF, CEP & RI Acct	170,500	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
33,000		203,500

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor projects: Soldiers' home and veterans' home (CR-86-1-003)

	Reappropriation	Appropriation
GF, CEP & RI Acct		498,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		498,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Veterans' and soldiers' homes small repairs and improvements (CR-86-1-004)

	Reappropriation	Appropriation
GF, CEP & RI Acct		42,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		42,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF VET-
ERANS AFFAIRS

Restroom renovation: Chilson Hall (CR-86-2-012)

	Reappropriation	Appropriation
GF, CEP & RI Acct		14,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		14,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF
CORRECTIONS

Water system, Washington State Reformatory (CR-83-1-006)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	604,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
64,000		668,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF
CORRECTIONS

Washington Corrections Center: Enlarge and remodel 600 beds (CI-
83-R-029)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	2,395,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
19,379,000		21,774,000

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: Facility improvements, install a boiler (CI-83-R-048)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	6,279,000	7,275,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
5,196,000	13,771,000	32,521,000

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: Construct intensive management unit (CI-86-R-L48)

	Reappropriation	Appropriation
GF, DSHS Constr Acct		9,100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		9,100,000

The appropriation in this section is subject to the following conditions and limitations: Funds appropriated under this section shall not be allotted until completion and review of the long-term needs and cost benefit study of constructing the intensive management unit, to be done by the office of financial management.

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF CORRECTIONS

State-wide omnibus: Various projects (CI-83-R-049)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	595,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,083,000		1,678,000

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay: 500-person corrections center (CI-83-R-051)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	7,430,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	35,567,000	42,997,000

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary facility renewal projects (CR-83-R-052)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	448,000	8,742,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	3,724,000	12,914,000

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: 300 bed prototypical housing (CI-84-R-049)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	255,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	11,345,000	11,600,000

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Ferry slip (CR-86-R-L13)

Reappropriation	Appropriation
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GF, CEP & RI Acct		1,028,000	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
25,000			1,053,000

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS

Twin Rivers Corrections Center: Complete construction and claim defense costs (CI-81-R-01)

	Reappropriation	Appropriation
GF, DSHS Constr Acct	757,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
33,105,300		33,862,300

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$661,500 may be spent for costs incurred in preparing the state's defense.

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Renovation of utilities (CR-86-1-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		3,219,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	4,361,000	7,580,000

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS

Repairs to McNeil Island transportation systems (CR-86-1-004)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,245,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	2,200,000	4,445,000

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS

State-wide minor projects (CI-86-2-005)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,096,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	508,000	2,604,000

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS

State-wide small repairs and improvements (CR-86-2-006)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		61,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	153,000	214,000

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center building renovations (CR-86-1-008)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,229,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	3,426,000	5,655,000

The appropriation in this section is subject to the following conditions and limitations: Funds appropriated under this section shall not be allotted until completion and review of the facilities study to be done by the office of financial management.

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS

State-wide emergency repair projects (CR-86-1-010)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,250,000	1,650,000

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS

State-wide code compliance: Transformers (PCB) (CR-86-1-012)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	400,000	500,000

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Completion by the Seattle International District Chinatown Public Development Authority of the "Bush Annex" for the Wing Luke Museum.

	Reappropriation	Appropriation
General Fund, State		200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		200,000

PART III
EDUCATION

NEW SECTION. Sec. 301. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1975 (CI-75-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	40,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
15,000		55,000

NEW SECTION. Sec. 302. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1977 (CI-77-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	110,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
80,000		190,000

NEW SECTION. Sec. 303. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1979 (CI-79-3-002)

	Reappropriation	Appropriation
Common School Constr Fund	763,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
370,000		1,133,000

NEW SECTION. Sec. 304. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1981 (CI-81-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	1,000,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	41,000,000	42,000,000

NEW SECTION. Sec. 305. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1983 (CI-83-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	38,100,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	48,298,000	86,398,000

NEW SECTION. Sec. 306. FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1985-87 (CI-86-4-001)

	Reappropriation	Appropriation
Common School Constr Fund		138,275,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		138,275,000

NEW SECTION. Sec. 307. FOR THE STATE BOARD FOR EDUCATION

Planning grants (CI-86-4-007)

	Reappropriation	Appropriation
Common School Constr Fund		500,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85

Thereafter

500,000

NEW SECTION. Sec. 308. FOR THE STATE BOARD FOR EDUCATION

Artwork grants (CI-86-4-008)

	Reappropriation	Appropriation
Common School Constr Fund		325,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		325,000

NEW SECTION. Sec. 309. FOR THE STATE BOARD FOR EDUCATION

Administrative costs (CI-86-4-009)

	Reappropriation	Appropriation
Common School Constr Fund		900,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		900,000

NEW SECTION. Sec. 310. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design tech building and related remodeling: Skagit Valley (CI-86-3-021)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		200,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	4,217,000	4,417,000

NEW SECTION. Sec. 311. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of the Learning Resource Center instructional facility: South Puget Sound

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		375,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	6,043,000	6,418,000

NEW SECTION. Sec. 312. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of the heavy equipment building: Grays Harbor (CI-86-3-L04)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		60,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	755,000	755,000

NEW SECTION. Sec. 313. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Reappropriation for 1977-79 projects (CI-77-4-R01)

	Reappropriation	Appropriation
GF, Com Col Cap Proj Acct	68,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	118,000	186,000

NEW SECTION. Sec. 314. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Handicapped access improvements (CI-79-1-R21)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	21,000	
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
131,000		152,000

NEW SECTION. Sec. 315. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Relocate parent education (CI-79-4-R26)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	123,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
80,000		203,000

NEW SECTION. Sec. 316. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Construct parking facility: Seattle Community College (CI-81-3-R01)

	Reappropriation	Appropriation
General Fund, State	146,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
206,000		352,000

NEW SECTION. Sec. 317. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Nondeferrable repairs (CR-81-1-R02)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	31,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
100,000		131,000

NEW SECTION. Sec. 318. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor repair and improvement projects (CI-81-3-R05)

	Reappropriation	Appropriation
GF, Com Col Cap Proj Acct	135,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		484,000
349,000		

NEW SECTION. Sec. 319. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor improvements: State board for community college education allocation (CI-81-2-12)

	Reappropriation	Appropriation
GF, Com Col Cap Proj Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,500,000
2,450,000		

NEW SECTION. Sec. 320. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor capital improvements (CI-83-2-002)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	560,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,910,000
2,350,000		

NEW SECTION. Sec. 321. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Roof repairs (CR-83-1-003)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	300,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
1,751,000		2,051,000

NEW SECTION. Sec. 322. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Code compliance (CR-83-1-004)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	25,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
32,000		57,000

NEW SECTION. Sec. 323. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Electrical repairs (CR-83-1-005)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	55,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
653,000		708,000

NEW SECTION. Sec. 324. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General repairs (CR-83-1-006)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	150,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
585,000		735,000

NEW SECTION. Sec. 325. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Heating, ventilation, and air conditioning repairs (CR-83-2-007)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	230,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
862,000		1,092,000

NEW SECTION. Sec. 326. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Clark College heating system (CI-83-1-008)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	2,150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,566,000		4,716,000

NEW SECTION. Sec. 327. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

The Evergreen State College and Clark College: Joint facility (CI-83-3-009)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	1,450,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
50,000		1,500,000

NEW SECTION. Sec. 328. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Emergency repair and repairs, maintenance, and improvements (CR-83-1-01)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	100,000	
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
346,000		446,000

NEW SECTION. Sec. 329. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Repairs: Various campuses (CR-84-1-10)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	500,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
747,000		1,247,000

NEW SECTION. Sec. 330. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Repairs: Various campuses (CI-84-3-11)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	100,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
120,000		220,000

NEW SECTION. Sec. 331. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor works request (repairs, maintenance, and improvements) (CR-86-1-001)

	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds Acct		3,100,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		3,100,000

NEW SECTION. Sec. 332. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

State Board for Community College Education emergency repair fund
(CR-86-1-002)

	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		500,000

NEW SECTION. Sec. 333. FOR THE STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

Critical repair projects (CR-86-1-003)

	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds Acct		6,556,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		6,556,000

NEW SECTION. Sec. 334. FOR THE STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

General repair projects (CR-86-1-004)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		9,324,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		9,324,000

NEW SECTION. Sec. 335. FOR THE STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

Energy conservation projects (CR-86-1-005)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,497,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
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2,497,000

NEW SECTION. Sec. 336. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor renovations (CR-86-2-006)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		8,094,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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8,094,000

NEW SECTION. Sec. 337. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor remodel projects (CR-86-2-007)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		2,050,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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2,050,000

NEW SECTION. Sec. 338. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Purchase Clarkston facility (CI-86-3-008)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		500,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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500,000

NEW SECTION. Sec. 339. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design and construction of vocational-science facility: Wenatchee (CI-86-3-G09)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		2,420,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		2,420,000

NEW SECTION. Sec. 340. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Construct main storage building: Clark (CI-86-3-009)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		503,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		503,000

NEW SECTION. Sec. 341. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Construct science facility: Spokane (CI-86-3-010)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		506,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		506,000

NEW SECTION. Sec. 342. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor improvements: Various campuses (CI-86-3-011)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		6,007,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
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6,007,000

NEW SECTION. Sec. 343. FOR THE STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

Purchase Paine Field facility: Everett (CI-86-3-012)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		2,090,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

2,090,000

NEW SECTION. Sec. 344. FOR THE STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

District office and Edison North renovation: Seattle Central (CI-86-3-013)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		3,660,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

4,614,000

8,274,000

NEW SECTION. Sec. 345. FOR THE STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

Purchase Wagstaff facility: Spokane (CI-86-3-014)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		900,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

900,000

NEW SECTION. Sec. 346. FOR THE STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION

Construct core facility and instructional space: Whatcom (CI-86-3-015)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	180,000	4,933,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
40,000		5,153,000

NEW SECTION. Sec. 347. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Science facility: Columbia Basin (CI-86-3-016)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		2,906,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		2,906,000

NEW SECTION. Sec. 348. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Replace relocatable buildings: Fort Steilacoom (CI-86-3-017)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		4,646,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		4,646,000

NEW SECTION. Sec. 349. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of Puyallup extension facility: Fort Steilacoom (CI-86-3-L50)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		275,000
Project Costs	Estimated Costs	Estimated Total

Through 6/30/85	7/1/87 and Thereafter	Costs
	2,930,000	3,205,000

NEW SECTION. Sec. 350. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Prior Hall renovation: Yakima Valley (CR-86-1-018)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		1,652,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		1,652,000

NEW SECTION. Sec. 351. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of the heavy equipment building: South Seattle

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		166,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	4,217,000	4,383,000

NEW SECTION. Sec. 352. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Food service building: Olympic (CI-86-3-019)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		4,167,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		4,167,000

NEW SECTION. Sec. 353. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Preplanning for 1987-89 major projects (CI-86-4-999)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		457,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		457,000

NEW SECTION. Sec. 354. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

Design and construct fire training facility (CI-81-4-R01)

	Reappropriation	Appropriation
GF, Fire Trng Constr Acct	440,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
6,131,000		6,571,000

NEW SECTION. Sec. 355. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

Minor works request (CI-86-4-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		411,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		411,000

NEW SECTION. Sec. 356. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

Preplanning for fire station (CI-88-4-003)

	Reappropriation	Appropriation
GF, Fire Trng Constr Acct		16,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85	Thereafter	
	1,019,000	1,035,000

NEW SECTION. Sec. 357. FOR THE UNIVERSITY OF WASHINGTON

University Hospital expansion (CI-81-3-001)

	Reappropriation	Appropriation
GF, H Ed Constr Acct	300,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
59,396,000		75,696,000

NEW SECTION. Sec. 358. FOR THE UNIVERSITY OF WASHINGTON

High rise fire safety (CR-83-1-001)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	1,040,000	
GF, UW Bldg Acct	790,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
920,000		2,750,000

NEW SECTION. Sec. 359. FOR THE UNIVERSITY OF WASHINGTON

J Wing hazardous waste (CR-83-1-002)

	Reappropriation	Appropriation
GF, H Ed Constr Acct	400,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
84,000		484,000

NEW SECTION. Sec. 360. FOR THE UNIVERSITY OF WASHINGTON

Emergency power extension (CR-83-1-003)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	295,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
60,000		355,000

NEW SECTION. Sec. 361. FOR THE UNIVERSITY OF WASHINGTON

Safety: General (CR-83-1-004)

	Reappropriation	Appropriation
GF, H Ed Constr Acct	250,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
250,000		500,000

NEW SECTION. Sec. 362. FOR THE UNIVERSITY OF WASHINGTON

Energy conservation (CI-83-2-011)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	100,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
50,000		150,000

NEW SECTION. Sec. 363. FOR THE UNIVERSITY OF WASHINGTON

Roberts Hall renovation (CR-83-1-012)

	Reappropriation	Appropriation
GF, H Ed Constr Acct	3,750,000	
GF, H Ed Reimb S/T Bonds		6,325,000
Project Costs	Estimated Costs	Estimated Total

Through 6/30/85	7/1/87 and Thereafter	Costs
250,000		10,325,000

NEW SECTION. Sec. 364. FOR THE UNIVERSITY OF WASHINGTON

Equipment (CI-83-3-999)

	Reappropriation	Appropriation
GF, UW Bldg Acct	1,177,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
2,732,000		3,909,000

NEW SECTION. Sec. 365. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (CR-81-1-005)

	Reappropriation	Appropriation
GF, UW Bldg Acct	265,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
288,000		553,000

NEW SECTION. Sec. 366. FOR THE UNIVERSITY OF WASHINGTON

Safety: Fire code (CR-86-1-001)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		5,780,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	14,120,000	19,900,000

NEW SECTION. Sec. 367. FOR THE UNIVERSITY OF WASHINGTON

Safety: Asbestos (CR-86-1-002)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	3,200,000	4,200,000

NEW SECTION. Sec. 368. FOR THE UNIVERSITY OF WASHINGTON

Safety: General (CR-86-1-003)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	2,000,000	3,000,000

NEW SECTION. Sec. 369. FOR THE UNIVERSITY OF WASHINGTON

Minor works: Capital renewal (CR-86-1-004)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		511,000
GF, UW Bldg Acct		3,907,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	26,200,000	36,170,000

NEW SECTION. Sec. 370. FOR THE UNIVERSITY OF WASHINGTON

Minor works: Program renewal (CI-86-3-005)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		7,230,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
	26,100,000	35,780,000

NEW SECTION. Sec. 371. FOR THE UNIVERSITY OF WASHINGTON

SIEG computer science: Electrical (CR-86-1-007)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,120,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		1,120,000

NEW SECTION. Sec. 372. FOR THE UNIVERSITY OF WASHINGTON

Electrical engineering building: Electrical (CR-86-1-008)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		660,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		660,000

NEW SECTION. Sec. 373. FOR THE UNIVERSITY OF WASHINGTON

G wing renovation (CR-86-1-011)

	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds		6,297,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		6,297,000

NEW SECTION. Sec. 374. FOR THE UNIVERSITY OF WASHINGTON

Fisheries renovation (CR-86-1-014)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		6,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		6,000,000

NEW SECTION. Sec. 375. FOR THE UNIVERSITY OF WASHINGTON

State energy audit (CI-86-4-023)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		945,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,000,000	1,945,000

NEW SECTION. Sec. 376. FOR THE UNIVERSITY OF WASHINGTON

H wing addition (CR-88-1-021)

	Reappropriation	Appropriation
GF, H Ed Reimb S/T Bonds		176,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	8,803,000	8,979,000

NEW SECTION. Sec. 377. FOR WASHINGTON STATE UNIVERSITY

Minor capital improvements (CI-83-1-001)

	Reappropriation	Appropriation
GF, WSU Bldg Acct	1,500,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

GF, St Fac Renew Acct		3,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	8,000,000	11,000,000

NEW SECTION. Sec. 382. FOR WASHINGTON STATE UNIVERSITY

Construct chemistry building (CI-86-1-003)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		13,791,000
GF, WSU Bldg Acct	250,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
649,000	3,656,000	18,346,000

NEW SECTION. Sec. 383. FOR WASHINGTON STATE UNIVERSITY

Construct food and human nutrition facility (CI-86-1-004)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		4,454,000
GF, St H Ed Constr Acct		5,850,000
GF, WSU Bldg Acct	697,000	1,700,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
97,000	1,000,000	13,798,000

The appropriations in this section are subject to the following conditions and limitations: Funds appropriated under this section shall not be allotted for fiscal year 1986.

NEW SECTION. Sec. 384. FOR WASHINGTON STATE UNIVERSITY

McCoy Hall capital renewal and addition (CI-86-1-005)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		2,249,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
61,000	3,302,000	5,612,000

NEW SECTION. Sec. 385. FOR WASHINGTON STATE UNIVERSITY

Science hall renewal: Phase II and completion (CR-86-1-006)

	Reappropriation	Appropriation
GF, H Ed Constr Acct		11,646,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
63,000		11,709,000

NEW SECTION. Sec. 386. FOR WASHINGTON STATE UNIVERSITY

Feed preparation, mixing, and storage facility (CI-86-1-012)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		500,000
GF, WSU Bldg Acct		1,000,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		1,500,000

NEW SECTION. Sec. 387. FOR WASHINGTON STATE UNIVERSITY

Acquisition and renewal of Neil Residence Hall (CR-86-3-007)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		3,000,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		3,000,000

NEW SECTION. Sec. 388. FOR WASHINGTON STATE UNIVERSITY

Kalkus Lab fire: Reimbursement of emergency repair expenditures (CR-86-1-013)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		650,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		650,000

NEW SECTION. Sec. 389. FOR EASTERN WASHINGTON UNIVERSITY

Science building: Addition of laboratory space (CI-83-R-001)

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct	387,000	1,677,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
13,000	3,072,000	5,149,000

NEW SECTION. Sec. 390. FOR EASTERN WASHINGTON UNIVERSITY

Minor capital reappropriations (CR-83-R-003)

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct	800,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
966,000		1,766,000

NEW SECTION. Sec. 391. FOR EASTERN WASHINGTON UNIVERSITY

Electrical system renewal (CR-86-1-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,513,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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1,513,000

NEW SECTION. Sec. 392. FOR EASTERN WASHINGTON UNIVERSITY

Roof replacement (CR-86-1-003)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		600,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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600,000

1,200,000

NEW SECTION. Sec. 393. FOR EASTERN WASHINGTON UNIVERSITY

Water storage and distribution (CI-86-1-004)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		1,170,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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1,170,000

NEW SECTION. Sec. 394. FOR EASTERN WASHINGTON UNIVERSITY

Energy conservation (CI-86-2-006)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		500,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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1,000,000

1,500,000

NEW SECTION. Sec. 395. FOR EASTERN WASHINGTON UNIVERSITY

Minor works projects (CR-86-1-010)

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		660,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	3,900,000	4,560,000

NEW SECTION. Sec. 396. FOR EASTERN WASHINGTON UNIVERSITY

Small repairs and improvements (CR-86-1-011)

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		76,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,300,000	1,376,000

NEW SECTION. Sec. 397. FOR EASTERN WASHINGTON UNIVERSITY

Fire suppression systems (CI-88-1-005)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		23,000
GF, EWU Cap Proj Acct		27,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	4,400,000	4,450,000

NEW SECTION. Sec. 398. FOR CENTRAL WASHINGTON UNIVERSITY

Utility extension (CI-79-R-003)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	83,000	
Project Costs	Estimated Costs	Estimated Total

Through 6/30/85	7/1/87 and Thereafter	Costs
801,000		884,000

NEW SECTION. Sec. 399. FOR CENTRAL WASHINGTON UNIVERSITY

Handicapped modifications (CI-79-R-007)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	66,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
466,000		532,000

NEW SECTION. Sec. 400. FOR CENTRAL WASHINGTON UNIVERSITY

Utilities improvement (CI-81-R-005)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	51,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
219,000		270,000

NEW SECTION. Sec. 401. FOR CENTRAL WASHINGTON UNIVERSITY

Energy savings: Boiler house (CI-81-R-006)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	123,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
412,000		535,000

NEW SECTION. Sec. 402. FOR CENTRAL WASHINGTON UNIVERSITY

Utilities improvement (CI-82-R-002)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	200,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
34,000		234,000

NEW SECTION. Sec. 403. FOR CENTRAL WASHINGTON UNIVERSITY

Minor capital improvements (CI-82-R-003)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	115,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
219,000		334,000

NEW SECTION. Sec. 404. FOR CENTRAL WASHINGTON UNIVERSITY

Minor capital improvements (CI-83-R-003)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	576,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
933,000		1,509,000

NEW SECTION. Sec. 405. FOR CENTRAL WASHINGTON UNIVERSITY

Bouillon Hall reroofing (CR-83-R-006)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct	240,000	
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

Energy savings projects (CR-86-2-005)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		300,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 412,000	Estimated Total Costs 712,000

NEW SECTION. Sec. 410. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works request (CR-86-2-007)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		1,819,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 4,000,000	Estimated Total Costs 5,819,000

NEW SECTION. Sec. 411. FOR CENTRAL WASHINGTON UNIVERSITY

Emergency repairs (CR-86-1-012)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		22,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 56,000	Estimated Total Costs 78,000

NEW SECTION. Sec. 412. FOR CENTRAL WASHINGTON UNIVERSITY

Small repairs and improvements (CR-86-3-013)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		533,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85	Thereafter	
	890,000	1,423,000

NEW SECTION. Sec. 413. FOR CENTRAL WASHINGTON UNIVERSITY

Renewal and utilization of campus buildings (CR-88-1-001)

	Reappropriation	Appropriation
GF, CWU Cap Proj Acct		86,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	10,374,000	10,460,000

NEW SECTION. Sec. 414. FOR THE EVERGREEN STATE COLLEGE

Renovate fire protection system (CR-86-1-001)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		994,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		994,000

NEW SECTION. Sec. 415. FOR THE EVERGREEN STATE COLLEGE

Deferred maintenance and capital renewal program (CR-86-2-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,200,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	4,095,000	5,295,000

NEW SECTION. Sec. 416. FOR THE EVERGREEN STATE COLLEGE

Replace roofing (three buildings) (CR-86-2-003)

Reappropriation	Appropriation
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GF, St H Ed Constr Acct		138,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		138,000

NEW SECTION. Sec. 417. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (CR-86-1-004)

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		60,000

NEW SECTION. Sec. 418. FOR THE EVERGREEN STATE COLLEGE

Minor works (group 1) (CI-86-3-005)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		309,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		309,000

NEW SECTION. Sec. 419. FOR THE EVERGREEN STATE COLLEGE

Small repairs and improvements (CR-86-2-006)

	Reappropriation	Appropriation
GF, TESC Cap Proj Acct		46,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		46,000

NEW SECTION. Sec. 420. FOR THE EVERGREEN STATE COLLEGE

Code compliance renovation (CR-86-1-007)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		105,000
GF, TESC Cap Proj Acct	132,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		237,000

NEW SECTION. Sec. 421. FOR THE EVERGREEN STATE COLLEGE

Energy conservation projects (CR-86-2-008)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		908,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		908,000

NEW SECTION. Sec. 422. FOR THE EVERGREEN STATE COLLEGE

Renovate roofing (four buildings) (CR-86-2-009)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		394,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		394,000

NEW SECTION. Sec. 423. FOR THE EVERGREEN STATE COLLEGE

Minor works (group 2) (CR-86-2-010)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		145,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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145,000

NEW SECTION. Sec. 424. FOR THE EVERGREEN STATE COLLEGE

Laboratory exhaust and ventilation repairs (CR-86-1-099)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		75,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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634,000

709,000

NEW SECTION. Sec. 425. FOR WESTERN WASHINGTON UNIVERSITY

Construct technology building and remodel art and technology building (CI-84-3-001)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		6,500,000
GF, WWU Cap Proj Acct	200,000	

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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372,000

2,905,000

9,977,000

NEW SECTION. Sec. 426. FOR WESTERN WASHINGTON UNIVERSITY

Programming science facility needs (CI-86-1-002)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		50,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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50,000

NEW SECTION. Sec. 427. FOR WESTERN WASHINGTON UNIVERSITY

Minor works request (CI-86-2-007)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		1,902,000
GF, St H Ed Constr Acct		200,000
GF, WWU Cap Proj Acct		2,707,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
2,419,000	6,450,000	13,678,000

NEW SECTION. Sec. 428. FOR WESTERN WASHINGTON UNIVERSITY

Small repairs and improvements (CI-86-2-008)

	Reappropriation	Appropriation
GF, WWU Cap Proj Acct	204,000	900,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
663,000	1,800,000	3,567,000

PART IV

NATURAL RESOURCES

NEW SECTION. Sec. 429. FOR THE DEPARTMENT OF ECOLOGY

Riverside: Connection to municipal system (CI-77-R-002)

	Reappropriation	Appropriation
GF, LIRA, Waste Disp Fac	98,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
40,000		138,000

NEW SECTION. Sec. 430. FOR THE DEPARTMENT OF ECOLOGY

St. Edward water system (CI-81-R-005)

	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	220,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		220,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 431. FOR THE DEPARTMENT OF ECOLOGY

Organic sewage treatment (CI-81-R-04A)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	36,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
91,000		127,000

NEW SECTION. Sec. 432. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay (CI-81-R-096)

	Reappropriation	Appropriation
General Fund, Federal	150,000	
GF, ORA—State	150,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
1,396,000		1,696,000

NEW SECTION. Sec. 433. FOR THE DEPARTMENT OF ECOLOGY

Blake Island water (CR-83-1-007)

Reappropriation	Appropriation
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GF, LIRA, Water Sup Fac	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
58,000		88,000

NEW SECTION. Sec. 434. FOR THE DEPARTMENT OF ECOLOGY

Moran sewage facilities modifications (CR-83-R-015)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
58,000		78,000

NEW SECTION. Sec. 435. FOR THE DEPARTMENT OF ECOLOGY

Ocean city sewer system modifications (CR-83-R-016)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	120,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		120,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 436. FOR THE DEPARTMENT OF ECOLOGY

Pacific Beach: Sewage system (CR-83-R-020)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	6,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
20,000		26,000

NEW SECTION. Sec. 437. FOR THE DEPARTMENT OF ECOLOGY

Test observation wells (CI-86-1-001)

	Reappropriation	Appropriation
GF, State Emerg Water Proj Rev		120,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		120,000

NEW SECTION. Sec. 438. FOR THE STATE PARKS AND RECREATION COMMISSION

Ocean beach access, Copalis: Initial development (CI-79-R-012)

	Reappropriation	Appropriation
GF, ORA—State	50,000	
GF, ORA—Federal	50,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
118,000		218,000

NEW SECTION. Sec. 439. FOR THE STATE PARKS AND RECREATION COMMISSION

Squak Mountain: Staged acquisition (CI-79-R-022)

	Reappropriation	Appropriation
GF, ORA—State	5,000	
GF, ORA—Federal	5,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
70,000		80,000

NEW SECTION. Sec. 440. FOR THE STATE PARKS AND RECREATION COMMISSION

Clallam Bay Spit: Initial development (CI-79-R-033)

	Reappropriation	Appropriation
GF, ORA—State	80,000	
GF, ORA—Federal	80,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
20,000		180,000

NEW SECTION. Sec. 441. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden: Kitchen and small bathhouse (CI-81-R-023)

	Reappropriation	Appropriation
GF, ORA—State	80,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
99,000		179,000

NEW SECTION. Sec. 442. FOR THE STATE PARKS AND RECREATION COMMISSION

Millersylvania: CCC building restoration, phase I (CR-81-R-071)

	Reappropriation	Appropriation
GF, ORA—State	41,000	
GF, ORA—Federal	41,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
89,000		171,000

NEW SECTION. Sec. 443. FOR THE STATE PARKS AND RECREATION COMMISSION

Yakima Greenway: Acquisition (CI-81-3-098)

	Reappropriation	Appropriation
GF, ORA—State	110,000	
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
40,000		150,000

NEW SECTION. Sec. 444. FOR THE STATE PARKS AND RECREATION COMMISSION

Jones Island, Squaxin Island, and Sucia Island (CR-81-R-099)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980	10,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
117,000		127,000

NEW SECTION. Sec. 445. FOR THE STATE PARKS AND RECREATION COMMISSION

All areas emergency account (CR-83-R-001)

	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac	10,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
390,000		400,000

NEW SECTION. Sec. 446. FOR THE STATE PARKS AND RECREATION COMMISSION

Complete 1979-81 state-wide energy conservation program (CR-83-R-005)

	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac	10,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
62,000		72,000

NEW SECTION. Sec. 447. FOR THE STATE PARKS AND RECREATION COMMISSION

Blake Island water (CR-83-1-007)

	Reappropriation	Appropriation
GF, LIRA, Water Sup Fac	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
58,000		83,000

NEW SECTION. Sec. 448. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sylvia: Dam inspection and compliance repair (CR-83-R-023)

	Reappropriation	Appropriation
GF, ORA—State	10,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
12,000		22,000

NEW SECTION. Sec. 449. FOR THE STATE PARKS AND RECREATION COMMISSION

St. Edward: Building repairs (CR-83-R-026)

	Reappropriation	Appropriation
GF, ORA—State	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
200,000		350,000

NEW SECTION. Sec. 450. FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point (CI-83-R-027)

	Reappropriation	Appropriation
GF, ORA—State	45,000	
GF, ORA—Federal	45,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/85	7/1/87 and Thereafter	Costs
260,000		350,000

NEW SECTION. Sec. 451. FOR THE STATE PARKS AND RECREATION COMMISSION

Energy conservation, Fort Worden (CR-83-2-106)

	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac	150,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
105,000		255,000

NEW SECTION. Sec. 452. FOR THE STATE PARKS AND RECREATION COMMISSION

Little Spokane River: Appraise and acquire land (C1-84-R-088)

	Reappropriation	Appropriation
GF, ORA—State	100,000	
GF, ORA—Federal	100,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
900,000		1,100,000

NEW SECTION. Sec. 453. FOR THE STATE PARKS AND RECREATION COMMISSION

Seaquest: Expansion and renovation (CR-84-R-090)

	Reappropriation	Appropriation
GF, ORA—State	100,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
185,000		285,000

NEW SECTION. Sec. 454. FOR THE STATE PARKS AND RECREATION COMMISSION

All areas: Emergencies (CI-86-1-001)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		450,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,150,000	1,600,000

NEW SECTION. Sec. 455. FOR THE STATE PARKS AND RECREATION COMMISSION

Water supply facilities: State-wide (CR-86-1-002)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		604,000
GF, ORA—State		27,000
GF, ORA—Federal		3,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	414,000	1,048,000

NEW SECTION. Sec. 456. FOR THE STATE PARKS AND RECREATION COMMISSION

Sewage treatment facilities: State-wide (CR-86-1-003)

	Reappropriation	Appropriation
GF, LIRA, Waste Fac 1980		742,000
GF, St Bldg Constr Acct		187,000
GF, ORA—State		31,000
GF, ORA—Federal		30,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	400,000	1,390,000

NEW SECTION. Sec. 457. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish: Water ski float (CI-86-4-004)

Reappropriation	Appropriation
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GF, ORA—State		5,000
GF, ORA—Federal		4,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 9,000

NEW SECTION. Sec. 458. FOR THE STATE PARKS AND RECREATION COMMISSION

Boating improvements: State-wide (CI-86-3-005)

	Reappropriation	Appropriation
GF, ORA—State		67,000
GF, ORA—Federal		43,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 110,000

NEW SECTION. Sec. 459. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden pier repair: Add safety railing (CR-86-1-006)

	Reappropriation	Appropriation
GF, ORA—State		129,000
GF, ORA—Federal		15,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 144,000

NEW SECTION. Sec. 460. FOR THE STATE PARKS AND RECREATION COMMISSION

Horsethief Lake electric power revision (CR-86-1-007)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		13,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85

Thereafter

13,000

NEW SECTION. Sec. 461. FOR THE STATE PARKS AND RECREATION COMMISSION

Puget Sound and San Juan Island acquisition and development (CI-86-4-014)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		50,000
GF, ORA—State		50,000
GF, ORA—Federal		50,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 450,000	Estimated Total Costs 600,000

NEW SECTION. Sec. 462. FOR THE STATE PARKS AND RECREATION COMMISSION

Park renovation state-wide: Referendum 28 (CR-86-1-018)

	Reappropriation	Appropriation
GF, LIRA, Public Rec Fac		256,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 256,000

NEW SECTION. Sec. 463. FOR THE STATE PARKS AND RECREATION COMMISSION

Boating repairs: State-wide (CR-86-1-020)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		62,000
GF, ORA—State		202,000
GF, ORA—Federal		18,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter 828,000	Estimated Total Costs 1,110,000

NEW SECTION. Sec. 464. FOR THE STATE PARKS AND RECREATION COMMISSION

Repairs and improvements to boating facilities: State-wide (CR-86-1-021)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		34,000
GF, ORA—State		325,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	828,000	1,187,000

NEW SECTION. Sec. 465. FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock: Repair and replacement of water facilities (CR-86-1-022)

	Reappropriation	Appropriation
GF, ORA—State		140,000
GF, ORA—Federal		16,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		156,000

NEW SECTION. Sec. 466. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass: Renovate marine work pier (CR-86-1-023)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		140,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		140,000

NEW SECTION. Sec. 467. FOR THE STATE PARKS AND RECREATION COMMISSION

Energy conservation, landscape repairs: State-wide (CR-86-1-026)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		541,000
GF, ORA—State		40,000
GF, ORA—Federal		40,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	2,382,000	3,003,000

NEW SECTION. Sec. 468. FOR THE STATE PARKS AND RECREATION COMMISSION

Energy conservation, landscape renovation: State-wide (CR-86-1-027)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		595,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	5,119,000	5,714,000

NEW SECTION. Sec. 469. FOR THE STATE PARKS AND RECREATION COMMISSION

West Hylebos acquisition and development (CI-86-4-013)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		296,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		296,000

NEW SECTION. Sec. 470. FOR THE STATE PARKS AND RECREATION COMMISSION

Milwaukee road trail: Trestle safety features, acquisition (CR-86-1-030)

Reappropriation	Appropriation
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GF, St Bldg Constr Acct		149,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		149,000

NEW SECTION. Sec. 471. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden: Point Wilson Bank protection (CR-86-1-032)

	Reappropriation	Appropriation
GF, ORA—State		114,000
GF, ORA—Federal		113,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		227,000

NEW SECTION. Sec. 472. FOR THE STATE PARKS AND RECREATION COMMISSION

Mt. Spokane: Road improvements (CR-86-3-L34)

	Reappropriation	Appropriation
Motor Vehicle Fund		900,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		900,000

NEW SECTION. Sec. 473. FOR THE STATE PARKS AND RECREATION COMMISSION

Construction at Brooks Memorial, Central Ferry, and Lake Easton (CR-87-2-008)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		141,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85 Thereafter

750,000 891,000

NEW SECTION. Sec. 474. FOR THE STATE PARKS AND RECREATION COMMISSION

Green River Gorge: Staged acquisition (CI-87-3-010)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		300,000
GF, ORA—State		100,000
GF, ORA—Federal		100,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	2,000,000	2,500,000

NEW SECTION. Sec. 475. FOR THE STATE PARKS AND RECREATION COMMISSION

Auburn game farm: Consolidation and renovation (CR-87-3-012)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		80,000
GF, ORA—State		18,000
GF, ORA—Federal		18,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		116,000

NEW SECTION. Sec. 476. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden: Building weatherization and energy conservation (CR-87-2-016)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		511,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	500,000	1,011,000

NEW SECTION. Sec. 477. FOR THE STATE PARKS AND RECREATION COMMISSION

Replace breakwater, Illahee: Ramps, floats, and piling (CR-87-1-024)

	Reappropriation	Appropriation
GF, ORA—State		276,000
GF, ORA—Federal		31,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		307,000

NEW SECTION. Sec. 478. FOR THE STATE PARKS AND RECREATION COMMISSION

Sacajawea: Boat launch reconstruction (CR-87-1-025)

	Reappropriation	Appropriation
GF, ORA—State		91,000
GF, ORA—Federal		10,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		101,000

NEW SECTION. Sec. 479. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sylvia: Renovate dam and seepage control (CR-87-1-028)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		132,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		132,000

NEW SECTION. Sec. 480. FOR THE STATE PARKS AND RECREATION COMMISSION

Flaming geyser and Kummer redevelopment and access (CR-87-1-029)

	Reappropriation	Appropriation
GF, ORA—State		183,000
GF, ORA—Federal		183,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		366,000

NEW SECTION. Sec. 481. FOR THE STATE PARKS AND RECREATION COMMISSION

Kopachuck: Shoreline protection (CR-87-1-031)

	Reappropriation	Appropriation
GF, ORA—State		52,000
GF, ORA—Federal		53,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		105,000

NEW SECTION. Sec. 482. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Columbia: Building dry rot repair (CR-87-2-045)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		164,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		164,000

NEW SECTION. Sec. 483. FOR THE STATE PARKS AND RECREATION COMMISSION

Moran: Mountain Lake CCC building renovation (CR-87-1-049)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		163,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85

Thereafter

163,000

NEW SECTION. Sec. 484. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass: Renovate CCC buildings 2 and 3, Rosario (CR-87-1-050)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		218,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		218,000

NEW SECTION. Sec. 485. FOR THE STATE PARKS AND RECREATION COMMISSION

Lewis and Clark: Expand camping sites, parking and miscellaneous minor renovation

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		30,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		30,000

NEW SECTION. Sec. 486. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Public facilities: Revolving construction loan (CR-86-1-001)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	12,000,000	20,000,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
8,000,000	40,000,000	80,000,000

The appropriations in this section are subject to the following conditions and limitations: \$5,000,000 of the appropriation shall be made available to the department of community development solely for the purpose of Substitute House Bill No. 855, the Washington state development loan fund.

NEW SECTION. Sec. 487. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Washington State Ag-Trade Center, Spokane (CR-86-2-002)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		4,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		4,500,000

NEW SECTION. Sec. 488. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Feasibility study for reconstruction, economic development, and expanded use of the state fairgrounds at Yakima

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		105,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		105,000

NEW SECTION. Sec. 489. FOR THE DEPARTMENT OF FISHERIES

Health and safety code (CR-77-R-001)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,766,000		1,786,000

NEW SECTION. Sec. 490. FOR THE DEPARTMENT OF FISHERIES

Water quality standard (CR-77-R-002)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	7,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
3,992,000		3,999,000

NEW SECTION. Sec. 491. FOR THE DEPARTMENT OF FISHERIES

Replacements and alterations (CR-77-R-004)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	99,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,390,000		2,489,000

NEW SECTION. Sec. 492. FOR THE DEPARTMENT OF FISHERIES

Salmon habitat enhancement program (CR-77-R-005)

	Reappropriation	Appropriation
GF, Salmon Enhmt Constr Acct	1,500,000	1,700,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
3,500,000	3,300,000	10,000,000

NEW SECTION. Sec. 493. FOR THE DEPARTMENT OF FISHERIES

Puget Sound artificial reefs: Design and construct (CR-79-R-008)

	Reappropriation	Appropriation
GF, ORA—State	25,000	110,000
GF, ORA—Federal	25,000	20,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
270,000	470,000	920,000

NEW SECTION. Sec. 494. FOR THE DEPARTMENT OF FISHERIES

Hood Canal Bridge: Design and construction (CR-79-R-011)

	Reappropriation	Appropriation
GF, ORA—State	100,000	

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
280,000		380,000

NEW SECTION. Sec. 495. FOR THE DEPARTMENT OF FISHERIES

Snow Creek public access: Preplanning (CR-79-R-012)

	Reappropriation	Appropriation
GF, ORA—State	68,000	13,000
GF, ORA—Federal	68,000	13,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
250,000	340,000	752,000

NEW SECTION. Sec. 496. FOR THE DEPARTMENT OF FISHERIES

Soleduck Sill (CI-81-1-R46)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	41,000	

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
6,000		47,000

NEW SECTION. Sec. 497. FOR THE DEPARTMENT OF FISHERIES

Auxilliary fuel tank (CR-81-R-001)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		114,000
		144,000

NEW SECTION. Sec. 498. FOR THE DEPARTMENT OF FISHERIES

Adult holding and spawning: Skagit (CR-81-R-004)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	257,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		84,000
		341,000

NEW SECTION. Sec. 499. FOR THE DEPARTMENT OF FISHERIES

Sunset Falls fishway (CR-81-R-007)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	21,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		113,000
		134,000

NEW SECTION. Sec. 500. FOR THE DEPARTMENT OF FISHERIES

Green River hatchery: Erosion control (CR-81-R-009)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	15,000	
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
24,000		39,000

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF FISHERIES

Oakland Bay tideland access: Design and construction (CR-81-R-014)

	Reappropriation	Appropriation
GF, ORA—State	7,000	72,000
GF, ORA—Federal	7,000	72,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
174,000		332,000

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF FISHERIES

Soleduck adult pond (CR-81-R-040)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	8,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
262,000		270,000

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF FISHERIES

Energy projects (CI-83-2-R01)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	20,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
95,000		115,000

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF FISHERIES

Combined replacement (CI-83-3-R04)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	40,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		100,000

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF FISHERIES

Green River incubation filter (CR-83-R-008)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	176,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		176,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF FISHERIES

Puyallup filter and water supply (CR-83-R-009)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	112,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		162,000

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF FISHERIES

Hatchery security (CR-83-R-012)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	60,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		120,000
		60,000

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF FISHERIES

Samish adult pond (CR-84-R-001)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	200,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		483,000
		283,000

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF FISHERIES

Health, safety, and code compliance (CR-86-1-020)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	500,000	800,000

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF FISHERIES

Bird predation protection: Design and construction (CI-86-3-021)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		267,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85

Thereafter

267,000

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Salmon (CR-86-3-022)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		863,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	2,550,000	3,413,000

NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Shellfish, design and construction (CR-86-3-023)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		269,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	200,000	469,000

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF FISHERIES

Paving and maintenance, asphalt ponds: Design and construction (CR-86-3-024)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		556,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	200,000	756,000

NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF FISHERIES

Skykomish modifications: Design and construction (CR-86-3-025)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		217,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		217,000

NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF FISHERIES

Bremerton public fishing pier: Design and construction (CI-86-3-027)

	Reappropriation	Appropriation
GF, ORA—State		410,000
GF, ORA—Federal		410,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		820,000

NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF FISHERIES

Langley public fishing pier: Design and construction (CI-86-3-L40)

	Reappropriation	Appropriation
GF, ORA—State		70,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		70,000

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access: Renovation (CR-86-2-028)

	Reappropriation	Appropriation
GF, ORA—State		191,000
GF, ORA—Federal		21,000
Project	Estimated	Estimated

Costs Through 6/30/85	Costs 7/1/87 and Thereafter	Total Costs
		212,000

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF FISHERIES

Issaquah Hatchery Interpretive Center (CI-86-2-029)

	Reappropriation	Appropriation
GF, ORA—State		35,000
GF, ORA—Federal		35,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		70,000

NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF FISHERIES

Willapa Hatchery, new main pipeline: Design and construction (CI-86-3-030)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		426,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		426,000

NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF FISHERIES

Energy conservation (CR-86-4-031)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		162,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	300,000	462,000

NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF FISHERIES

Freezer remodel: Samish and Hood Canal (CR-86-3-032)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		103,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		103,000

NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF FISHERIES

Patrol seized gear storage: Design and construction (CI-86-3-033)

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		98,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		98,000

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF FISHERIES

Hood Canal: Boat access acquisition (CI-86-3-035)

	Reappropriation	Appropriation
GF, ORA—State		270,000
GF, ORA—Federal		30,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	150,000	450,000

NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF FISHERIES

Hood Canal beach access acquisition (CI-86-3-036)

	Reappropriation	Appropriation
GF, ORA—State		150,000

GF, ORA—Federal		150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	100,000	400,000

NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF FISHERIES

Point Whitney tideland access acquisition (CI-86-3-037)

	Reappropriation	Appropriation
GF, ORA—State		128,000
GF, ORA—Federal		128,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	150,000	406,000

NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF FISHERIES

Knappton public access: Design and construction (CI-86-3-038)

	Reappropriation	Appropriation
GF, ORA—State		51,000
GF, ORA—Federal		51,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		102,000

NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF GAME

Relocate engineering shop and storage facilities (CI-81-R-033)

	Reappropriation	Appropriation
Game Fund	34,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs

6/30/83 Thereafter

962,700 996,700

NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF GAME

Rebuild fishing dock and provide parking and sanitary facilities: Mercer Island, King County (C1-81-R-037)

	Reappropriation	Appropriation
GF, ORA—State	56,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
3,000		59,000

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF GAME

Relocate or rebuild Bogachiel residence to avoid flooding: Clallam County (C1-83-R-007)

	Reappropriation	Appropriation
Game Fund	64,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
4,000		68,000

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF GAME

Acquire access to stream bank: Mitigation for Wells dam, Okanogan County (C1-83-R-044)

	Reappropriation	Appropriation
Game Fund—Game Special Wildlife Acc	62,900	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		62,900

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF GAME

Redevelop access areas: Amber Lake, Spokane County (CI-83-R-026)

	Reappropriation	Appropriation
GF, ORA—State	42,000	
GF, ORA—Federal	42,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		84,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF GAME

Construct facilities on Big and Little Green Lakes: Okanogan County (CI-83-R-029)

	Reappropriation	Appropriation
GF, ORA—State	46,000	
GF, ORA—Federal	46,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		93,200

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF GAME

Construct public access: Stillaguamish River, Snohomish County (CI-83-R-030)

	Reappropriation	Appropriation
GF, ORA—State	32,000	
GF, ORA—Federal	32,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		67,000

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF GAME

Redevelop public access: Jamison Lake, Douglas County (CI-83-R-037)

	Reappropriation	Appropriation
GF, ORA—State	132,000	
GF, ORA—Federal	132,000	
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
9,200		282,400

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF GAME
 Clear Lake (CI-81-R-041)

	Reappropriation	Appropriation
GF, ORA—State	20,000	
GF, ORA—Federal	9,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		29,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF GAME
 Snake River compensation (CI-83-R-009)

	Reappropriation	Appropriation
Game Fund—Federal	11,223,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		11,223,000

NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF GAME
 I-82 development (CI-83-R-013)

	Reappropriation	Appropriation
GF, ORA—State	186,000	

GF, ORA—Federal	186,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		372,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF GAME
Okanogan River natural area (McLaughlin Falls) (CI-83-R-016)

	Reappropriation	Appropriation
Game Fund—State	350,000	18,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		368,000

NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF GAME
Wenas inholdings: Acquisition (CI-83-R-018)

	Reappropriation	Appropriation
Game Fund—State	132,000	72,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		204,000

NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF GAME
Skagit habitat management area inholdings acquisition (CI-83-R-020)

	Reappropriation	Appropriation
Game Fund—State	435,000	9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85

Thereafter

444,000

NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF GAME
Chehalis Valley habitat management area acquisition (CI-83-R-021)

	Reappropriation	Appropriation
Game Fund—State	510,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 510,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF GAME
Aencas Valley (CI-83-R-025)

	Reappropriation	Appropriation
GF, ORA—State	53,000	
GF, ORA—Federal	53,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 106,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF GAME
Diamond Lake (CI-83-R-031)

	Reappropriation	Appropriation
GF, ORA—State	27,000	
GF, ORA—Federal	27,000	
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85

Thereafter

54,000

The appropriation in this section shall lapse on July 1, 1986, if substantial progress has not been made, as determined by the office of financial management, or contractual obligations have not been incurred.

NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF GAME

Repairs and replacements (CR-86-1-001)

	Reappropriation	Appropriation
Game Fund—State		150,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	400,000	550,000

NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF GAME

Facility maintenance and repair (CR-86-2-002)

	Reappropriation	Appropriation
Game Fund—State		409,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,200,000	1,609,000

NEW SECTION. Sec. 546. FOR THE DEPARTMENT OF GAME

Access area toilet replacement (CR-86-1-004)

	Reappropriation	Appropriation
Game Fund—State		150,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	400,000	550,000

NEW SECTION. Sec. 547. FOR THE DEPARTMENT OF GAME

State-wide fencing (CR-86-2-005)

Reappropriation	Appropriation
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Game Fund—State		266,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	1,200,000	1,466,000

NEW SECTION. Sec. 548. FOR THE DEPARTMENT OF GAME

Administrative offices: Remodel (CR-86-3-006)

	Reappropriation	Appropriation
Game Fund—State		160,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		160,000

NEW SECTION. Sec. 549. FOR THE DEPARTMENT OF GAME

Naches Hatchery water supply (CI-86-2-007)

	Reappropriation	Appropriation
Game Fund—State		40,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		40,000

NEW SECTION. Sec. 550. FOR THE DEPARTMENT OF GAME

West Valley acquisition (CI-86-4-012)

	Reappropriation	Appropriation
Game Fund—State		31,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		31,000

NEW SECTION. Sec. 551. FOR THE DEPARTMENT OF GAME

Hedt property: Acquisition (CI-86-4-014)

	Reappropriation	Appropriation
Game Fund—State		383,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		383,000

NEW SECTION. Sec. 552. FOR THE DEPARTMENT OF GAME

E. N. Stone inholding: Klickitat habitat management area (CI-86-4-017)

	Reappropriation	Appropriation
Game Fund—State		19,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		19,000

NEW SECTION. Sec. 553. FOR THE DEPARTMENT OF GAME

Lake Goodwin redevelopment (CR-86-2-021)

	Reappropriation	Appropriation
GF, ORA—State		81,000
GF, ORA—Federal		9,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		90,000

NEW SECTION. Sec. 554. FOR THE DEPARTMENT OF GAME

Vancouver Lake: Access road improvements (CR-86-2-022)

	Reappropriation	Appropriation
GF, ORA—State		109,000
GF, ORA—Federal		12,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85

Thereafter

121,000

NEW SECTION. Sec. 555. FOR THE DEPARTMENT OF GAME
Oak Creek headquarters (CR-86-2-023)

	Reappropriation	Appropriation
GF, ORA—State		69,000
GF, ORA—Federal		69,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

138,000

NEW SECTION. Sec. 556. FOR THE DEPARTMENT OF GAME
Newman Lake access area (CR-86-2-024)

	Reappropriation	Appropriation
GF, ORA—State		99,000
GF, ORA—Federal		11,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

110,000

NEW SECTION. Sec. 557. FOR THE DEPARTMENT OF GAME
Wind River boat access (CI-86-3-025)

	Reappropriation	Appropriation
GF, ORA—State		83,000
GF, ORA—Federal		9,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

92,000

NEW SECTION. Sec. 558. FOR THE DEPARTMENT OF GAME
Langlois Lake improvements (CR-86-2-026)

Reappropriation	Appropriation
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GF, ORA—State	56,000
GF, ORA—Federal	6,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		62,000

NEW SECTION. Sec. 559. FOR THE DEPARTMENT OF GAME

Pipe Lake public fishing access (CI-86-4-027)

	Reappropriation	Appropriation
GF, ORA—State		85,000
GF, ORA—Federal		10,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		95,000

NEW SECTION. Sec. 560. FOR THE DEPARTMENT OF GAME

Mineral Lake site improvements (CI-86-3-028)

	Reappropriation	Appropriation
GF, ORA—State		115,000
GF, ORA—Federal		13,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		128,000

NEW SECTION. Sec. 561. FOR THE DEPARTMENT OF GAME

Satsop River redevelopment (CR-86-2-029)

	Reappropriation	Appropriation
GF, ORA—State		76,000
GF, ORA—Federal		9,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85

Thereafter

85,000

NEW SECTION. Sec. 562. FOR THE DEPARTMENT OF GAME

West Medical Lake redevelopment (CR-86-2-030)

	Reappropriation	Appropriation
GF, ORA—State		81,000
GF, ORA—Federal		9,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		90,000

NEW SECTION. Sec. 563. FOR THE DEPARTMENT OF GAME

Lake Retreat public fishing access (CI-86-4-031)

	Reappropriation	Appropriation
GF, ORA—State		86,000
GF, ORA—Federal		9,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		95,000

NEW SECTION. Sec. 564. FOR THE DEPARTMENT OF GAME

Engineering capital budget: Preplanning and design (CI-87-4-003)

	Reappropriation	Appropriation
Game Fund—State		25,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		25,000

NEW SECTION. Sec. 565. FOR THE DEPARTMENT OF GAME

Whitestone irrigation district and Blue Lake inholding acquisition (CI-87-4-011)

Reappropriation Appropriation

Game Fund—State		320,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		320,000

NEW SECTION. Sec. 566. FOR THE DEPARTMENT OF GAME
McConnell inholding Sinlahekin habitat management area (CI-87-4-013)

	Reappropriation	Appropriation
Game Fund—State		112,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		112,000

NEW SECTION. Sec. 567. FOR THE DEPARTMENT OF GAME
Robinson Canyon acquisition (CI-87-4-016)

	Reappropriation	Appropriation
Game Fund—State		204,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		204,000

NEW SECTION. Sec. 568. FOR THE DEPARTMENT OF GAME
Dalles Mountain land acquisition (CI-87-4-018)

	Reappropriation	Appropriation
Game Fund—State		510,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		510,000

NEW SECTION. Sec. 569. FOR THE DEPARTMENT OF GAME

Samish River easement acquisition (CI-87-4-019)

	Reappropriation	Appropriation
Game Fund—State		58,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		58,000

NEW SECTION. Sec. 570. FOR THE DEPARTMENT OF GAME

Klickitat habitat management area: G. Layman acquisition (CI-87-4-020)

	Reappropriation	Appropriation
Game Fund—State		444,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		444,000

NEW SECTION. Sec. 571. FOR THE DEPARTMENT OF GAME

Shady Lake improvements (CR-87-2-032)

	Reappropriation	Appropriation
GF, ORA—State		59,000
GF, ORA—Federal		6,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		65,000

NEW SECTION. Sec. 572. FOR THE DEPARTMENT OF GAME

Methow River: Averill (CI-87-2-033)

	Reappropriation	Appropriation
GF, ORA—State		59,000
GF, ORA—Federal		7,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85

Thereafter

66,000

NEW SECTION. Sec. 573. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites, roads, trails, and other recreation projects (CI-77-4-R16)

	Reappropriation	Appropriation
General Fund—ORV Account	210,400	
GF, ORA—State	97,800	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
4,183,800	1,379,000	5,871,000

NEW SECTION. Sec. 574. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites, roads, and trails: State-wide (CI-77-3-A16)

	Reappropriation	Appropriation
General Fund—ORV Account	63,200	
GF, ORA—State	86,600	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
95,400		245,200

NEW SECTION. Sec. 575. FOR THE DEPARTMENT OF NATURAL RESOURCES

Acquire fragile and endangered natural lands for conservancy (CI-84-3-R92)

	Reappropriation	Appropriation
GF, ORA—State	965,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
35,000		1,000,000

NEW SECTION. Sec. 576. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve roads and bridges: State-wide (CI-77-4-L16)

	Reappropriation	Appropriation
General Fund—ORV Account	273,300	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
480,200		753,500

NEW SECTION. Sec. 577. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial land development (CI-77-R-002)

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	1,057,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
168,000		1,225,000

NEW SECTION. Sec. 578. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (CI-77-4-003)

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	765,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		765,000

NEW SECTION. Sec. 579. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right of way acquisition (CI-86-3-001)

	Reappropriation	Appropriation
GF, For Dev Acct		265,000
GF, Res Mgmt Cost Acct		887,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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1,152,000

NEW SECTION. Sec. 580. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (CI-86-3-002)

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		150,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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150,000

NEW SECTION. Sec. 581. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest land bank (CI-86-4-003)

	Reappropriation	Appropriation
GF, For Dev Acct	2,940,000	3,000,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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5,946,000

NEW SECTION. Sec. 582. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development and electronic sites (CI-86-3-004)

	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		127,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
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127,000

NEW SECTION. Sec. 583. FOR THE DEPARTMENT OF NATURAL RESOURCES

Transition land bank (CI-86-3-005)

	Reappropriation	Appropriation
GF, For Dev Acct		4,000,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		4,000,000

NEW SECTION. Sec. 584. FOR THE DEPARTMENT OF NATURAL RESOURCES

Tiger Mountain 4000 road betterment (CI-86-3-006)

	Reappropriation	Appropriation
General Fund—ORV Account		100,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		100,000

NEW SECTION. Sec. 585. FOR THE DEPARTMENT OF NATURAL RESOURCES

Fire control projects (CR-86-1-010)

	Reappropriation	Appropriation
General Fund, State		77,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		77,000

NEW SECTION. Sec. 586. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works (CR-86-3-011)

	Reappropriation	Appropriation
General Fund, State		26,000
Project Costs Through	Estimated Costs 7/1/87 and	Estimated Total Costs

6/30/85

Thereafter

26,000

NEW SECTION. Sec. 587. FOR THE DEPARTMENT OF NATURAL RESOURCES

Bulk fuel facilities (CI-86-4-012)

	Reappropriation	Appropriation
General Fund, State		123,000
GF, For Dev Acct		49,000
GF, Res Mgmt Cost Acct		156,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		410,000

NEW SECTION. Sec. 588. FOR THE DEPARTMENT OF NATURAL RESOURCES

Capital Forest recreation storage building (CR-86-4-014)

	Reappropriation	Appropriation
General Fund, State		17,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		17,000

NEW SECTION. Sec. 589. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation projects (CR-86-3-018)

	Reappropriation	Appropriation
General Fund—ORV Account		971,000
GF, ORA—State		298,000
GF, ORA—Federal		126,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
	1,230,000	2,625,000

NEW SECTION. Sec. 590. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (CI-86-3-020)

	Reappropriation	Appropriation
GF, Aquatic Lands Acct		1,470,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		1,470,000

NEW SECTION. Sec. 591. FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (CI-83-R-001)

	Reappropriation	Appropriation
GF, Convention Center Acct	85,418,000	
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
10,832,000		96,250,000

PART V

MISCELLANEOUS

NEW SECTION. Sec. 701. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor works request (CR-86-1-001)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		49,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		56,000

NEW SECTION. Sec. 702. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

New air conditioning (CR-86-1-002)

Reappropriation	Appropriation
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GF, St Fac Renew Acct		125,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		125,000

NEW SECTION. Sec. 703. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Museum interior remodeling (CI-88-3-004)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		26,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
2,000	3,250,000	3,317,000

NEW SECTION. Sec. 704. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Memorial Museum: Remodel (CR-86-1-001)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		633,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,068,000		1,701,000

NEW SECTION. Sec. 705. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell House property: Restoration (CR-86-1-002)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		342,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	619,000	969,000

NEW SECTION. Sec. 706. FOR THE DEPARTMENT OF TRANSPORTATION

Acquisition of dredge spoil sites (chapter 1, Laws of 1983 1st ex. sess.)

	Reappropriation	Appropriation
GF, St Bldg Constr Acct	3,620,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,400,000		5,020,000

NEW SECTION. Sec. 707. FOR THE ARTS COMMISSION

Artwork allowance pooling: Up to one-half of one percent of moneys appropriated in this act shall be spent as provided in RCW 28A.58.055, 28B.10.027, and 43.17.200.

NEW SECTION. Sec. 708. To carry out effectively the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 709. Reappropriations shall be limited to the unexpended balances remaining June 30, 1985, in the current appropriation for each project.

NEW SECTION. Sec. 710. As part of the annual six year update to the State Facilities and Capital Plan, agencies shall, beginning with the January 1986 update, provide lease development projects to the office of financial management.

NEW SECTION. Sec. 711. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 712. Notwithstanding any other provisions of law, for the 1985-87 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college

education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 713. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 714. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION. Sec. 715. To carry out effectively, efficiently, and economically the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds five hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

As a result of these filings, agency directors may be required to appear before the legislative budget committee for further explanation of a project delay.

NEW SECTION. Sec. 716. (1) A maximum of \$121,800,000 of the appropriations and reappropriations provided in sections 301 through 309 of this act may be disbursed during the 1985-87 biennium.

(2) Reappropriations in sections 301 through 305 of this act are reauthorizations of appropriations from section 887, chapter 57, Laws of 1983 1st ex. sess. Proceeds of the sale of bonds authorized by chapter 266, Laws of 1984 may be used for the support of these projects.

NEW SECTION. Sec. 717. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 718. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1985-87 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital renewal projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1987-89 Biennium, as that list exists in the Governor's final 1986 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

NEW SECTION. Sec. 719. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 720. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the Senate April 28, 1985.

Passed the House April 25, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 374

[Engrossed Senate Bill No. 3612]

EXCESS SCHOOL LEVIES

AN ACT Relating to excess school levies; reenacting and amending RCW 84.52.0531; creating a new section; and declaring an emergency.

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

Sec. 1. Section 4, chapter 325, Laws of 1977 ex. sess. as last amended by section 1, chapter 168, Laws of 1981 and by section 10, chapter 264, Laws of 1981 and RCW 84.52.0531 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) For excess levies in ~~((1979))~~ 1985 for collection in ~~((1981, for excess levies in 1980 for collection in 1981))~~ 1986 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation (~~((converted to one hundred percent of formula, plus~~

~~(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year)); plus~~

~~((c))~~ (b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

- (i) Pupil transportation;
- (ii) Handicapped education costs;
- (iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

~~((d))~~ (c) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection ~~((f))~~ (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(2) Excess levies authorized under this section or under RCW 84.52-.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

- (a) Employer retirement contributions, if applicable;
- (b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and
- (c) Employer social security contributions.

(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this

section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsection (1) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district (~~(which is qualified to exceed the maximum dollar amount permitted under subsection (1) of this section during calendar year 1982)~~) is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years (~~(1983)~~) 1985 through (~~(1990)~~) 1993 as follows:

(a) (~~The dollar amount of levy qualification for taxes to be collected in 1983 shall be the same as the maximum qualification for 1982.~~)

(b) For every district which qualifies to exceed the limitations in subsection (1) of this section during calendar year 1982, a "base year levy percentage" shall be established. This levy percentage shall be equal to the percent a district's levy qualification during calendar year 1982 is of the prior 1980-81 school fiscal year's basic education allocation and state allocation for categorical programs) For excess levies to be collected in calendar years 1986, 1987, and 1988, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (i) The district's actual levy percentage for calendar year 1985, (ii) the average levy percentage for all school district levies in the state in calendar year 1985, or (iii) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

~~((c))~~ (b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year ~~((1984))~~ 1989. The incremental reduction shall equal ~~((one-seventh))~~ one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

~~((d))~~ (c) For excess levies to be collected in calendar year ~~((1990))~~ 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year ~~((1990))~~ 1993.

~~(6) ((For the purpose of subsection (1) of this section, the superintendent of public instruction may grant local school districts authority to exceed the levy limitations imposed by said subsections. PROVIDED, That said limitations can only be exceeded by an amount that will insure local school districts the ability to raise a total excess levy dollar amount per annual average full time equivalent student which when combined with the basic education allocation is equal to but does not exceed one hundred and six percent for levies to be collected in 1980 and thereafter of the previous school year's comparable dollars per annual average full time equivalent student. PROVIDED FURTHER, That for levies to be collected in 1980 and thereafter any school district receiving authority to exceed the levy limitation and whose enrollment is declining at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, may, in addition to the increase above, further increase its levy by an amount equal to fifty percent of the enrollment decline multiplied by the previous school year's comparable dollars per annual full time equivalent student. The provisions of this subsection (6) shall only apply to excess levies for collection prior to calendar year 1983.~~

~~(7))~~ The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

***NEW SECTION. Sec. 2. (1) The legislature recognizes the importance of a strong educational system to individual development, the health of the community, and to the quality of life in the state as a whole. To assure the continuance of a strong educational system, it is necessary to clarify the definition of basic education and review and analyze methods for funding the common schools. To address these needs, the legislature hereby creates a joint select committee on school funding to review and analyze current and alternative methods of funding education.**

(2) The joint select committee on school funding, in consultation with the superintendent of public instruction, state board of education, school administration and employee organizations, and members of community and

business organizations involved with education issues, shall review and make recommendations on funding issues including the following:

- (a) Focusing on instructional resources and actual class size as the major components of the basic education allocation formula;*
- (b) Effectiveness of the excess levy as mechanism for funding;*
- (c) Alternate methods of funding;*
- (d) Methods for equalizing funding between districts; and*
- (e) How school districts are expending income from all sources.*

School districts shall provide any information requested by the joint select committee on school funding in a timely manner.

(3) The committee shall consist of fourteen voting members:

(a) Three members from each caucus of the house of representatives, selected by the speaker of the house of representatives; at least one member of each caucus shall be a member of the house education committee and at least one member of each caucus shall be a member of the house ways and means committee;

(b) Three members from each caucus of the senate, selected by the president of the senate; at least one member of each caucus shall be a member of the senate education committee and at least one member of each caucus shall be a member of the senate ways and means committee; and

(c) The chairman of the house education committee and the chairman of the senate education committee.

(4) The committee will use legislative staff and facilities, but may hire additional staff with specific technical expertise, if such expertise is necessary to carry out this directive. All expenses shall be paid jointly by the house of representatives and the senate.

(5) The committee shall report its findings and recommendations to the governor and the legislature by the commencement of the 1986 regular session of the legislature. The committee shall cease to exist on April 1, 1986.

**Sec. 2 was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION. Sec. 4. *This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

**Sec. 4 was vetoed, see message at end of chapter.*

Passed the Senate April 20, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to two sections Engrossed Senate Bill 3612 entitled:

"AN ACT Relating to excess school levies;"

The primary purpose of Engrossed Senate Bill 3612 is to extend the levels of local school support levy options for three years. Section 2 of that legislation also establishes a legislative committee to undertake a review of the means to adequately fund the state's basic education responsibilities.

I support both the need for such a study and the issues identified within Section 2. However, I believe that there are additional far-reaching issues that must also be considered. These issues include state and local revenues; the relationship of educational funding to other state responsibilities; and structured relationships between the state and local schools which result from state funding.

For this reason I am vetoing Section 2. In lieu of allowing that section to become law, I will, by executive order, establish a broadly based study committee including legislators, educators and interested citizens.

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. The emergency clause section is not necessary in order to continue the administrative provisions for the collection of the levels of school levies that would be based upon this legislation. The 1985 levies have already been certified. The 1986 levies are to be certified in October, well after the normal effective date of this legislation.

The emergency clause should be restricted to those instances where its use is clearly warranted due to the urgency of the situation. For these reasons I have vetoed Section 4.

With the exception of Sections 2 and 4, which I have vetoed, the remainder of Engrossed Senate Bill No. 3612 is approved."

CHAPTER 375

[Substitute Senate Bill No. 3684]

STATE LOTTERY FUNDS AND ACCOUNTS

AN ACT Relating to lotteries; amending RCW 67.70.040, 67.70.050, 67.70.230, 67.70.240, and 67.70.260; adding a new section to chapter 67.70 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 4, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket;

- (b) The price, or prices, of tickets or shares in the lottery;
- (c) The numbers and sizes of the prizes on the winning tickets or shares;
- (d) The manner of selecting the winning tickets or shares;
- (e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;
- (f) The frequency of the drawings or selections of winning tickets or shares, without limitation;
- (g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;
- (h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;
- (i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;
- (j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;
- (k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, (ii) ~~((the payment of costs incurred in the operation and administration of the lottery, including the expenses of the lottery and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, but the payment of such costs shall not exceed fifteen percent of the gross annual revenue from such lottery, (iii) for the repayment of any moneys appropriated to the state lottery fund pursuant to sections 36 and 37, chapter 7, Laws of 1982 2nd ex. sess., and (iv) for))~~ transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund ~~((: PROVIDED, That no less than forty percent of the gross annual revenue from the sale of lottery tickets or shares shall be transferred to the state general fund))~~. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;
 - (1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.
 - (2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

*Sec. 2. Section 5, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the ((~~revolving fund~~)) state lottery account created by RCW ((~~67.70.260~~)) 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. Contracts exceeding two thousand five hundred dollars shall be competitively bid. No contract awarded or entered

into by the director may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer, the legislative budget committee, and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

(8) Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.

(9) Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(10) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

(11) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

(12) Have all enforcement powers granted in chapter 9.46 RCW.

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

*Sec. 2 was partially vetoed, see message at end of chapter.

****NEW SECTION. Sec. 3. A new section is added to chapter 67.70 RCW to read as follows:***

No lottery employee shall, within a period of two years after termination of employment with the commission, accept employment or engage in any business or professional activity with an employer or business which provides or promotes lottery related gaming goods or services relating to lotteries.

*Sec. 3 was vetoed, see message at end of chapter.

Sec. 4. Section 23, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.230 are each amended to read as follows:

There is hereby created and established a separate ~~((fund))~~ account, to be known as the state lottery ~~((fund))~~ account. Such ~~((fund))~~ account shall be managed, maintained, and controlled by the commission and shall consist of all revenues received from the sale of lottery tickets or shares, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. The ~~((fund))~~ account shall be a separate ~~((fund))~~ account outside the state treasury. No appropriation is required to permit expenditures and payment of obligations from the ~~((fund))~~ account.

Sec. 5. Section 24, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery ~~((fund))~~ account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the ~~((revolving fund))~~ lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; ~~((and))~~ (4) for the ~~((repayment of the amounts appropriated to the fund pursuant to sections 36 and 37, chapter 7, Laws of 1982 2nd ex. sess))~~ purchase and promotion of lottery games and game-related services; and (5) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

Sec. 6. Section 26, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.260 are each amended to read as follows:

There is hereby created ~~((a revolving fund into which shall be deposited sufficient money to provide for the payment of the costs incurred in the operation and administration of the lottery. The amount expended annually from the revolving fund shall never exceed fifteen percent of the gross annual revenue accruing from the sale of lottery tickets or shares. Such revolving fund))~~ the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director ((and shall be a separate and independent fund outside the state treasury. No appropriation is required to permit expenditures and payment of obligations

from the fund)). The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery.

NEW SECTION. Sec. 7. On the effective date of this section, all moneys in the state lottery fund shall be transferred to the state lottery account and all moneys in the revolving fund created under RCW 67.70.260 shall be transferred to the lottery administrative account.

NEW SECTION. Sec. 8. There is hereby appropriated two million two hundred seventy thousand dollars from the lottery administrative account to the Washington state lottery for the biennium ending June 30, 1985, for the purposes contained in RCW 67.70.260.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect March 1, 1985.

Passed the Senate March 13, 1985.

Passed the House April 25, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to two portions Substitute Senate Bill No. 3684, entitled:

"AN ACT Relating to lotteries;"

Section 2(6) of this bill would require the lottery to competitively bid all contracts exceeding \$2,500 in value. The Lottery now competitively bids all contracts for goods. Contracts for services, however, are done on a negotiated basis when appropriate. The option of negotiating contracts in appropriate circumstance is available to all other departments, and should continue to be available to the Lottery.

Section 3 of the bill would forbid former lottery employees, (managers and rank and file alike), within two years of termination, to work for an employer that supplies or promotes lottery related goods or services. This section was apparently designed to prevent state employees from providing favored treatment to suppliers in hopes of receiving employment after termination. This concern is not without foundation, nor without countervailing concerns for the rights of individuals to use their skills and knowledge for their own benefit. Because the same potential for wrongdoing exists in several other areas of state government I believe that this situation should be treated in a comprehensive manner and more practical in scope as an amendment to the conflict of interest statutes, RCW 42.18.

With the exception of Sections 2(6) and 3, Substitute Senate Bill No. 3684 is approved."

CHAPTER 376

[Substitute Senate Bill No. 3500]

STATE HIGHWAY INFORMATION AND DIRECTIONAL SIGNS

AN ACT Relating to tourist and agricultural directional signs; amending RCW 47.42-.020, 47.42.040, 47.42.047, 47.42.055, and 47.42.080; adding new sections to chapter 47.42 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. It is the intent of the legislature that state highway information and directional signs provide appropriate guidance to all motorists traveling throughout the state. Such guidance should include the identity, location, and types of recreational, cultural, educational, entertainment, or unique or unusual commercial activities whose principle source of visitation is derived from motorists not residing in the immediate locale of the activity. Such informational and directional signs shall comply with Title 23, United States Code and the rules adopted by the department under RCW 47.42.060.

Sec. 2. Section 2, chapter 96, Laws of 1961 as last amended by section 222, chapter 7, Laws of 1984 and RCW 47.42.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

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

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS," "FOOD," or "LODGING" and directional information; and

(b) One or more individual business signs mounted on the panel.

(11) "Business sign" means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors

and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(12) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(13) "Tourist-oriented directional sign" means a sign on a specific information panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(14) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(15) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products harvested or produced on the property where the sale is taking place.

Sec. 3. Section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1979 and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106,

Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW; (~~and~~)

(7) Public service signs, located on school bus stop shelters, which:

(a) Identify the donor, sponsor, or contributor of said shelters;

(b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters.

(8) Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise sign;

(c) Signs shall not be placed within an incorporated city or town;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections;

(f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;

(g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080.

Only signs of types 1, 2 ((and)), 3 ((staff)), 7, and 8 may be erected or maintained within view of the scenic system. Signs of types 7 and 8 may also be erected or maintained within view of the ((scenic system and the)) federal aid primary system.

Sec. 4. Section 4, chapter 80, Laws of 1974 ex. sess. as last amended by section 2, chapter 142, Laws of 1985 and RCW 47.42.047 are each amended to read as follows:

The department is authorized to erect and maintain specific information panels within the right of way of both the primary system and the scenic system to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Such specific information panels and tourist oriented directional signs shall be permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. secs. 655.308(a) and 655.309(a). Specific information panels shall include the words "GAS," "FOOD," "RECREATION," or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and rules adopted by the state department of transportation including the manual on uniform traffic control devices for streets and highways. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building.

The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

(1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "RECREATION," or "LODGING" specific information panels previously described in this section;

(2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;

(3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.

Sec. 5. Section 2, chapter 258, Laws of 1977 ex. sess. as amended by section 225, chapter 7, Laws of 1984 and RCW 47.42.055 are each amended to read as follows:

The department is authorized to (~~permit the erection of~~) erect roadside area information panels or displays adjacent to the state highway system within this state. The department (~~shall~~) may contract with private persons for the erection and operation of the information panels or displays. Compensation to the contractors shall be derived solely from the reasonable fees that the contractors will be permitted to charge participating businesses for making and exhibiting business signs and displays and for rendering services to tourists. (~~No state funds may be expended in materials, personnel, or in any other form for the construction, fabrication, printing, painting, selling, or maintenance of these panels or displays.~~)

Sec. 6. Section 8, chapter 96, Laws of 1961 as last amended by section 227, chapter 7, Laws of 1984 and RCW 47.42.080 are each amended to read as follows:

(1) Any sign erected or maintained contrary to the provisions of this chapter or rules adopted hereunder that is designed to be viewed from the interstate system, the primary system, or the scenic system is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by certified mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, fails to comply with the chapter or remove any such sign within fifteen days after being notified to remove the sign he is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

(4) Nothing in this section may be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

(5) Any sign erected or maintained on state highway right of way contrary to this chapter or rules adopted under it is a public nuisance, and the department is authorized to remove any such sign without notice.

NEW SECTION. Sec. 7. A new section is added to chapter 47.42 RCW to read as follows:

Directional signs for state parks within fifteen miles of an interstate highway shall be erected and maintained on the interstate highway by the department despite the existence of additional directional signs on primary or scenic system highways in closer proximity to such state parks.

NEW SECTION. Sec. 8. A new section is added to chapter 47.42 RCW to read as follows:

To be eligible for placement of a business sign on a specific information panel a lodging activity shall:

- (1) Be licensed or approved by the department of social and health services or county health authority;
- (2) Provide adequate sleeping and bathroom accommodations available for rental on a daily basis; and
- (3) Provide public telephone facilities.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 377

[Substitute Senate Bill No. 3553]

ABANDONED, UNAUTHORIZED, AND JUNK VEHICLES—TOW TRUCK OPERATORS

AN ACT Relating to abandoned, unauthorized, and junk vehicles; amending RCW 46.63.020; adding a new chapter to Title 46 RCW; creating a new section; repealing RCW 46.52.102, 46.52.104, 46.52.106, 46.52.108, 46.52.110, 46.52.111, 46.52.112, 46.52.113, 46.52.114, 46.52.115, 46.52.116, 46.52.117, 46.52.118, 46.52.119, 46.52.1192, 46.52.1194, 46.52.1195, 46.52.1196, 46.52.1198, 46.52.145, 46.52.150, 46.52.160, and 46.52.210; prescribing penalties; making an appropriation; and providing an effective date.

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

DEFINITIONS

NEW SECTION. Sec. 1. The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in his possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Commission" means the state commission on equipment established under RCW 46.37.005.

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or other public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) "Junk vehicle" means a motor vehicle certified under section 23 of this act as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the commission.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of unauthorized vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- (i) Constituting a traffic hazard as defined in RCW 46.61.565 Immediately
- (ii) On a highway and tagged as described in RCW 46.52.170 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under section 7 of this act Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under section 7 of this act Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

REGISTRATION REQUIREMENTS

NEW SECTION. Sec. 2. A person who engages in or offers to engage in the activities of a registered tow truck operator shall not do so without first obtaining a registration certificate from the department of licensing authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a gross misdemeanor.

NEW SECTION. Sec. 3. (1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or his agent, and shall include the following information:

- (a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;
- (b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;
- (c) The names and addresses of all employees who serve as tow truck drivers;
- (d) Proof of minimum insurance required by subsection (3) of this section;
- (e) Any other information the department may require; and
- (f) A certificate of approval from the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol, certifying that:
 - (i) The applicant has an established place of business at the address shown on the application;
 - (ii) The place of business has an office area that is accessible to the public without entering the storage area; and

(iii) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) Two hundred fifty thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) One hundred thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

NEW SECTION. Sec. 4. (1) Application for a tow truck permit shall be accompanied by a report from the Washington state patrol covering a physical inspection of each tow truck to be used by the applicant.

(2) Upon receipt of the fee provided in section 3(4) of this act and a satisfactory inspection report from the state patrol, the department shall issue each tow truck an annual tow truck permit. The class of the tow truck, determined according to section 5 of this act, shall be stamped on the permit. The permit shall be displayed on the passenger side of the truck's front windshield.

(3) A tow truck number from the department shall be affixed in a permanent manner to each tow truck.

(4) The Washington state patrol shall conduct annual inspections of tow truck operators' equipment and facilities. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of a tow truck or facilities.

(5) If at the time of the annual or subsequent inspections the equipment does not meet the requirements of this chapter, and the deficiency is a safety related deficiency, or the equipment is necessary to the truck's performance, the inspector shall cause the registered tow truck operator to remove that equipment from service as a tow truck until such time as the equipment has been satisfactorily repaired. A red tag shall be placed on the windshield of a tow truck taken out of service, and the tow truck shall not provide tow truck service until the Washington state patrol recertifies the truck and removes the tag.

NEW SECTION. Sec. 5. (1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the commission on equipment for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

NEW SECTION. Sec. 6. (1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in section 12(1)(b) of this act.

(3) Ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(4) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

(5) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it.

(6) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(7) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize such impounds, and the present charge of a private impound for the classes of tow trucks to be used in such impound, and shall be retained in the files of the registered tow truck operator for three years.

(8) Any fee that is charged for the storage of a vehicle shall be calculated on a twenty-four hour basis, and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(9) All billing invoices that are provided to the redeemer of the vehicle shall be itemized so that the individual fees are clearly discernable.

IMPOUNDING UNAUTHORIZED VEHICLES

NEW SECTION. Sec. 7. (1) No person may impound, tow, or otherwise disturb any motor vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:

(a) The times a vehicle may be impounded as an unauthorized vehicle; and

(b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

(2) The requirements of subsection (1) of this section do not apply to residential property. Any person having charge of such property may have an unauthorized vehicle impounded immediately upon giving written authorization.

(3) The department shall adopt rules relating to the size of the sign required by subsection (1) of this section, its lettering, placement, and the number required.

(4) This section applies to all new signs erected after July 1, 1986. All other signs must meet these requirements by July 1, 1989.

NEW SECTION. Sec. 8. If a vehicle is in violation of the time restrictions of section 1(12) of this act, it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or his agent if it is on private property.

The person requesting a private impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound.

NEW SECTION. Sec. 9. (1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.29 RCW.

(5) After January 1, 1986, all employees who serve as tow truck drivers shall have a Washington state driver's license endorsed for vehicle combinations under RCW 46.20.440.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner may view the vehicle without charge during normal business hours.

NEW SECTION. Sec. 10. (1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports, unless the impoundment was requested by that law enforcement agency. The initial notice of impoundment shall be followed by a written notice within twenty-four hours.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle in the operator's possession after the ninety-six hour abandonment period.

(3) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.

NEW SECTION. Sec. 11. (1) In the case of an unauthorized vehicle impounded from public property, the law enforcement agency or other public official directing the impoundment, or in the case of a vehicle impounded from private property, the impounding towing operator, shall notify the legal and registered owners of the impoundment of the unauthorized vehicle. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, as provided by the law enforcement agency. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded.

(2) In the case of an abandoned vehicle, within twenty-four hours after receiving information on the vehicle owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, a notice of custody and sale to the legal and registered owners.

REDEMPTION RIGHTS AND HEARING PROCEDURES

NEW SECTION. Sec. 12. (1) Vehicles impounded by registered tow truck operators pursuant to RCW 46.52.170, 46.61.565, or section 8 of this act may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or written authorization and signs a receipt therefor may redeem an impounded vehicle.

(b) The vehicle shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such motor vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. Any person who stops payment on a personal check or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2) (a) The towing company shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to

be used for requesting a hearing, and a copy of the tow and storage receipt. The towing company shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, and the registered and legal owners of the motor vehicle in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the charges.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be invalid, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage costs, and any bond or other security shall be returned or discharged as appropriate, and the person who authorized the impoundment shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Any impounded vehicle not redeemed within fifteen days of mailing of the notice of custody and sale as required by section 11(2) of this act shall be sold at public auction in accordance with all the provisions and subject to all the conditions of section 13 of this act. A vehicle may be redeemed any time before the start of the auction upon payment of towing and storage costs.

NEW SECTION. Sec. 13. (1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in section 11(2) of this act to the registered and legal owners, the vehicle or hulk remains unclaimed and has not been listed as a stolen vehicle, then the registered disposer having custody of the vehicle or hulk shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of the auction. The advertisement shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(g) All surplus moneys derived from the auction after satisfaction of the tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record within one year from the date of the auction, the surplus moneys shall be remitted to the registered owner;

(h) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within thirty days sell the unclaimed

abandoned vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report--affidavit of sale, or the operator shall apply for title to the vehicle.

(3) (a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by section 11(2) of this act.

(b) The failure of the registered disposer to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

NEW SECTION. Sec. 14. (1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. However, the lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle. The registered operator also has a deficiency claim against the last registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of three hundred dollars less the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars less the amount bid at auction, unless the impound is determined to be invalid. A registered owner who has completed the seller's report as provided for by RCW 46.12.101 is relieved of liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any motor vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner, operator, or driver of a motor vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the motor vehicle which does not comply with the requirements of this chapter.

RECORDS, INSPECTIONS, AND ENFORCEMENT

NEW SECTION. Sec. 15. The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

(1) A signed impoundment authorization as required by section 8 of this act;

(2) A record of the twenty-four hour written impound notice to a law enforcement agency;

(3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the

owners of the address of the impounding firm, a twenty-four hour telephone number, and the person under whose authority the vehicle was impounded;

(4) A copy of the abandoned vehicle report that was sent to and returned by the department;

(5) A copy and proof of mailing of the notice of custody and sale sent by the registered operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;

(6) A copy of the advertisement of public auction;

(7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;

(8) A record of the two highest bid offers on the vehicle;

(9) A copy of the notice of opportunity for hearing given to those who redeem vehicles.

The transaction file shall be kept for a minimum of three years.

NEW SECTION. Sec. 16. Records, equipment, and facilities of a registered tow truck operator shall be available during normal business hours for audit or inspection by the department of licensing, the Washington state patrol, or any law enforcement agency having jurisdiction.

NEW SECTION. Sec. 17. (1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state commission on equipment.

NEW SECTION. Sec. 18. The director or the commission may use a hearing officer or administrative law judge for presiding over a hearing regarding infractions by registered tow truck operators of this chapter, chapter 46.37 RCW, or rules adopted thereunder.

NEW SECTION. Sec. 19. The director, in cooperation with the chief of the Washington state patrol, shall adopt rules that carry out the provisions and intent of this chapter.

NEW SECTION. Sec. 20. A registered tow truck operator's license may be denied, suspended, or revoked, or the licensee may be ordered to pay a monetary penalty of a civil nature, not to exceed one thousand dollars per violation, whenever the director has reason to believe the licensee has committed, or is at the time committing, a violation of this chapter or rules adopted under it or any other statute or rule relating to the title or disposition of vehicles or vehicle hulks, including but not limited to:

(1) Towing any abandoned vehicle without first obtaining and having in his possession at all times while transporting it, appropriate evidence of ownership or an impound authorization properly executed by the private person having control over the property on which the unauthorized vehicle was found;

(2) Forging the signature of the registered or legal owner on a certificate of title, or forging the signature of any authorized person on documents pertaining to unauthorized or abandoned vehicles or automobile hulks;

(3) Failing to comply with the statutes and rules relating to the processing and sale of abandoned vehicles;

(4) Failing to accept bids on any abandoned vehicle offered at public sale;

(5) Failing to transmit to the state surplus funds derived from the sale of an abandoned vehicle;

(6) Selling, disposing of, or having in his possession, without notifying law enforcement officials, a vehicle that he knows or has reason to know has been stolen or illegally appropriated without the consent of the owner;

(7) Failing to comply with the statutes and rules relating to the transfer of ownership of vehicles or other procedures after public sale; or

(8) Failing to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after the assessment becomes final.

All orders by the director made under this chapter are subject to the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 21. Whenever it appears to the director that any registered operator or a person offering towing services has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule adopted hereunder, the director may issue an order directing the operator to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing, the temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of notice.

NEW SECTION. Sec. 22. If an application for a license to conduct business as a tow truck operator is filed by any person whose license has previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department, after a hearing, of which the applicant has been given twenty days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to conduct business as a tow truck operator.

JUNK VEHICLE DISPOSITION

NEW SECTION. Sec. 23. (1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director may inspect and certify that a vehicle meets the requirements of a junk vehicle. The person making the certification shall

record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the junk vehicle is equivalent only to the value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's owner to the landowner.

(3) Upon receiving information on the vehicle's owner, the landowner shall obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to contest the sale of a junk vehicle in a district court hearing.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the owner, the landowner may sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's owner is found in the records of the department, the landowner shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the address of the location of the junk vehicle; (c) the date by which the owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner may sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

LOCAL REGULATION

NEW SECTION. Sec. 24. (1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those

charges to the registered tow truck operator within thirty days of the hearing date.

(c) The hearing specified in section 12(2) of this act and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of unauthorized junk motor vehicles or parts thereof from private property. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle or automobile hulk has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle or automobile hulk will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the

request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

MISCELLANEOUS

NEW SECTION. Sec. 25. Sections 1 through 24 of this act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. Headings and captions used in this act are not any part of the law.

Sec. 28. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.160 relating to vehicle trip permits;
- (7) RCW 46.20.021 relating to driving without a valid driver's license;

- (8) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (9) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (10) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (11) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (12) Chapter 46.29 RCW relating to financial responsibility;
- (13) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (14) RCW 46.48.175 relating to the transportation of dangerous articles;
- (15) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (16) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (17) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (18) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (19) ~~((RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;~~
- ~~((20)))~~ RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((21) RCW 46.52.210 relating to abandoned vehicles or hulks;~~
- ~~((22)))~~ (20) Section 2 of this act relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (21) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((23)))~~ (22) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((24)))~~ (23) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((25)))~~ (24) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((26)))~~ (25) RCW 46.61.500 relating to reckless driving;
- ~~((27)))~~ (26) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- ~~((28)))~~ (27) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- ~~((29)))~~ (28) RCW 46.61.522 relating to vehicular assault;
- ~~((30)))~~ (29) RCW 46.61.525 relating to negligent driving;

~~((31))~~ (30) RCW 46.61.530 relating to racing of vehicles on highways;

~~((32))~~ (31) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((33))~~ (32) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((34))~~ (33) RCW 46.64.020 relating to nonappearance after a written promise;

~~((35))~~ (34) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((36))~~ (35) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((37))~~ (36) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((38))~~ (37) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((39))~~ (38) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((40))~~ (39) Chapter 46.82 RCW relating to driver's training schools.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 42, Laws of 1969 ex. sess., section 7, chapter 178, Laws of 1979 ex. sess., section 2, chapter 185, Laws of 1981 and RCW 46.52.102;

(2) Section 39, chapter 281, Laws of 1969 ex. sess., section 164, chapter 158, Laws of 1979, section 8, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.104;

(3) Section 4, chapter 42, Laws of 1969 ex. sess., section 40, chapter 281, Laws of 1969 ex. sess., section 9, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.106;

(4) Section 5, chapter 42, Laws of 1969 ex. sess., section 44, chapter 281, Laws of 1969 ex. sess., section 165, chapter 158, Laws of 1979, section 10, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.108;

(5) Section 4, chapter 148, Laws of 1980 and RCW 46.52.110;

(6) Section 7, chapter 42, Laws of 1969 ex. sess., section 41, chapter 281, Laws of 1969 ex. sess., section 167, chapter 158, Laws of 1979, section 12, chapter 178, Laws of 1979 ex. sess., section 1, chapter 274, Laws of 1983 and RCW 46.52.111;

(7) Section 8, chapter 42, Laws of 1969 ex. sess., section 42, chapter 281, Laws of 1969 ex. sess., section 168, chapter 158, Laws of 1979, section 13, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.112;

(8) Section 9, chapter 42, Laws of 1969 ex. sess., section 169, chapter 158, Laws of 1979, section 14, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.113;

(9) Section 10, chapter 42, Laws of 1969 ex. sess., section 15, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.114;

(10) Section 2, chapter 42, Laws of 1969 ex. sess., section 45, chapter 281, Laws of 1969 ex. sess., section 170, chapter 158, Laws of 1979, section 16, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.115;

(11) Section 11, chapter 42, Laws of 1969 ex. sess., section 171, chapter 158, Laws of 1979, section 17, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.116;

(12) Section 12, chapter 42, Laws of 1969 ex. sess., section 43, chapter 281, Laws of 1969 ex. sess., section 172, chapter 158, Laws of 1979 and RCW 46.52.117;

(13) Section 1, chapter 281, Laws of 1975 1st ex. sess., section 2, chapter 274, Laws of 1983 and RCW 46.52.118;

(14) Section 1, chapter 208, Laws of 1969 ex. sess., section 2, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.119;

(15) Section 3, chapter 281, Laws of 1975 1st ex. sess., section 173, chapter 158, Laws of 1979 and RCW 46.52.1192;

(16) Section 4, chapter 281, Laws of 1975 1st ex. sess., section 3, chapter 274, Laws of 1983 and RCW 46.52.1194;

(17) Section 4, chapter 274, Laws of 1983 and RCW 46.52.1195;

(18) Section 5, chapter 281, Laws of 1975 1st ex. sess., section 5, chapter 274, Laws of 1983 and RCW 46.52.1196;

(19) Section 6, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1198;

(20) Section 1, chapter 111, Laws of 1971 ex. sess., section 18, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.145;

(21) Section 2, chapter 111, Laws of 1971 ex. sess., section 174, chapter 158, Laws of 1979, section 19, chapter 178, Laws of 1979 ex. sess., section 6, chapter 274, Laws of 1983 and RCW 46.52.150;

(22) Section 3, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.160; and

(23) Section 6, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.210.

NEW SECTION. Sec. 30. The sum of four hundred twenty thousand dollars is appropriated from the motor vehicle fund for the biennium ending June 30, 1987, to carry out this act. Of this amount, one hundred fifty thousand dollars is for the department of licensing, and two hundred seventy thousand dollars is for the Washington state patrol.

NEW SECTION. Sec. 31. This act shall take effect on January 1, 1986.

Passed the Senate April 16, 1985.

Passed the House April 8, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 378

[Substitute Senate Bill No. 3797]

STATE SCHOOL FOR THE BLIND—STATE SCHOOL FOR THE DEAF

AN ACT Relating to the state schools for the blind, deaf, and sensory handicapped; amending RCW 72.01.050, 72.05.010, 72.05.130, 72.40.010, 72.40.020, 72.40.031, 72.40.040, 72.40.050, 72.40.060, 72.40.070, 72.40.080, 72.40.090, 72.40.100, 72.41.010, 72.41.020, 72.41.040, 72.42.010, 72.42.020, and 72.42.040; adding new sections to chapter 72.40 RCW; adding a new section to chapter 72.41 RCW; adding a new section to chapter 72.42 RCW; creating new sections; repealing RCW 72.05.140, 72.40.001, 72.41.050, and 72.42.050; and providing an effective date.

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

NEW SECTION. Sec. 1. All powers, duties, and functions of the department of social and health services pertaining to the state school for the blind and the state school for the deaf are transferred to the state school for the blind and the state school for the deaf, respectively.

NEW SECTION. Sec. 2. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services and pertaining to the powers, functions, and duties transferred by section 1 of this act shall be delivered to the custody of the state school for the blind and the state school for the deaf, as applicable. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, functions, and duties transferred by section 1 of this act shall be made available to the state school for the blind and the state school for the deaf, as applicable. All funds, credits, or other assets including but not limited to any real and personal property held in connection with the powers, functions, and duties transferred by section 1 of this act shall be assigned to the state school for the blind and the state school for the deaf, as applicable.

Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred by section 1 of this act shall, on the effective date of this act, be transferred and credited to the state school for the blind and the state school for the deaf, as applicable, which amounts shall be determined by the office of financial management and shall also include the amounts appropriated to the department of social and health services for any support services provided.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 3. All classified employees of the department of social and health services engaged in performing the powers, functions, and duties transferred by section 1 of this act are transferred to the jurisdiction of the state school for the blind and the state school for the deaf. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state school for the blind and the state school for the deaf, as applicable, to perform their usual duties upon the same terms as formerly, without any loss of rights including but not limited to current employees existing promotional, transfer, and reduction in force rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 4. All rules and all pending business before the department of social and health services pertaining to the powers, functions, and duties transferred by section 1 of this act shall be continued and acted upon by the state school for the blind and the state school for the deaf, as applicable. All existing contracts and obligations shall remain in full force and shall be performed by the state school for the blind and the state school for the deaf.

NEW SECTION. Sec. 5. The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed by such employee prior to the effective date of this act.

NEW SECTION. Sec. 6. If apportionments of budgeted funds are required because of the transfers directed by sections 2 through 5 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 7. Nothing contained in sections 1 through 6 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 8. Section 72.01.050, chapter 28, Laws of 1959 as last amended by section 68, chapter 136, Laws of 1981 and RCW 72.01.050 are each amended to read as follows:

(1) The secretary of social and health services shall have full power to manage and govern the following public institutions: The western state hospital, the eastern state hospital, the northern state hospital, the state training school, the state school for girls, Lakeland Village, the Rainier school, ~~((the state school for the deaf, the state school for the blind;))~~ and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

(2) The secretary of corrections shall have full power to manage and govern the following public institutions: The state penitentiary, the state reformatory, the Washington corrections center, the McNeil Island penitentiary, the Purdy treatment center for women, the Cedar Creek corrections center, the Clearwater corrections center, the Firland correctional center, the Indian Ridge treatment center, the Larch corrections center, the Olympic correctional center, Pine Lodge correctional center, and the special offender center, subject only to the limitations contained in laws relating to the management of such institutions.

(3) If any of the facilities specified in subsection (2) of this section is fully or partially destroyed by natural causes or otherwise, the secretary of corrections may, with the approval of the governor, provide for the establishment and operation of additional residential correctional facilities to place those inmates displaced by such destruction. However, such additional facilities may not be established if there are existing residential correctional facilities to which all of the displaced inmates can be appropriately placed. The establishment and operation of any additional facility shall be on a temporary basis, and the facility may not be operated beyond July 1 of the year following the year in which it was partially or fully destroyed.

Sec. 9. Section 72.05.010, chapter 28, Laws of 1959 as last amended by section 7, chapter 167, Laws of 1980 and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behavior problems, mentally and physically handicapped persons, and ~~((deaf and blind))~~ hearing and visually impaired children, within the purview of RCW 72.05.010 through 72.05.210, as now or hereafter amended, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, the Naselle Youth Camp, the Mission Creek Youth Camp, Echo Glen, the Cascadia Diagnostic Center, Lakeland Village, Rainier school, the Yakima Valley school, Interlake school, Fircrest school, the Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, ~~((the state school for the blind, the state school for the deaf,))~~ and like residential state schools, camps and centers hereafter established, and to place them under the department of social and health services except where specified otherwise; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

Sec. 10. Section 72.05.130, chapter 28, Laws of 1959 as last amended by section 12, chapter 191, Laws of 1983 and RCW 72.05.130 are each amended to read as follows:

The department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the department, except for the programs of education provided pursuant to RCW 28A.58.772 through 28A.58.776, as now or hereafter amended, which shall be established, operated and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of mentally and physically handicapped, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state. When the secretary determines it necessary, the secretary may create waiting lists and set priorities for use of diagnostic services for juvenile offenders on the basis of those most severely in need.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. (~~This shall not apply to the state school for the deaf or the state school for the blind:)~~)

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school

and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

Sec. 11. Section 72.40.010, chapter 28, Laws of 1959 and RCW 72.40.010 are each amended to read as follows:

There are established at Vancouver, Clark county, ~~((an institution))~~ a school which shall be known as the state school for the blind, and a separate ~~((institution))~~ school which shall be known as the state school for the deaf. The primary purpose of the state school for the blind and the state school for the deaf is to educate and train hearing and visually impaired children.

The schools shall be under the direction of their respective superintendents with the advice of the board of trustees.

NEW SECTION. Sec. 12. A new section is added to chapter 72.40 RCW to read as follows:

The hours of labor for each full time employee shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary. If an employee is granted compensatory time off, such time off should be given within the calendar year and if such an arrangement is not possible the employee shall be given a premium rate of pay. However, compensatory time or payment in lieu thereof shall be allowed only for overtime as is duly authorized and accounted for under rules by each superintendent.

Sec. 13. Section 72.40.020, chapter 28, Laws of 1959 as amended by section 247, chapter 141, Laws of 1979 and RCW 72.40.020 are each amended to read as follows:

The ~~((secretary))~~ governor shall appoint a superintendent for ~~((each institution))~~ the state school for the blind. The superintendent ~~((s must be not less than thirty nor more than seventy years of age and must be practically acquainted with school management and class instruction of the blind and the deaf, respectively, having had at least ten years' actual experience in teaching in schools for such persons.~~

The secretary ~~may discharge any employee in his discretion~~ shall have a masters degree from an accredited college or university in school administration or blind education, five years of experience teaching blind students in the classroom, and three years administrative or supervisory experience in programs for blind students.

NEW SECTION. Sec. 14. A new section is added to chapter 72.40 RCW to read as follows:

The governor shall appoint a superintendent for the state school for the deaf. The superintendent shall have a masters degree from an accredited college or university in school administration or deaf education, five years of experience teaching deaf students in the classroom, and three years administrative or supervisory experience in programs for deaf students.

NEW SECTION. Sec. 15. A new section is added to chapter 72.40 RCW to read as follows:

In addition to any other powers and duties prescribed by law, the superintendent of the state school for the blind and the superintendent of the state school for the deaf:

(1) Shall have full control of their respective schools and the property of various kinds.

(2) May establish criteria, in addition to state certification, for teachers at their respective schools.

(3) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law.

(4) Shall establish the course of study including vocational training, with the assistance of the faculty and the advice of the respective boards of trustees.

(5) May establish new facilities as needs demand.

(6) May adopt rules, under chapter 34.04 RCW, as deemed necessary for the government, management, and operation of the housing facilities.

(7) Shall control the use of the facilities and authorize the use of the facilities for night school, summer school, public meetings, or other purposes consistent with the purposes of their respective schools.

(8) May adopt rules for pedestrian and vehicular traffic on property owned, operated, and maintained by the respective schools.

(9) Purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of their respective schools.

(10) Except as otherwise provided by law, may enter into contracts as each superintendent deems essential to the respective purposes of their schools.

(11) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the respective schools; sell, lease or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(12) May contract with the department of social and health services for management consultant or other services which the department, if requested, shall provide.

(13) May, except as otherwise provided by law, enter into contracts as the superintendents deem essential for the operation of their respective schools.

(14) Shall adopt rules providing for the transferability of employees between the school for the deaf and the school for the blind consistent with collective bargaining agreements in effect.

(15) Shall prepare and administer their respective budgets consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable.

(16) May adopt rules under chapter 34.04 RCW and perform all other acts not forbidden by law as the superintendents deem necessary or appropriate to the administration of their respective schools.

Sec. 16. Section 6, chapter 50, Laws of 1970 ex. sess. as amended by section 248, chapter 141, Laws of 1979 and RCW 72.40.031 are each amended to read as follows:

The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in the public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in the public schools. The school shall observe all legal holidays, in the same manner as other agencies of state government, and the schools will not be in session on such days and such other days as may be approved by the (~~secretary of social and health services~~) respective superintendents. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the (~~secretary~~) respective superintendents, for the instruction of students or for such other reasons which are in furtherance of the objects and purposes of such schools.

NEW SECTION. Sec. 17. A new section is added to chapter 72.40 RCW to read as follows:

In addition to the powers and duties under section 15 of this act, the superintendent of each school shall:

(1) Monitor the location and educational placement of each student reported to the superintendents by the educational service district superintendents;

(2) Provide information about educational programs, instructional techniques, materials, equipment, and resources available to students with

visual or auditory impairments to the parent or guardian, educational service district superintendent, and the superintendent of the school district where the student resides; and

(3) Serve as a consultant to the office of the superintendent of public instruction and assist school districts in improving their instructional programs for students with visual or hearing impairments.

NEW SECTION. Sec. 18. A new section is added to chapter 72.40 RCW to read as follows:

All teachers at the state school for the deaf and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the state board of education or the office of the state superintendent of public instruction. The superintendents, by rule, may adopt additional educational standards for their respective schools. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendents may provide for provisional certification for teachers in their respective schools including certification for emergency, temporary, substitute, or provisional duty.

Sec. 19. Section 72.40.040, chapter 28, Laws of 1959 as last amended by section 4, chapter 160, Laws of 1984 and RCW 72.40.040 are each amended to read as follows:

The schools shall be free to residents of the state between the ages of five and twenty-one years until the 1984-85 school year, between the ages of four and twenty-one years commencing with the 1984-85 school year, and between the ages of three and twenty-one years commencing with the 1985-86 school year ~~((, and who are blind or deaf, or otherwise sensory handicapped, and who are free from loathsome or contagious diseases))~~ and who are visually or hearing impaired or otherwise sensory handicapped with problems of learning originating mainly due to a visual or auditory deficiency. Each school shall admit and retain students on a space available basis according to criteria developed and published by each school superintendent in consultation with each board of trustees and school faculty: **PROVIDED**, That students over the age of twenty-one years, who are otherwise qualified may be retained at the school, if in the discretion of the superintendent in consultation with the faculty they are proper persons to receive further training given at the school and the facilities are adequate for proper care, education, and training.

Sec. 20. Section 72.40.050, chapter 28, Laws of 1959 as amended by section 249, chapter 141, Laws of 1979 and RCW 72.40.050 are each amended to read as follows:

The ~~((secretary))~~ superintendents may admit to ~~((the))~~ their respective schools ~~((blind or deaf))~~ visually or hearing impaired children from other states as appropriate, but the parents or guardians of such children or other state will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children as set by the applicable superintendent.

Sec. 21. Section 72.40.060, chapter 28, Laws of 1959 as last amended by section 151, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.060 are each amended to read as follows:

It shall be the duty of ~~((the clerks of))~~ all school districts in the state, ~~((at the time for making the annual reports;))~~ to report to ~~((the superintendent of))~~ their respective educational service districts the names of all ~~((deaf, mute, or blind))~~ visually or hearing impaired youth residing within their respective school districts who are between the ages of ~~((six))~~ three and twenty-one years.

Sec. 22. Section 72.40.070, chapter 28, Laws of 1959 as last amended by section 250, chapter 141, Laws of 1979 and RCW 72.40.070 are each amended to read as follows:

It shall be the duty of each educational service district ~~((superintendent))~~ to make a full and specific report of ~~((such deaf, mute, or blind))~~ visually or hearing impaired youth to the ~~((board of county commissioners of the county in which the youth resides at its regular meeting in July of each year. He shall also, at the same time, transmit a duplicate copy of such report to the secretary and the))~~ superintendent of the school for the blind or the school for the deaf, as the case may be and the superintendent of public instruction, annually. The superintendent of public instruction shall report about the hearing or visually impaired youth to the school for the blind and the school for the deaf, as the case may be, annually.

Sec. 23. Section 72.40.080, chapter 28, Laws of 1959 as last amended by section 153, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.080 are each amended to read as follows:

It shall be the duty of the parents or the guardians of all such ~~((blind or deaf))~~ visually or hearing impaired youth to send them each year to the proper school or institution. Full and due consideration shall be given to the parent's or guardian's preference as to which program the child should attend. The educational service district superintendent shall take all action necessary to enforce this section. ~~((If satisfactory evidence is laid before the educational service district superintendent that any blind or deaf youth is being properly educated at home or in some suitable institution other than the state schools, he shall take no action in such case other than to make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth will continue to receive a proper education;))~~

Sec. 24. Section 72.40.090, chapter 28, Laws of 1959 as amended by section 1, chapter 51, Laws of 1975 and RCW 72.40.090 are each amended to read as follows:

If it appears to the satisfaction of the board of county commissioners that the parents of any such (~~(blind or deaf)~~) visually or hearing impaired youth within their county are unable to bear the expense of transportation to and from the state schools, it shall send them to and return them from the schools or maintain them there during vacation at the expense of the county. Nothing in this section shall be construed as prohibiting the (~~(department)~~) superintendents from authorizing or incurring such travel expenses for the purpose of transporting such (~~(blind or deaf)~~) visually or hearing impaired youth to and from points within this state during weekends and/or vacation periods. For the purposes of this section, the (~~(department)~~) superintendents shall impose no conditions upon parents or guardians specifying the number of weekends such persons shall take custody of (~~(deaf and blind)~~) hearing or visually impaired students.

Sec. 25. Section 72.40.100, chapter 28, Laws of 1959 as last amended by section 154, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.100 are each amended to read as follows:

Any parent, guardian, or educational service district superintendent (~~(or county commissioner)~~) who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars.

NEW SECTION. Sec. 26. A new section is added to chapter 72.40 RCW to read as follows:

Appropriations for the school for the deaf and the school for the blind shall be made to the superintendent of public instruction. The amounts for each institution shall be specified and shall not be used for any other purpose. The superintendent of public instruction shall transmit all the moneys to the state school for the blind or the state school for the deaf at the request of the superintendents of the respective schools.

NEW SECTION. Sec. 27. A new section is added to chapter 72.41 RCW to read as follows:

Unless the context clearly requires otherwise, as used in this chapter "superintendent" means superintendent of the state school for the blind.

Sec. 28. Section 1, chapter 118, Laws of 1973 and RCW 72.41.010 are each amended to read as follows:

It is the intention of the legislature in creating a board of trustees for the state school for the blind to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the legislature

and ~~((directly to the secretary of the department of social and health services, hereinafter denominated the "secretary"))~~ to the superintendent of the Washington state school for the blind, in the development of programs for the ((blind)) visually impaired, and in the operation of the Washington state school for the blind.

Sec. 29. Section 2, chapter 118, Laws of 1973 as amended by section 13, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.41.020 are each amended to read as follows:

There is hereby created a board of trustees for the state school for the blind to be composed of ~~((twelve trustees. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in))~~ a resident from each of the state's congressional districts now or hereafter existing. Trustees with voting privileges shall be appointed by the governor with the consent of the senate. A representative of the parent-teachers association of the Washington state school for the blind, a representative of the Washington council of the blind, a representative of the ~~((Washington state association for the blind and))~~ national federation of the blind of Washington, a representative of the united blind of Washington state, one representative designated by the teacher association((:)) of the Washington state school for the blind, and a houseparent designated by the houseparents' exclusive bargaining representative shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

~~((The initial appointees of the governor to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.~~

~~Thereafter the successors of the))~~ Trustees ((initially appointed)) shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's congressional districts. The board shall not be deemed to be unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. No voting trustee may be an employee of the state school for the blind, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator, appointed after the effective date of this 1985 act, or an elected officer or member of the legislative authority or any municipal corporation.

The board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. ~~((Four))~~ A majority of the voting members of the board in office shall constitute a quorum, but a lesser number may ~~((adjourn))~~ convene from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The superintendent of the state school for the blind shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Sec. 30. Section 4, chapter 118, Laws of 1973 and RCW 72.41.040 are each amended to read as follows:

~~((Under the general auspices of the secretary of the department of social and health services;))~~ The board of trustees of the state school for the blind:

(1) Shall monitor and inspect all existing facilities of the state school for the blind, and report its findings to the ~~((secretary))~~ superintendent;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the ~~((secretary))~~ superintendent;

(3) Shall ~~((advise the secretary in selection of))~~ submit a list of three qualified candidates for superintendent~~((:))~~ to the governor and shall advise the superintendent about the criteria and policy to be used in the selection of members of the faculty and such other administrative officers and other employees, who shall with the exception of the superintendent all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. All employees and personnel classified under chapter 41.06 RCW shall continue, after ~~((June 7, 1973))~~ the effective date of this 1985 act, to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law;

(4) Shall submit an evaluation of the superintendent to the governor by July 1 of each odd-numbered year and may recommend to the governor that the superintendent be removed for misfeasance, malfeasance, or wilful neglect of duty;

(5) May recommend to the ~~((secretary))~~ superintendent the establishment of new facilities as needs demand;

~~((5))~~ (6) May recommend to the ~~((secretary))~~ superintendent rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

~~((6))~~ (7) May make recommendations to the ~~((secretary))~~ superintendent concerning classrooms and other facilities to be used for summer or

night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for the school for the blind;

~~((7))~~ (8) May make recommendations to the ~~((secretary))~~ superintendent for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the blind;

~~((8))~~ (9) Shall recommend to the ~~((secretary))~~ superintendent, with the assistance of the faculty, the course of study including vocational training in the school for the blind, in accordance with other applicable provisions of law and rules and regulations;

~~((9))~~ (10) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate;

~~((10))~~ (11) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the blind;

~~((11))~~ (12) Shall perform any other duties and responsibilities prescribed by the ~~((secretary))~~ superintendent.

Sec. 31. Section 1, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.010 are each amended to read as follows:

It is the intention of the legislature, in creating a board of trustees for the state school for the deaf to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the ~~((secretary of the department of social and health services, hereinafter denominated the "secretary",))~~ legislature and to the superintendent of the Washington state school for the deaf in the development of programs for the ~~((deaf))~~ hearing impaired, and in the operation of the Washington state school for the deaf.

NEW SECTION. Sec. 32. A new section is added to chapter 72.42 RCW to read as follows:

Unless the context clearly requires otherwise as used in this chapter "superintendent" means superintendent of the Washington state school for the deaf.

Sec. 33. Section 2, chapter 96, Laws of 1972 ex. sess. as amended by section 15, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.42.020 are each amended to read as follows:

There is hereby created a board of trustees for the state school for the deaf to be composed of ~~((eleven trustees, of whom eight shall be appointed by the governor. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in))~~ a resident from each of the state's congressional districts. Trustees with voting privileges shall be appointed by the governor with the consent of the senate. The president of the parent-teachers house organization of the

~~((deaf)) school for the deaf, ((the vice president of the parent-teachers house organization of the deaf school))~~ a houseparent selected by the houseparents' exclusive bargaining representative, one representative designated by the teacher association of the school for the deaf, and the president of the Washington state association for the deaf shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

~~((The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.~~

~~Thereafter the successors of the))~~ Trustees ((initially appointed)) shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's congressional districts, as now or hereafter existing. The board shall not be deemed to be unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. No voting trustee may be an employee of the state school for the deaf, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator appointed after the effective date of this act, or an elected officer or member of the legislative authority of any municipal corporation.

The board of trustees shall organize itself by electing a ~~((chairman))~~ chairperson, vice-chairperson, and secretary from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. ~~((Four))~~ A majority of the voting members of the board in office shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. ((The superintendent of the state school for the deaf shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.))

Sec. 34. Section 4, chapter 96, Laws of 1972 ex. sess. as amended by section 1, chapter 42, Laws of 1981 and RCW 72.42.040 are each amended to read as follows:

~~((Subject to the direction and control of the secretary of the department of social and health services,))~~ The board of trustees of the state school for the deaf:

(1) Shall monitor and inspect all existing facilities of the state school for the deaf, and report its findings to the ~~((secretary))~~ superintendent;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the ~~((secretary))~~ superintendent;

(3) Shall ~~((advise the secretary in selection of))~~ develop a process for recommending candidates for the position of superintendent and upon a vacancy shall submit a list of three qualified candidates for superintendent~~((;))~~ to the governor and shall advise the superintendent about the criteria and policy to be used in the selection of members of the faculty and such other administrative officers and other employees, who shall all with the exception of the superintendent be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. ~~((The board in consultation with the secretary shall establish qualifications for the position of superintendent. The board shall evaluate the superintendent annually and when necessary may recommend disciplinary action in respect to the superintendent.))~~ All employees and personnel classified under chapter 41.06 RCW shall continue, after ~~((May 23, 1972))~~ the effective date of this 1985 act, to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law;

(4) Shall submit an evaluation of the superintendent to the governor by July 1 of each odd-numbered year and may recommend to the governor at any time that the superintendent be removed for misfeasance, malfeasance, or wilful neglect of duty;

(5) May recommend to the ~~((secretary))~~ superintendent the establishment of new facilities as needs demand;

~~((5))~~ (6) May recommend to the ~~((secretary))~~ superintendent rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

~~((6))~~ (7) May make recommendations to the ~~((secretary))~~ superintendent concerning classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for the school for the deaf;

~~((7))~~ (8) May make recommendations to the ~~((secretary))~~ superintendent for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the deaf;

~~((8))~~ (9) Shall recommend to the ~~((secretary))~~ superintendent, with the assistance of the faculty, the course of study including vocational training in the school for the deaf, in accordance with other applicable provisions of law and rules and regulations;

~~((9))~~ (10) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

~~((10))~~ (11) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the deaf;

~~((11))~~ (12) Shall perform any other duties and responsibilities prescribed by the ~~(secretary)~~ superintendent.

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 72.05.140, chapter 28, Laws of 1959, section 180, chapter 141, Laws of 1979, section 9, chapter 217, Laws of 1979 ex. sess., section 1, chapter 58, Laws of 1980 and RCW 72.05.140;

(2) Section 100, chapter 136, Laws of 1981 and RCW 72.40.001;

(3) Section 5, chapter 118, Laws of 1973 and RCW 72.41.050; and

(4) Section 5, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.050.

NEW SECTION. Sec. 36. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 37. This act shall take effect July 1, 1986. The secretary of social and health services and the governor may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

Passed the Senate April 24, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 379

[Engrossed Substitute Senate Bill No. 3516]

SPANISH OR JAPANESE LANGUAGE INSTRUCTION IN SELECTED SCHOOL DISTRICTS

AN ACT Relating to instruction in foreign languages; amending RCW 28A.67.020; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature recognizes that it is important for the students and future citizens of our state to become fluent in a foreign language, particularly the languages of Pacific Rim countries and Latin American countries.

NEW SECTION. Sec. 2. The superintendent of public instruction may grant funds to five selected school districts to conduct a foreign language

pilot program in Spanish or Japanese in one elementary school within each of the selected districts. The pilot program shall be conducted for two school years after this section takes effect in grades one through six. The superintendent of public instruction in selecting five school districts for participation in the pilot program shall select five diverse school districts at least two of which shall teach Spanish and two of which shall teach Japanese.

NEW SECTION. Sec. 3. The superintendent of public instruction shall establish a procedure for accepting applications from districts wishing to participate in the foreign language pilot program and establish criteria for selecting districts to receive funding. In selecting districts to participate, the superintendent shall consider the following factors:

(1) The availability of existing district resources for the foreign language pilot project including certificated teachers already employed by the district as instructors or consultants;

(2) The availability of volunteers, who are native speakers of the language, as instructors;

(3) Use of secondary school and foreign language students as tutors or aides; and

(4) Diversity in the format of the pilot program to assure that various methods on instruction will be able to be evaluated.

NEW SECTION. Sec. 4. The superintendent of public instruction shall evaluate the effectiveness of the foreign language pilot program and report to the legislature on the program and its effectiveness in January, 1988.

Sec. 5. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 340, Laws of 1977 ex. sess. and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his or her intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach foreign language for a period to be defined by the superintendent of public instruction or a one-year temporary permit which

is renewable only once for no more than one year to teach as an exchange teacher in the common schools of this state.

Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction.

NEW SECTION. Sec. 6. If specific funding for purposes of this act, referencing this act by bill number is not provided in the omnibus appropriations act enacted before July 1, 1986, sections 1, 2, 3, and 4 of this act shall be null and void. Sections 1, 2, 3, and 4 of this act shall be of no effect unless such specific funding is so provided. If such funding is so provided, sections 1, 2, 3, and 4 of this act shall take effect when the legislation providing the funding takes effect.

Passed the Senate April 27, 1985.

Passed the House April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 380

[Senate Bill No. 3601]

PROPORTIONAL REGISTRATION AND RECIPROCITY—MOTOR VEHICLE REGISTRATION FEE APPORTIONMENT

AN ACT Relating to apportionment of motor vehicle registration fee; amending RCW 46.16.060, 46.16.061, 46.16.070, 46.16.090, and 46.16.135; reenacting and amending RCW 46.01.140 and 46.68.030; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 82.44 RCW; creating a new chapter in Title 46 RCW; repealing RCW 46.16.115; prescribing penalties; and providing a contingent effective date.

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

NEW SECTION. Sec. 1. This chapter applies to proportional registration and reciprocity granted under provisions of the International Registration Plan (IRP). Provisions and terms of the IRP shall prevail unless given a different meaning in this chapter or in rules adopted under the authority of this chapter. Beginning with the first registration year in which the state of Washington begins registering fleets under provisions of the IRP, registrants having a fleet of apportioned vehicles operating in two or

more member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of this chapter in lieu of full, proportional, or temporary registration as provided for in chapter 46.16, 46.85, or 46.88 RCW.

NEW SECTION. Sec. 2. Terms used in this chapter have the meaning given to them in the International Registration Plan, chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the International Registration Plan shall prevail unless given a different meaning in this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, buses, converter gears (auxiliary axles), trailers, semitrailers, and pole trailers, each as separate vehicles.

(2) "Declared combined gross vehicle weight" means the total unladen weight of any combination of vehicles plus the maximum load to be carried on that combination of vehicles as set by the registrant in the application and for which registration fees have been or are to be paid.

(3) "Declared gross vehicle weight" means the total unladen weight of any vehicle plus the maximum load to be carried on that vehicle as set by the registrant in the application and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the maximum load may be determined by multiplying the average load factor of seventy-five pounds by the number of seats in the vehicle.

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

(5) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction. The "registration year" for Washington is the period from January 1st through December 31st of each calendar year.

NEW SECTION. Sec. 3. (1) When application to register an apportioned vehicle is made after March 31st of a registration year, the apportionable fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. The filing of any application with the department incurs liability for the fees and taxes applicable to the vehicles contained in the application. If the vehicle is being added to a currently registered fleet, the mileage percentage previously established for the fleet shall be used in the computation of the fees.

(2) A vehicle permanently withdrawn from service that was previously registered as part of a proportionally registered fleet may be deleted from the fleet by the registrant by submitting a supplemental application to the department. Upon receipt of the application and surrender of the original

cab card and license plates of the vehicle, the unused portion of the fees paid for each full month of the registration year remaining shall be applied against liability of the registrant for license fees due in the remainder of the same registration year. If any such credit is less than fifteen dollars, no credit will be given. In no event is the amount subject to refund.

NEW SECTION. Sec. 4. Additional gross weight may be purchased for apportionable motor vehicles to the limits authorized under chapter 46-.44 RCW. Reregistration at the higher gross weight (forty thousand pounds for a solo three-axle truck or eighty thousand pounds for a combination) for the balance of the registration year, including the full registration month in which the vehicle is licensed at the higher gross weight. The apportionable fee initially paid to the state of Washington, reduced for the number of full registration months the license was in effect, will be deducted from the total fee to be paid to this state for licensing at the higher gross weight for the balance of the registration year. No credit or refund will be given for a reduction of gross weight.

NEW SECTION. Sec. 5. Each day the department shall forward to the state treasurer the fees collected under this chapter, and within ten days of the end of each registration quarter, a detailed report identifying the amount to be deposited to each account for which fees are required for the licensing of apportionable vehicles. Such fees shall be deposited pursuant to section 21 of this act, RCW 82.44.110, and section 22 of this act.

NEW SECTION. Sec. 6. The apportionment of fees to member jurisdictions shall be in accordance with the provisions of the IRP agreement based on the apportionable fee multiplied by the mileage percentage for each jurisdiction in which the fleet will operate.

NEW SECTION. Sec. 7. Any trailer, semitrailer, converter gear (auxiliary axles), or pole trailer being pulled by a motor vehicle that is apportioned under the terms of this chapter shall display a valid vehicle license plate issued by the base jurisdiction and be registered in this state.

NEW SECTION. Sec. 8. Upon making satisfactory application and payment of fees for proportional registration under the IRP, the department shall issue to Washington-based fleets two distinctive license plates for each motor vehicle and one such plate for each trailer, semitrailer, pole trailer, or converter gear listed on the application. License plates shall be displayed on vehicles as required by RCW 46.16.240. The number and plate shall be of a design, size, and color determined by the department. The plates shall be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPORTIONED," both words to appear in full and without abbreviation.

The vehicle license plates are not transferrable from vehicle to vehicle and shall be used only on the vehicle to which they are assigned by the department as long as they are legible or until such time as the department

requires them to be removed and returned to the department. A distinctive tab or emblem of a design, size, and color determined by the department shall be affixed to the license plates as prescribed by the department to indicate the year for which the vehicle is registered. Renewals shall be effected by the issuance and display of such tab or emblem after making satisfactory application and payment of applicable fees and taxes.

NEW SECTION. Sec. 9. To replace a vehicle license plate(s) due to the loss, defacement, or destruction of the plate(s) issued for an apportioned vehicle, the owner shall apply for new license plates on a form furnished by the department. The application, together with the cab card of the vehicle, shall be filed with the department. A fee of ten dollars for vehicles required to display two license plates or five dollars for vehicles required to display one license plate shall accompany the application. The department shall issue a new vehicle license plate(s) upon acceptance of the completed application form and the required replacement fee.

NEW SECTION. Sec. 10. The provisions of the International Registration Plan apply in all cases in which those provisions are not in conflict with this chapter.

NEW SECTION. Sec. 11. The department shall enforce this chapter and may adopt and enforce reasonable rules pertaining to the administration and enforcement thereof.

Sec. 12. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 26, Laws of 1983 and by section 1, chapter 77, Laws of 1983 and RCW 46.01.140 are each reenacted and amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or section 16 of this act, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or section 16 of this act, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as

other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of one dollar and seventy-five cents: PROVIDED FURTHER, That if the fee is collected by the state patrol or the department of transportation, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 13. Section 46.16.060, chapter 12, Laws of 1961 as last amended by section 8, chapter 342, Laws of 1981 and RCW 46.16.060 are each amended to read as follows:

(1) Except for vehicles already so taxed in RCW 46.16.070 and section 16 of this act or as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each registration year or fractional part thereof and upon each vehicle a license fee of twenty-three dollars or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee ((in the amounts specified in subsection (2) of this section, and)) of nineteen dollars. The proceeds of such fees shall be distributed in accordance with RCW 46.68.030 ((as now or hereafter amended: PROVIDED, HOWEVER, That)). The fee for licensing each house-moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW(;) shall be twenty-five dollars, and no other fee shall be charged for the load carried thereon.

(2) ~~((The amounts of the vehicle license fee and renewal license fee shall be:~~

<u>Effective Date</u>	<u>License Fee</u>	<u>Renewal License Fee</u>
<u>Until July 1, 1982</u>	<u>\$13.40</u>	<u>\$9.40</u>
<u>July 1, 1982</u>	<u>\$23.00</u>	<u>\$19.00</u>

~~(3))~~ The department of licensing, county auditors, and other authorized agents shall collect for any registration year any increase in the fees authorized by this section for the months of that registration year in which any such increase is effective in the same manner and at the same time as such fees for that registration year would otherwise be collected as provided by law.

Sec. 14. Section 40, chapter 3, Laws of 1963 ex. sess. as amended by section 49, chapter 7, Laws of 1984 and RCW 46.16.061 are each amended to read as follows:

In addition to all other fees prescribed by law, ~~((there))~~ a fee of \$.10 shall be paid for each motor vehicle ~~((the following amounts at the time of the payment of the registration fee as provided by law:~~

For each truck under 12,000 lbs.	\$.25
For each truck over 12,000 lbs. and under 20,000 lbs.	\$.50
For each truck over 20,000 lbs.	\$1.00
For each trailer 4,000 lbs. to 12,000 lbs.	\$.25
For each trailer 12,000 lbs. to 20,000 lbs.	\$.50
For each trailer, semitrailer, or pole trailer over 20,000 lbs.	\$1.00
For each diesel truck	\$2.00
For each auto stage	\$1.00
For each for hire vehicle over 4,000 lbs.	\$.50
For each motor vehicle not otherwise taxed herein	\$.10))

not otherwise taxed in RCW 46.16.070 or section 16 of this act.

The ~~((fees))~~ fee shall be deposited in the motor vehicle fund, and shall be used by the legislative transportation committee and the state department of transportation to help defray the costs of special highway studies and other studies as provided for by law and for other necessary expenses of the committee.

Sec. 15. Section 46.16.070, chapter 12, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.070 are each amended to read as follows:

In ~~((addition to))~~ lieu of all other vehicle licensing fees ~~((for the licensing of vehicles))~~ and in addition to the excise tax prescribed in chapter 82.44 RCW, there shall be paid and collected annually for each motor truck, truck tractor, ~~((and))~~ road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of six or more, based upon the ~~((maximum))~~ declared combined gross vehicle weight or declared gross vehicle weight thereof, the following combined licensing fees by such gross vehicle weight ~~((fees as indicated in column A. PROVIDED, HOWEVER, That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas, or diesel oil the fee shall be as provided in column B))~~:

	((A	B
Up to 4,000 lbs.	\$ 6.00	\$ 6.00
4,000 or more and less than 6,000 lbs.	\$ 11.00	\$ 12.25
6,000 or more and less than 8,000 lbs.	\$ 18.50	\$ 20.80
8,000 or more and less than 10,000 lbs.	\$ 23.50	\$ 26.40
10,000 or more and less than 12,000 lbs.	\$ 30.50	\$ 34.30
12,000 or more and less than 14,000 lbs.	\$ 37.50	\$ 42.20
14,000 or more and less than 16,000 lbs.	\$ 44.50	\$ 50.10
16,000 or more and less than 18,000 lbs.	\$ 74.00	\$ 83.25
18,000 or more and less than 20,000 lbs.	\$ 84.00	\$ 94.50

	(A)	B
20,000 or more and less than 22,000 lbs.	\$ 92.00	\$103.50
22,000 or more and less than 24,000 lbs.	\$100.00	\$112.50
24,000 or more and less than 26,000 lbs.	\$107.00	\$120.40
26,000 or more and less than 28,000 lbs.	\$128.00	\$144.00
28,000 or more and less than 30,000 lbs.	\$147.00	\$165.40
30,000 or more and less than 32,000 lbs.	\$179.00	\$201.40
32,000 or more and less than 34,000 lbs.	\$191.00	\$214.90
34,000 or more and less than 36,000 lbs.	\$208.00	\$234.00
36,000 or more and less than 38,000 lbs.	\$229.00	\$257.60
38,000 or more and less than 40,000 lbs.	\$255.00	\$286.90
40,000 or more and less than 42,000 lbs.	\$265.00	\$298.10
42,000 or more and less than 44,000 lbs.	\$275.00	\$309.40
44,000 or more and less than 46,000 lbs.	\$295.00	\$331.90
46,000 or more and less than 48,000 lbs.	\$305.00	\$344.25
48,000 or more and less than 50,000 lbs.	\$328.00	\$369.00
50,000 or more and less than 52,000 lbs.	\$346.00	\$389.25
52,000 or more and less than 54,000 lbs.	\$371.00	\$417.40
54,000 or more and less than 56,000 lbs.	\$397.00	\$446.60
56,000 or more and less than 58,000 lbs.	\$417.00	\$469.10
58,000 or more and less than 60,000 lbs.	\$438.00	\$492.75
60,000 or more and less than 62,000 lbs.	\$467.00	\$525.40
62,000 or more and less than 64,000 lbs.	\$478.00	\$537.75
64,000 or more and less than 66,000 lbs.	\$531.00	\$597.40
66,000 or more and less than 68,000 lbs.	\$554.00	\$623.25
68,000 or more and less than 70,000 lbs.	\$603.00	\$675.75
70,000 or more and less than 72,000 lbs.	\$645.50	\$722.45
72,000 or more and less than 74,000 lbs.	\$705.50	\$782.45
74,000 or more and less than 76,000 lbs.	\$773.00	\$849.95
76,000 or more and less than 78,000 lbs.	\$848.00	\$924.95
78,000 or more and less than 80,000 lbs.	\$923.00	\$999.95:))
4,000 lbs.	\$ 27.75	
6,000 lbs.	\$ 32.72	
8,000 lbs.	\$ 40.30	
10,000 lbs.	\$ 45.37	
12,000 lbs.	\$ 52.62	
14,000 lbs.	\$ 59.86	
16,000 lbs.	\$ 67.31	
18,000 lbs.	\$ 99.02	
20,000 lbs.	\$ 109.94	
22,000 lbs.	\$ 118.76	
24,000 lbs.	\$ 127.95	
26,000 lbs.	\$ 135.08	
28,000 lbs.	\$ 158.66	
30,000 lbs.	\$ 182.18	
32,000 lbs.	\$ 218.78	
34,000 lbs.	\$ 232.06	
36,000 lbs.	\$ 251.39	
38,000 lbs.	\$ 275.51	
40,000 lbs.	\$ 314.99	
42,000 lbs.	\$ 327.16	
44,000 lbs.	\$ 334.02	

46,000 lbs.	\$ 358.91
48,000 lbs.	\$ 374.19
50,000 lbs.	\$ 405.36
52,000 lbs.	\$ 426.45
54,000 lbs.	\$ 460.02
56,000 lbs.	\$ 485.21
58,000 lbs.	\$ 504.53
60,000 lbs.	\$ 537.29
62,000 lbs.	\$ 575.50
64,000 lbs.	\$ 588.75
66,000 lbs.	\$ 655.14
68,000 lbs.	\$ 682.99
70,000 lbs.	\$ 735.14
72,000 lbs.	\$ 785.36
74,000 lbs.	\$ 853.15
76,000 lbs.	\$ 922.05
78,000 lbs.	\$1,006.10
80,000 lbs.	\$1,085.95

The proceeds from such fees shall be distributed in accordance with section 21 of this act.

~~((PROVIDED, HOWEVER, That))~~ Every motor truck ((except trucks not exceeding 5,000 pounds empty scale weight)) registered under chapter 46.16, 46.85, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

NEW SECTION. Sec. 16. A new section is added to chapter 46.16 RCW to read as follows:

In lieu of all other fees for the licensing of the following listed vehicles in the state of Washington and in addition to the excise tax as prescribed in chapter 82.44 RCW, for each trailer and semitrailer not licensed under RCW 46.16.065 with an unladen weight exceeding two thousand pounds, and for every pole trailer and converter gear or auxiliary axle, there shall be paid and collected annually a license fee of thirty-five dollars. The proceeds from such fee shall be distributed in accordance with section 21 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 46.16 RCW to read as follows:

The transfer of license number plates, issued pursuant to this chapter, between two or more vehicles is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines

that a license number plate has been transferred between two or more vehicles shall confiscate the license number plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license number plate upon application by the owner or owners thereof and payment of the full fees and taxes.

Sec. 18. Section 46.16.090, chapter 12, Laws of 1961 as last amended by section 45, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.090 are each amended to read as follows:

Motor trucks (~~(or trailers)~~) may be specially licensed based on the ~~((maximum))~~ declared gross weight thereof for ~~((fifty percent of))~~ the various amounts set forth in the schedule provided in RCW 46.16.070 less twenty-two dollars; divide the difference by two and add twenty-two dollars, when such ~~((trucks or trailers))~~ vehicles are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such ~~((trucks or trailers))~~ vehicles are to be used for the transportation of such farmer's own farm, orchard, or dairy products from point of production to market or warehouse, and of supplies to be used on his farm: PROVIDED, That fish and forestry products shall not be considered as farm products; and/or

(2) When such ~~((trucks or trailers))~~ vehicles are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard, or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on ~~((motor trucks or trailers))~~ such vehicles, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle ~~((or trailer))~~ concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles ~~((or trailers))~~ to indicate that the vehicle ~~((or trailer))~~ is specially licensed, or may, in its discretion, substitute a special license plate for such ~~((vehicles or trailers))~~ vehicle for such designation.

Operation of such a specially licensed vehicle ~~((or trailer))~~ in transportation upon public highways in violation of the limitations of this section is a traffic infraction.

Sec. 19. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 46, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.135 are each amended to read as follows:

~~((Tonnage))~~ The combined annual vehicle licensing fees as provided in RCW 46.16.070 for any motor vehicle or combination of vehicles having a declared gross weight in excess of twelve thousand pounds ((or more)) may be ((purchased)) paid for any full registration month or months at one-twelfth of the usual annual ((tonnage)) fee plus two dollars, this sum to be multiplied by the number of full months for which ((tonnage is purchased)) the fees are paid. An additional fee of two dollars shall be charged by the director each time ~~((tonnage))~~ a license fee is ~~((purchased))~~ paid. The director ~~((is authorized to establish))~~ may adopt rules ((and regulations relative to)) on the issuance and display of certificates or insignia.

Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly ~~((tonnage))~~ license~~((;))~~ is a traffic infraction, and in addition the person shall be required to ~~((purchase a tonnage))~~ pay a license fee for the vehicle involved ~~((at the fee))~~ covering an entire registration year's operation ~~((thereof))~~, less the fees for any registration month or months of the registration year already paid. If, within five days, no ~~((tonnage))~~ license fee for a full registration year has been ~~((purchased))~~ paid as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 20. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 122, chapter 3, Laws of 1983 and by section 23, chapter 15, Laws of 1983 and RCW 46.68.030 are each reenacted and amended to read as follows:

Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and section 16 of this act, all fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of

each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account to partially finance, together with other funds in the account, any budgeted state ferry system maintenance and operating deficit for that biennium. The deficit shall be calculated by subtracting from total costs the sum of all unappropriated funds available to the state ferry system, including revenues from tolls that are adjusted by the transportation commission. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 21. A new section is added to chapter 46.68 RCW to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and section 16 of this act shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) 34.644 percent, representing the vehicle licensing fee, shall be distributed according to the following formula:

(a) 76.772 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 6.348 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) 16.880 percent shall be deposited into the motor vehicle fund.

(2) The sum of one dollar for each vehicle shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of one dollar shall be credited to the current county expense fund.

(3) The remaining proceeds, representing the gross vehicle weight fee, identification fee, special fee, minimum fee, and application fee, shall be deposited into the motor vehicle fund.

NEW SECTION. Sec. 22. A new section is added to chapter 82.44 RCW to read as follows:

For each IRP jurisdiction that cannot report to the director the sums of dollars that are collected for the motor vehicle excise tax pursuant to chapter 82.44 RCW separately from other vehicle licensing fees pursuant to RCW 46.16.070 and section 16 of this act, the director shall compute such amount of equivalent fee or motor vehicle excise tax by determining, from the IRP vehicle registration recap information forwarded to the director by such jurisdiction, the proportionate amount that such tax represents of the total sum of fees and taxes collected by such jurisdiction. Each percentage so computed shall then be applied to future sums of collected fees and taxes forwarded by such jurisdiction, the result of which shall be distributed pursuant to RCW 82.44.110, until such time as such jurisdiction begins reporting excise tax amounts separately from other vehicle licensing fees.

NEW SECTION. Sec. 23. Sections 1 through 11 of this act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 24. Section 15, chapter 170, Laws of 1969 ex. sess., section 4, chapter 150, Laws of 1973 1st ex. sess., section 2, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.115 are each repealed.

NEW SECTION. Sec. 25. This act shall take effect on January 1st of the year following the year in which the state of Washington becomes a member of the International Registration Plan. The director of the department of licensing may immediately take such steps as are necessary to insure that this act is implemented on its effective date.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 15, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 381

[Substitute Senate Bill No. 3630]

HIGH-TECHNOLOGY COORDINATING BOARD—DUTIES

AN ACT Relating to the Washington high-technology coordinating board; and amending RCW 28B.65.040, 28B.65.050, and 28B.65.060.

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

Sec. 1. Section 5, chapter 72, Laws of 1983 1st ex. sess. as amended by section 1, chapter 66, Laws of 1984 and RCW 28B.65.040 are each amended to read as follows:

(1) The Washington high-technology coordinating board is hereby created.

(2) The board shall be composed of (~~seventeen~~) eighteen members as follows:

(a) Eleven shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographic representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and

(b) (~~Six~~) Seven of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and regional universities, the director for the state system

of community colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, ~~((and))~~ a representative of the council for postsecondary education or its statutory successor, and the director of the department of trade and economic development or the director's designee.

(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.

(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

Sec. 2. Section 6, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.050 are each amended to read as follows:

(1) The board shall oversee ~~((and))~~, coordinate ~~((the))~~, and evaluate high-technology ~~((education and training))~~ programs.

(2) The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the council for postsecondary education or its statutory successor on their findings;

(b) Identify economic areas ~~((with))~~ and high-technology industries in need of technical training and research and development critical to ~~((economic renewal or))~~ economic development and advise the institutions of higher education and the council for postsecondary education or its statutory successor on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the council for postsecondary education or its statutory successor during the council's review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the council for postsecondary education or its statutory successor over the review of new degree programs as established in RCW 28B.80.035;

(f) ~~((Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state's community colleges and four-year colleges and universities pursuant to RCW 28B.65.080, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of~~

~~such consortiums within existing resources))~~ Work cooperatively with the department of trade and economic development to identify the high-technology education and training needs of existing Washington businesses and businesses with the potential to locate in Washington; ((and))

(g) Work towards increasing private sector participation and contributions in Washington high-technology programs;

(h) Identify and evaluate the effectiveness of state sponsored research related to high technology;

(i) Establish and maintain a plan, including priorities, to guide high-technology program development in public institutions of higher education, which plan shall include an assessment of current high-technology programs, steps to increase existing programs, new initiatives and programs necessary to promote high technology, and methods to coordinate and target high-technology programs to changing market opportunities in business and industry;

(j) Prepare and submit to the legislature before the first day of each regular session an annual report on ((the)) Washington high-technology ((education and training)) programs including, but not limited to:

(i) An evaluation of ((the)) each program;

(ii) A determination of the feasibility of expanding the program; and

(iii) Recommendations, including recommendations for further legislation as the board deems necessary.

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

Sec. 3. Section 7, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.060 are each amended to read as follows:

Staff support for the high-technology coordinating board shall be provided by the ((council for postsecondary education)) department of trade and economic development.

Passed the Senate April 28, 1985.

Passed the House April 28, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 382

[Substitute Senate Bill No. 3786]

SHOPPING CART THEFT

AN ACT Relating to theft of shopping carts; amending RCW 9A.56.010; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

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

Sec. 1. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 6, chapter 273, Laws of 1984 and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of

the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars;

(13) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.56 RCW to read as follows:

(1) It is unlawful to do any of the following acts, if a shopping cart has a permanently affixed sign as provided in subsection (2) of this section:

(a) To remove a shopping cart from the parking area of a retail establishment with the intent to deprive the owner of the shopping cart the use of the cart; or

(b) To be in possession of any shopping cart that has been removed from the parking area of a retail establishment with the intent to deprive the owner of the shopping cart the use of the cart.

(2) This section shall apply only when a shopping cart: (a) Has a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both; (b) notifies the public of the procedure to be utilized for authorized removal of the cart from the premises; (c) notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and (d) lists a telephone number or address for returning carts removed from the premises or parking area to the owner or retailer.

(3) Any person who violates any provision of this section is guilty of a misdemeanor.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 383

[Engrossed Substitute Senate Bill No. 3799]

RADIATION CONTROL DUTIES OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—USER PERMIT SYSTEM FOR LOW-LEVEL RADIOACTIVE WASTE AT HANFORD

AN ACT Relating to nuclear energy and materials; amending RCW 70.98.050; and adding new sections to chapter 70.98 RCW.

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

*Sec. 1. Section 5, chapter 207, Laws of 1961 as last amended by section 1, chapter ... (E2SHB 3), Laws of 1985 and RCW 70.98.050 are each amended to read as follows:

(1) The department of social and health services is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The secretary of social and health services shall be director of the agency, hereinafter referred to as the secretary, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties.

(4) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop a state-wide radiological baseline beginning with the establishment of a baseline for the Hanford reservation;

(c) Implement an independent state-wide program to monitor ionizing radiation emissions from radiation sources within the state;

(d) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

~~((e))~~ **(e) Conduct environmental radiation monitoring programs which will determine the presence and significance of radiation in the environment and which will verify the adequacy and accuracy of environmental radiation monitoring programs conducted by the federal government at its installations in Washington and by radioactive materials licensees at their installations;**

(f) Formulate, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

~~((d))~~ (g) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

~~((e))~~ (h) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

~~((f))~~ (i) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation, including the collection of statistical data and epidemiological research, where available, on diseases that result from exposure to sources of ionizing radiation;

~~((g))~~ (j) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon~~((:))~~;

~~((h))~~ (k) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

(5) In order to avoid duplication of efforts, the agency may acquire the data requested under this section from public and private entities that possess this information.

*Sec. 1 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 70.98 RCW to read as follows:

(1) The agency shall seek federal financial assistance as authorized by the nuclear waste policy act of 1982, P.L. 97-425 section 116(c), for activities related to the high-level radioactive waste program in the state of Washington. The activities for which federal funding is sought shall include, but are not limited to, the development of a radiological baseline for the Hanford reservation; the implementation of a program to monitor ionizing radiation emissions on the Hanford reservation; the collection of statistical

data and epidemiological research, where available, on diseases that result from exposure to sources of ionizing radiation on the Hanford reservation.

(2) In the event the federal government refuses to grant financial assistance for the activities under subsection (1) of this section, the agency is directed to investigate potential legal action.

NEW SECTION. Sec. 3. A new section is added to chapter 70.98 RCW to read as follows:

(1)(a) The agency shall institute a user permit system and issue site use permits consistent with current regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility.

(b) The costs of administering the user permit system shall be borne by the applicants for site use permits.

(c) The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste.

(2) In addition to the fee collected pursuant to subsection (1) of this section, the agency shall collect a surveillance fee as an added charge on each cubic foot of low level radioactive waste disposed of at the disposal site in this state which shall be set at a level that is sufficient to fund completely the radiation control activities of the agency which are not otherwise covered by cost recovery programs including, but not limited to, any funds from federal sources: PROVIDED, That the surveillance fee shall not exceed three percent of the basic minimum fee charged by an operator of a low-level radioactive waste disposal site in this state. The basic minimum fee consists of the disposal fee for the site operator, the fee for the perpetual care and maintenance fund administered by the state, the fee for the state closure fund, and the tax collected pursuant to chapter 82.04 RCW. The fee shall also provide funds for other state agencies that incur expenses as a result of the control and management of the disposal of low-level radioactive waste in the state of Washington. Disbursements for these purposes to other state agencies shall be by authorization of the secretary of the department of social and health services or the secretary's designee.

(3) The agency may adopt such rules as are necessary to carry out its responsibilities under this section.

(4) The agency shall submit a report to the legislature and the governor on or before the start of the 1986 regular session of the legislature. The report shall specify the radiation control activities required in this 1985 act,

the cost of each activity and the source of the funding for each activity including federal assistance and the fees authorized by this 1985 act.

Passed the Senate April 28, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 1(c), Substitute Senate Bill No. 3799, entitled:

"AN ACT Relating to nuclear energy and materials;"

Section 1(c) is identical to Section 1(c) of Engrossed Second Substitute House Bill No. 3. Since I have previously signed ESSHB No. 3, Section 1(c) of this bill is unnecessary.

With the exception of Section 1(c), Substitute Senate Bill No. 3799 is approved."

CHAPTER 384

[Engrossed Senate Bill No. 4140]

HIGH SCHOOL GRADUATION REQUIREMENTS

AN ACT Relating to high school graduation requirements; amending RCW 28A.05.060 and 28A.05.040; and adding new sections to chapter 28A.05 RCW.

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

NEW SECTION. Sec. 1. The state board of education shall adopt rules pursuant to chapter 34.04 RCW, to implement the course requirements set forth in RCW 28A.05.060. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.05.060 and special alterations of the course requirements in RCW 28A.05.060. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.05.060. Such rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.05.060.

Sec. 2. Section 6, chapter 278, Laws of 1984 and RCW 28A.05.060 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

SUBJECT	CREDITS((*)	((YEARS*))
English	((9)) <u>3</u>	((3**))
Mathematics	((6)) <u>2</u>	((2**))
Social Studies		
United States history and government	((3)) <u>1</u>	((+))
Washington state history and government	((+1/2)) <u>1/2</u>	((+1/2))
Contemporary world history, geography, and problems	((3)) <u>1</u>	((+))
Science (((3)) <u>1</u> credit((s)) must be in laboratory science)	((6)) <u>2</u>	((2**))
Occupational Education	((3)) <u>1</u>	((+))
Physical Education	((Sec RCW 28A.05.040 for physical education requirements:***)) <u>2</u>	
Electives	((+6+1/2)) <u>5 1/2</u>	
Total	((48)) <u>18</u>	

(2) For the purposes of this section one credit is equivalent to one year of study.

~~((*) Credit means 60 hours of instruction including normal class change passing time. Three credits are the equivalent to a one-year course.~~

~~** No more than 1 credit per trimester or 1 1/2 credits per semester or 3 credits per year may be applied toward graduation requirements in these subjects. Additional credits in these subjects may be counted as electives.~~

~~*** The state board of education shall establish through rules and regulations clearly defined physical education requirements for the purpose of minimum high school graduation requirements under RCW 28A.05.040.)~~

(3) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement.

(4) A candidate for graduation must have in addition earned a minimum of ((48)) 18 credits ((and fulfilled the physical education requirement)) including all required courses. These credits shall consist of the state

requirements listed above and such additional requirements and electives as shall be established by each district.

~~((3) The state board of education shall develop and establish procedures for students to meet equivalencies for courses required for graduation in subsection (1) of this section. Such procedures may include provisions for competency testing in lieu of such courses:~~

~~(4) The state board of education shall establish procedures for establishing high school graduation requirements for students with special educational needs, in accord with limitations on their ability to fulfill these high school graduation requirements:~~

~~(5) The local school districts shall consider the relevance of vocational and applied courses in fulfilling these high school graduation requirements:~~

~~(5) The state board of education, upon request from local school districts, shall be authorized to grant temporary exemptions from the graduation requirements in subsection (1) of this section for reasons relating to school district size and availability of staff authorized to teach required subjects. The state board of education may adopt reasonable and necessary rules regarding exemptions for students who transfer between districts:~~

~~(6)) (5) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.~~

Sec. 3. Section 28A.05.040, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 52, Laws of 1984 and RCW 28A.05.040 are each amended to read as follows:

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule or regulation of the state board of education: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment or religious belief, or because of participation in directed athletics or military science and tactics(~~(=PROVIDED FURTHER, That individual high school students shall be excused therefrom upon the written request of parents or guardians)) or for other good cause.~~

NEW SECTION. Sec. 4. The state board of education shall establish for students who commence the ninth grade subsequent to July 1, 1987, an additional one credit elective requirement to be chosen from fine, visual, or performing arts, any of the subject areas as set forth in RCW 28A.05.060, or any combination thereof.

NEW SECTION. Sec. 5. Sections 1 and 4 of this act are each added to chapter 28A.05 RCW.

Passed the Senate April 23, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 385

[Senate Bill No. 4142]

REGIONAL COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

AN ACT Relating to education; amending RCW 28A.57.020, 28A.57.030, 28A.57.031, 28A.57.032, 28A.57.033, 28A.57.034, 28A.57.035, 28A.57.040, 28A.57.050, 28A.57.055, 28A.57.057, 28A.57.060, 28A.57.070, 28A.57.075, 28A.57.080, 28A.57.090, 28A.57.100, 28A.57.110, 28A.57.150, 28A.57.170, 28A.57.180, 28A.57.190, 28A.57.196, 28A.57.200, 28A.57.240, 28A.57.245, 28A.57.342, 28A.57.344, 28A.57.390, 28A.56.005, 28A.56.010, 28A.56.020, 28A.56.030, 28A.56.040, 28A.56.060, and 28A.56.070; adding new sections to chapter 28A.57 RCW; creating a new section; and declaring an emergency.

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

Sec. 1. Section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 33, chapter 3, Laws of 1983 and RCW 28A.57.020 are each amended to read as follows:

As used in this chapter:

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

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

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

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

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

Sec. 2. Section 28A.57.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.030 are each amended to read as follows:

There is hereby created in each ~~((county))~~ educational service district a committee which shall be known as the ~~((county))~~ regional committee on school district organization, which committee shall be composed of not less

than ~~((five))~~ seven nor more than nine registered voters of the ~~((county))~~ educational service district, the number ~~((in each county to be determined by the persons in RCW 28A.57.032 charged with the duty of electing the members of the committee))~~ to correspond with the number of board member districts established for the governance of the educational service district in which the regional committee is located. One member of the regional committee shall be elected from the registered voters of each such educational service district board member district.

Sec. 3. Section 28A.57.031, chapter 223, Laws of 1969 ex. sess. as last amended by section 79, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.031 are each amended to read as follows:

~~((Neither the educational service district superintendent nor an employee of a school district shall be a member of the county committee.))~~ Persons possessing the status of any of the following positions shall not be eligible to be a member of a regional committee: The superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, officers appointed by any such governing board, and employees of a school district, an educational service district, the office of the superintendent of public instruction, a private school, or a private school district.

Sec. 4. Section 1, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.032 are each amended to read as follows:

The members of ~~((the county))~~ each regional committee shall be elected ~~((by the educational service district superintendent and the members of the board of directors of the school districts of the county at a meeting which the educational service district superintendent shall call for that and any additional purpose. At least one member of the county committee shall be elected from among the registered voters of each county commissioner's district in the county; and, as nearly as possible, an equal number of members shall be elected from among the registered voters of each class of school district (first or second class) in the county.))~~ in the following manner:

(1) On or before the 25th day of September, 1986, and not later than the 25th day of September of every subsequent year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the educational service district. Such notice shall include instructions, and the rules and regulations established by the state board of education for the conduct of the election. The state

board of education is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish standards and procedures which the state board deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.21 RCW a new regional committee shall be elected for each affected educational service district at the next annual election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a ((county)) regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the ((county)) educational service district member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

~~((If more than one educational service district superintendent has jurisdiction within a county all such superintendents shall participate in electing the committee, and the educational service district superintendent having jurisdiction over the most populous part of the county shall serve as secretary of the committee and call meetings where so provided:))~~

Sec. 5. Section 28A.57.033, chapter 223, Laws of 1969 ex. sess. as last amended by section 81, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.033 are each amended to read as follows:

~~((Vacancies in the membership of the county committee shall be filled by the persons charged with the duty of electing the members of the committee under RCW 28A.57.032. PROVIDED, That the committee may fill vacancies in its membership pending the calling of a meeting of said persons for this purpose by the educational service district superintendent.))~~ In case of a vacancy from any cause on a regional committee, the remaining members of the committee shall fill such vacancy by appointment pursuant to a majority vote of the remaining members: PROVIDED, That should there exist fewer members on a regional committee than constitutes a majority of the legally established committee member positions, the educational service district board members of the district in which the committee is located, by the vote of a majority of the members in its legally established number of board member positions, shall appoint a sufficient number of committee members to constitute a legal majority on the committee. Appointees to fill vacancies shall meet the requirements provided by law for committee members and shall serve until the next regular election for members of regional committees at which time a successor shall be elected for the balance of the unexpired term.

Sec. 6. Section 28A.57.034, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.034 are each amended to read as follows:

The terms of members of the ~~((county))~~ regional committees shall be for five years and until their successors are elected. As nearly as possible one-fifth of the members shall be elected annually. For the initial election conducted pursuant to section 30 of this 1985 act and the election of a new regional committee following a change in the number of educational service districts or board members, regional committee member positions one and six shall be for a term of five years, positions two and seven shall be for a term of four years, positions three and eight shall be for a term of three years, positions four and nine shall be for a term of two years, and position five shall be for a term of one year.

Sec. 7. Section 28A.57.035, chapter 223, Laws of 1969 ex. sess. as amended by section 118, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.035 are each amended to read as follows:

Members of ~~((the county))~~ each regional committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Sec. 8. Section 28A.57.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 82, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.040 are each amended to read as follows:

~~((The county))~~ Each regional committee shall organize by electing from its membership a chairman and a vice chairman. The educational service district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

Sec. 9. Section 2, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 6, Laws of 1985 and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of ~~((the county))~~ each regional committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the ~~((county))~~ educational service district; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the ~~((county))~~ regional committee to provide for satisfactory improvement in the school district system of the ~~((county))~~ educational service district and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing school districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new school district or of each existing school district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the then county committee found, after considering the factors listed in RCW 28A.57.055, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school

districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the ((county)) regional committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each school district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any school district was incurred; the value, location, and disposition of all improvements located in the school districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.57.190 o: 28A.57.200 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the ((county)) regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The ((county)) regional committee shall cause notice to be ((posted)) given, at least ten days prior to the date appointed for any such hearing, ~~((a written or printed notice thereof (a) in at least three public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on a commonly-used schoolhouse door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required, and (d) at the place or places of holding the hearing))~~ in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by ((newspaper,)) radio((;)) and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population

certificate filed with the secretary of state by the office of financial management shall be divided into directors' districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the educational service district superintendent. A public hearing thereon shall be held by the ((county)) regional committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section~~((, except that notice thereof shall be posted in some public place in each directors' district of the school district and on a commonly used schoolhouse door of the district and at the place of holding the hearing. In addition notice may be given by newspaper, radio, and television, or either thereof, when in the committee's judgment the public interest will be served thereby))~~.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 10. Section 28A.57.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.055 are each amended to read as follows:

~~((The county))~~ Each regional committee, in carrying out the purposes of RCW 28A.57.050, shall ((give due consideration in)) base its judgment and recommendations, if any, to the state board of education, upon such standards and considerations as are established by the state board of education pursuant to chapter 34.04 RCW for the preparation of ((plans)) recommended changes in the organization and extent of school districts and terms of adjustment as provided for ((therein (a))) in RCW 28A.57.050. Such rules and regulations shall provide for giving consideration: (1) To equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; ~~((tb))~~ (2) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; ~~((tc))~~ (3) to

geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; ~~((d))~~ (4) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; ~~((e))~~ (5) to improvement of the educational opportunities of pupils through improvement and extension of school programs and through better instruction facilities, equipment, materials, libraries, and health and other services; ~~((f))~~ (6) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: PROVIDED, That a nonhigh school district may be excluded from a plan if such district is found by the ~~((county))~~ regional committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; ~~((g))~~ (7) to the future effective utilization of existing satisfactory school buildings, sites, and playfields; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and ~~((h))~~ (8) to any other matters which in the judgment of the ~~((committee))~~ state board of education are related to or may operate to further equalization and improvement of school facilities and services, economies in operating and capital fund expenditures, and equalization among school districts of tax rates for school purposes.

Sec. 11. Section 26, chapter 282, Laws of 1971 ex. sess. and RCW 28A.57.057 are each amended to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the ~~((county))~~ regional committee on school organization after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the state board of education for its approval or revision. Upon receipt of notification of state board of education action, the ~~((county))~~ regional committee on school organization shall transmit to the county commissioners of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 12. Section 28A.57.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.060 are each amended to read as follows:

The powers and duties of the state board with respect to this chapter shall be:

(1) To aid ~~((county))~~ regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps,

forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in (~~the county~~) their respective educational service districts.

(2) To receive, file, and examine the proposals and the maps, reports, records, and other materials relating thereto submitted by (~~county~~) regional committees and to approve such proposals and so notify the (~~county~~) regional committees when said proposals are found to provide for satisfactory improvement in the school district system of the counties and the state and for an equitable adjustment of the assets and liabilities of the school districts involved or affected: PROVIDED, That whenever such proposals are found by the state board to be unsatisfactory or inequitable, the board shall so notify the (~~county~~) regional committee and, upon request, assist the committee in making revisions which revisions shall be resubmitted within sixty days after such notification for reconsideration and approval or disapproval.

Sec. 13. Section 28A.57.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 84, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.070 are each amended to read as follows:

Upon receipt by (~~the county~~) a regional committee of such notice from the state board as is required in RCW 28A.57.060(2), the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of an established school district or districts and all approved terms of adjustment of assets and liabilities involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his or her action to each county auditor for the board of county commissioners, each county treasurer, each county assessor and the superintendents of all school districts affected by such action. Upon receipt of such certification the superintendent of each school district which is annexed to another district by the action shall deliver to the superintendent of the school district to which annexed all books, papers, documents, records, and other materials pertaining to his or her office.

Sec. 14. Section 28A.57.075, chapter 223, Laws of 1969 ex. sess. as last amended by section 85, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.075 are each amended to read as follows:

Whenever adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries thereof, pursuant to the provisions of this chapter, the order of the educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district (a) that such bonded indebtedness is assumed by the school district to which it is transferred; (b) that thereafter such bonded indebtedness shall be the obligation of the school district to

which it is transferred; (c) that, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and (d) that taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, said taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred as aforesaid, as the same become due and payable.

In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of such transferred bonded indebtedness at any time outstanding (a) shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which such bonded indebtedness was transferred and (b) shall be deemed to be bonded indebtedness solely of the transferee school district that assumed such indebtedness.

(2) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district (a) that the existing bonded indebtedness of each school district the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized prior to the date its boundaries were altered shall be the obligation of the school district in its reduced or enlarged form, as the case may be; and (b) that taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

~~((In case the aforesaid approval))~~ If a change in school district organization approved by the state board concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be shall be held for the purpose of affording said voters an opportunity to approve or reject such proposals as concern or affect them.

In a case involving both the question of the formation of a new school district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever to the educational service district superintendent seems expedient. When the ~~((county))~~ regional committee

has passed appropriate resolutions for the questions to be submitted and the educational service district superintendent has given notice thereof to the county auditor such special election shall be called, conducted, and the returns canvassed as in regular school district elections.

Sec. 15. Section 28A.57.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 86, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.080 are each amended to read as follows:

Notice of such special elections as provided for in RCW 28A.57.075 shall be given by the county auditor as in RCW 29.27.080 provided(~~(, and in addition thereto the educational service district superintendent shall cause to be posted (1) in at least three public places in the territory of a proposed new district or of an established district involved in a proposal for adjustment of bonded indebtedness, and (2) on a commonly used schoolhouse door of each district included in the proposed new district, and (3) in some public place in the territory of each part of a district included in the proposed new district, and (4) at the place or places of holding the election; a statement encompassing the contents of the notice)~~). The notice of election shall state the purpose for which the election has been called and shall contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness to be voted on.

Sec. 16. Section 28A.57.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 87, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.090 are each amended to read as follows:

Whenever a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately and any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon. Whenever a special election is held to vote on a proposal for adjustment of bonded indebtedness the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated and any such proposition shall be considered approved if ((a majority of)) sixty percent or more of all votes cast thereon ((is)) are in the affirmative.

In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall: (1) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; and (2) certify his or her action to the county and school district officials specified in RCW 28A.57.070. He or she may designate, with the approval of the ((new district)) superintendent of public instruction, a name and number different from that

of any component thereof but must designate the new district by name and number different from any other district in existence in the county.

The educational service district superintendent (~~(, if he deems such action advisable, may)~~) shall fix, as the effective date of any order or orders he or she is required by this chapter to make, a date no later than the first day of ((July)) September next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries pursuant to RCW 84.09.030.

Upon receipt of the aforesaid certification, the superintendent of each school district which is included in the new district shall deliver to the superintendent of the new school district all books, papers, documents, records and other materials pertaining to his or her office.

Sec. 17. Section 28A.57.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.100 are each amended to read as follows:

If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the ~~((county))~~ regional committee may make such revisions therein as it deems advisable and submit the revised proposal or proposals to the state board. Thereafter such revised proposal or proposals shall be subject to the provisions and procedural requirements of this chapter applicable to original proposals submitted to said board.

Sec. 18. Section 28A.57.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.110 are each amended to read as follows:

The superintendent of public instruction shall furnish to the state board and to ~~((county))~~ regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for ~~((county))~~ regional committee members to be in accordance with RCW 28A.57.035, as now or hereafter amended, and such reimbursement for state board members to be in accordance with ~~((allowances for members of the legislature under RCW 44-04.120, as now or hereafter amended))~~ RCW 28A.04.110.

Sec. 19. Section 28A.57.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 90, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.150 are each amended to read as follows:

Each incorporated city or town in the state shall be comprised in one school district: PROVIDED, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district,

or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except as hereafter in this section provided.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites is included in an incorporated city or town through the extension of the limits of such city or town in the manner provided by law, the educational service district superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town and (2) whenever a part of a district so included contains a school building of the district, present to the ((county)) regional committee a proposal for the disposition of any part or all of the remaining territory of the district.

In case of the extension of the limits of a town to include territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, the ((county)) regional committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the town is located any part or all of the territory aforesaid which has been included in the town and for annexation to the school district in which the town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the limits of the town: PROVIDED, That where no school or school site is located within the territory annexed to the town and not less than seventy-five percent of the registered voters residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the town is located, the educational service district superintendent shall declare the territory so included to be a part of the school district containing said town: PROVIDED FURTHER, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: AND PROVIDED FURTHER, That the provisions and procedural requirements of this chapter as now or hereafter amended not in conflict with or inconsistent with the provisions hereinabove in this section stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school districts involved or affected thereby.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the educational service district superintendent, except where the incorporation or consolidation would affect a district or districts of the first class, shall: (1) Order and declare to be established in each such case a single school district comprising all of the

school districts involved, and (2) designate each such district by name and by a number different from that of any other district in existence in the county.

The educational service district superintendent(~~(, if he deems such action advisable, may))~~ shall fix as the effective date of any declaration or order required under this section a date no later than the first day of ((July)) September next succeeding the date of the issuance of such declaration or order.

Sec. 20. Section 28A.57.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1982 and RCW 28A.57.170 are each amended to read as follows:

For the purpose of forming a new school district, a petition in writing may be presented to the educational service district superintendent, as secretary of the ~~((county))~~ regional committee, by registered voters residing (1) in each whole district and in each part of a district proposed to be included in any single new district, or (2) in the territory of a proposed new district which comprises a part only of one or more districts. A total of ten or more registered voters residing in such affected areas or area as the case may be may sign and present such petition with the approval of the boards of directors of the affected school districts. A total of ten percent or more of the registered voters residing in such affected areas or area as the case may be may sign and present such petition with or without the approval of the boards of directors of the affected school districts. The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof will be considered during a school fiscal year.

Sec. 21. Section 28A.57.180, chapter 223, Laws of 1969 ex. sess. as last amended by section 92, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.180 are each amended to read as follows:

For the purpose of transferring territory from one school district to another district, a petition in writing may be presented to the educational service district superintendent, as secretary of the ~~((county))~~ regional committee, signed by a majority of the registered voters residing in the territory proposed to be transferred, or by the board of directors of one of the districts affected by a proposed transfer of territory if there is no registered voter resident in the territory, which petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory: PROVIDED, That the educational service district superintendent, without being petitioned to do so, may present to the ~~((county))~~ regional committee a proposal for the transfer from one school district to another of any territory

in which no children of school age reside: PROVIDED FURTHER, That the educational service district superintendent shall not complete any transfer of territory pursuant to the provisions of this section which involves ten percent or more of the common school student population of the entire district from which such transfer is proposed, unless he or she has first called and held a special election of the voters of the entire school district from which such transfer of territory is proposed for the purpose of affording said voters an opportunity to approve or reject such proposed transfer, and has obtained approval of the proposed transfer by a majority of those registered voters voting in said election; and if such proposed transfer is disapproved, the state board of education shall determine whether or not said district is meeting or capable of meeting minimum standards of education as set up by the state board. If the state board decides in the negative, the superintendent of public instruction may thereupon withhold from such district, in whole or in part, state contributed funds.

Sec. 22. Section 28A.57.190, chapter 223, Laws of 1969 ex. sess. as last amended by section 93, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.190 are each amended to read as follows:

Whenever all or any part of a school district in which no accredited high school is maintained is bounded on three or more sides by a school district in which an accredited high school is situated and maintained, or by a school district in which a high school with a program approved by the state board of education is situated and maintained, the educational service district superintendent shall report said fact to the ((county)) regional committee, which committee shall consider the question of the annexation to the aforesaid high school district of the territory or district so bounded.

Sec. 23. Section 2, chapter 63, Laws of 1972 ex. sess. and RCW 28A.57.196 are each amended to read as follows:

On or before June 1, 1972, or in any year in the future when there are more than two thousand five hundred common school age children on a military reservation as referred to in RCW 28A.57.195 resident therein, whichever is the case, and notwithstanding other provisions of this chapter or any other provision of law, the ((county)) regional committee ((~~on school district organization~~)) of each ((county)) educational service district in which such a United States military reservation is located, or in the case such military reservation is located in two or more ((counties)) educational service districts, the joint ((county)) regional committee established pursuant to RCW 28A.57.240, shall order effective ((July)) September 1 of the then calendar year the annexation of portions of reservation territory not currently within the single school district, as required by RCW 28A.57.195, to one of the school districts encompassing a portion of the military reservation: PROVIDED, That notwithstanding any other provision of RCW 28A.57.195 and 28A.57.196 the annexation order shall not include territory of school districts on such military reservations in which none or less than a

majority of the pupils residing within that portion of the district within such military reservation have one or more parents serving in the military and under such military command. Notwithstanding any other provision of law, the decision as to which school district shall serve the pupils residing within such military reservation shall rest solely with the ((county)) regional committee ((~~on school district organization~~)) of the ((county)) educational service district in which the affected military reservation is located. The ((county)) regional committee ((~~on school district organization~~)) shall order such equitable transfer of assets and liabilities as is deemed necessary for the orderly transfer of the territory in accordance with transfers in other annexation proceedings authorized under this chapter.

Sec. 24. Section 4, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.200 are each amended to read as follows:

In case any school district shall have an average enrollment of fewer than ((two)) five kindergarten through eighth grade pupils during the preceding school year, including the 1984-85 school year and any subsequent school year, or shall not have made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the educational service district superintendent shall report said fact to the ((county)) regional committee, which committee shall dissolve the school district and annex the territory thereof to some other district or districts: PROVIDED, That for the purposes of this section, in addition to any other finding, "reasonable effort" shall be deemed to mean the attempt to make up whatever days are short of the legal requirement by the conducting of school classes on any days to include available holidays, though not to include Saturdays and Sundays, prior to June 15 of that year: PROVIDED FURTHER, That school districts operating an extended school year program, most commonly implemented as a 45-15 plan, shall be deemed to be making a reasonable effort: PROVIDED FURTHER, That in the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees such district shall not be subject to the requirements of this section. In case any territory is not a part of any school district, the educational service district superintendent shall present to the ((county)) regional committee a proposal for the annexation of said territory to some contiguous district or districts.

Sec. 25. Section 28A.57.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 95, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.240 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a ((county)) regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment

whenever territory lying in a single ((county)) educational service district is involved shall be performed jointly by the ((county)) regional committees and by the superintendents of the several educational service districts as required whenever territory lying in more than one ((county or)) educational service district is involved in a proposed change in the organization and extent of school districts: PROVIDED, That a ((county)) regional committee may designate three of its members, or two of its members and the educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by ((the whole)) a majority of the regional committee ((of the county)). Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the state board by the ((county)) regional committee of the ((county)) educational service district in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 26. Section 28A.57.245, chapter 223, Laws of 1969 ex. sess. as last amended by section 96, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.245 are each amended to read as follows:

Whenever a proposed change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve ((a joint)) school districts in two or more educational service districts, and a majority of at least one of the ((county)) regional committees ((or either county)) involved approve a proposal but the proposal is not approved by the other ((county)) regional committee or committees or one or more of said committees fails or refuses to act upon the proposal within sixty days of its receipt, the ((county)) regional committee or committees approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee ~~((on joint school district organization))~~ composed of five persons. The members of the temporary committee shall be selected from the membership of any ((county)) regional committee in this state except that no member shall be appointed from any ((county)) educational service district in which ~~((part of the joint district))~~ there is situated a school district that would be affected by the proposed change. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a chairman and secretary. Thereupon, this temporary committee ~~((on joint school district organization))~~ shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a ((county)) regional committee under the provisions of this chapter and the secretary of the committee shall have the powers and

duties imposed upon and required to be performed by the educational service district superintendents under the provisions of this chapter. It shall be the duty of the educational service district superintendents of the educational service districts in which the ~~((joint))~~ school districts ~~((is))~~ that would be affected by the proposed change are situated to assist the temporary committee ~~((on joint school district organization))~~ by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

Sec. 27. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.342 are each amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the ~~((county))~~ regional committee to divide the school district, if formed, into directors' districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.328(~~(, as now or hereafter amended)~~). Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.355, 28A.57.356, and 28A.57.357(~~(, as now or hereafter amended)~~). Each of the five directors shall be elected from among the residents of the respective director district by the electors of the entire school district.

Sec. 28. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the ~~((county))~~ regional committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the ~~((county))~~ regional committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of five director districts from among the residents of the respective director district by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district

elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 29. Section 28A.57.390, chapter 223, Laws of 1969 ex. sess. as last amended by section 106, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.390 are each amended to read as follows:

~~((The))~~ Each educational service district superintendent shall prepare and keep in his office (1) a map showing the boundaries of the directors' districts of all school districts in or belonging to his or her educational service district that are so divided, and (2) a record of the action taken by the ~~((county))~~ regional committee in establishing such boundaries.

NEW SECTION. Sec. 30. A new section is added to chapter 28A.57 RCW to read as follows:

Notwithstanding any other provision of this chapter to the contrary, those persons who were county committee members and registered to vote as of the effective date of this act shall constitute the regional committee of the educational service district within which they are registered to vote until the election of the initial regional committee pursuant to this section. The initial election of members of each regional committee shall be by those persons who were county committee members registered to vote within the educational service district as of the effective date of this act. Only persons who were county committee members and so registered to vote as of the effective date of this act shall be eligible for membership on an initial regional committee, and only those persons who are eligible for such membership and are in attendance at a meeting held for the purpose of the election shall be entitled to cast a vote. The meeting shall be held at a time and place designated and announced by the educational service district superintendent, but no later than the thirtieth day after the effective date of this act. The educational service district superintendent shall preside over the meeting. Nominations shall be from the floor and shall be for position numbers assigned by the educational service district superintendent for the purpose of the initial election and all subsequent elections held pursuant to RCW 28A.57.032. Members of each initial regional committee shall be elected by majority vote and shall serve for the staggered terms of office set forth in RCW 28A.57.032 and until their successors are certified as elected pursuant to RCW 28A.57.032.

Sec. 31. Section 28A.56.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.005 are each amended to read as follows:

High school facilities shall mean buildings for occupancy by grades nine through twelve and equipment and furniture for such buildings and shall include major alteration or major remodeling of buildings and the acquisition of new sites and of additions to existing sites, and improvement of sites but only when included as a part of a general plan for the construction, equipping and furnishing of a building or of an alteration or addition to a

building. The term shall also (1) include that portion of any building, alteration, equipment, furniture, site and improvement of site allocated to grade nine when included in a plan for facilities to be occupied by grades seven through nine and (2) includes such facilities for grades seven and eight when included in a plan as aforesaid, if the ((county)) regional committee on school district organization finds that students of these grades who reside in any nonhigh school districts involved are now attending school in the high school district involved under an arrangement which likely will be continued.

Sec. 32. Section 28A.56.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.010 are each amended to read as follows:

Upon receipt of a written request from the board of directors of a high school district or a nonhigh school district that presents to the ((county)) regional committee on school district organization satisfactory evidence of a need for high school facilities to be located therein and of ability to provide such facilities, the ((county)) regional committee shall prepare a plan for participation by any nonhigh school district or districts in providing capital funds to pay the costs of such school facilities and equipment to be provided for the education of students residing in the school districts. Prior to submission of the aforesaid request the board of directors of the school district concerned therewith shall determine the nature and extent of the high school facilities proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the ((county)) regional committee along with the aforesaid request.

Sec. 33. Section 28A.56.020, chapter 223, Laws of 1969 ex. sess. as amended by section 91, chapter 7, Laws of 1985 and RCW 28A.56.020 are each amended to read as follows:

The (~~said county~~) regional committee on school district organization 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 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.

Sec. 34. Section 28A.56.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 74, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.030 are each amended to read as follows:

The ~~((said county))~~ regional committee on school district organization shall also hold a public hearing or hearings on any proposed plan: PROVIDED, That three members of the committee or two members of the committee and the educational service district superintendent, or his or her designee, may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the ~~((county))~~ regional committee. The ~~((county))~~ regional committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the school districts involved and at the place of hearing.

Sec. 35. Section 28A.56.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 75, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.040 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as ~~((aforesaid))~~ provided in RCW 28A.56.030, the ~~((county))~~ regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the ~~((county))~~ regional committee of such action. Upon receipt by the ~~((county))~~ regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a ~~((county))~~ regional committee is not approved by the state board, the ~~((county))~~ regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the ~~((county))~~ regional committee shall submit to the state board a revised plan which revision shall be subject to approval or disapproval by the state board and the procedural requirements and provisions of law applicable to an original plan submitted to said board.

Sec. 36. Section 28A.56.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 77, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.060 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.56.050 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.58-.230, following the close of the school year during which the second election is held: PROVIDED, That in any such case the ((county)) regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the ((county)) regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a ((county)) regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the educational service district superintendent shall make an order, establishing the annexation.

Sec. 37. Section 28A.56.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.070 are each amended to read as follows:

In case of failure or refusal by a board of directors of a nonhigh school district to submit a proposal or proposals to a vote of the electors within the time limit specified in RCW 28A.56.050 and 28A.56.060, the ((county)) regional committee on school district reorganization may initiate a proposal for annexation of such nonhigh school district as provided for in RCW 28A.56.060.

NEW SECTION. Sec. 38. A new section is added to chapter 28A.57 RCW to read as follows:

Any proceeding or hearing now or hereafter initiated, being considered, or in progress pursuant to this chapter as of the effective date of this act or thereafter which is interrupted by a change in committee membership by chapter ... (Senate Bill No. 4142), Laws of 1985 shall continue and be assumed and decided with equal force and effect by the initial regional committees and all other successor committees provided for in RCW 28A.57.032 and 28A.57.055: PROVIDED, That such committees may elect to reconduct proceedings on hearings already in progress and shall reconduct wholly or partially completed hearings required pursuant to this

chapter unless the majority of the committee deciding the matter have either read or heard previously submitted testimony and evidence.

NEW SECTION. Sec. 39. Each educational service district superintendent shall review the enrollment of all school districts within their educational service district and make any report required by RCW 28A.57.200 within thirty days of the effective date of this section.

This section shall expire December 31, 1985.

NEW SECTION. Sec. 40. Sections 24 and 39 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 41. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 386

[Engrossed Substitute Senate Bill No. 3911]

HOUSING AUTHORITIES—LOANS—INVESTMENT AND PURCHASE—
AUTHORITY

AN ACT Relating to housing authorities; and amending RCW 35.82.070.

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

Sec. 1. Section 35.82.070, chapter 7, Laws of 1965 as last amended by section 2, chapter 225, Laws of 1983 and RCW 35.82.070 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units which do not constitute a housing project as that term is defined in this chapter: PROVIDED, That notwithstanding the provisions under subsection (1) of this section, dwelling units which constitute a housing project shall occupy at least thirty percent of the interior space of any individual building in the project and at least fifty percent of the interior space in the total project; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any

bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(7) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(8) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(9) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(10) To agree (notwithstanding the limitation contained in RCW 35-.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(11) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

(12) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

(13) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

(14) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

(15) To make loans to persons of low income (~~((incidental to rehabilitating))~~) to enable them to rehabilitate their dwellings or (~~((setting))~~) purchase a dwelling (~~((to them))~~), and to take such security therefor as is deemed necessary and prudent by the authority.

(16) Within its area of operation, to invest in, purchase, participate in the purchase of, make commitments to purchase and take assignments from mortgage lenders of mortgage loans made by others to or for persons of low income, to make loans to mortgage lenders for the purpose of such mortgage lenders making mortgage loans to or for persons of low income, all of said loans to be used for the construction, reconstruction, rehabilitation, improvement, purchase, leasing or refinancing of housing projects.

(17) To invest in, purchase, participate in the purchase of, and make commitments to purchase, take assignments from mortgage lenders or make loans to owners of property for the purpose of constructing, rehabilitating or making improvements on that property, in exchange for such borrower's agreement to rent the subject property to persons of low income for a qualified project period: PROVIDED, HOWEVER, That an authority shall not use proceeds of bonds issued by it to finance construction of new facilities unless: (a) Public funds provided by the local, state, or federal government are to be invested in the property or improvements on the property; or (b) the authority will, upon completion, own at least a twenty-five percent interest in the property or in lieu thereof, at least twenty-five percent of the housing units located on such property. For purposes of this subsection, the term "qualified project period" means a period beginning on the later of the first day on which at least ten percent of the units in the rental property or rehabilitated rental property are first occupied or the date of issue of any bonds issued to finance such loans and ending on the later of the date: (i) Which is ten years after the date on which at least fifty percent of the units in the rental property or rehabilitated rental property are first occupied; (ii) which is a qualified number of days after the date on which any of the units in the rental property or rehabilitated rental property is first occupied; or

(iii) on which any assistance provided with respect to the project under section 8 of the United States housing act of 1937 terminates. For purposes of this subsection, the term "qualified number of days" means fifty percent of the total number of days comprising the term of the bond with the longest maturity in the bond issue used to finance the loans. In the case of a refunding of such a bond issue, the longest maturity is equal to the sum of the period the prior issue was outstanding and the longest term of any refunding bonds.

(18) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects.

Passed the Senate April 23, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 387

[Engrossed Substitute Senate Bill No. 4209]

ASBESTOS

AN ACT Relating to the regulation of persons removing or encapsulating asbestos; adding new sections to chapter 49.26 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5 of this act.

(1) "Asbestos project" means the construction, demolition, repair maintenance, or renovation of any public or private building or mechanical piping equipment or systems involving the demolition, removal, encapsulation, salvage, or disposal of material releasing or likely to release asbestos fibers into the air.

(2) "Department" means the department of labor and industries.

(3) "Person" means any partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

(4) "Qualified asbestos worker" means an individual who is certified by the department to undertake an asbestos project.

(5) "Contractor" means any partnership, firm, association, corporation or sole proprietorship that contracts to perform the removal or encapsulation of asbestos for another.

NEW SECTION. Sec. 2. No contractor, employee, or other individual is eligible to work on an asbestos project unless issued a certificate by the department except, in the case of an asbestos project undertaken by any

partnership, firm, corporation or sole proprietorship in its own facility and by its own employees under the direct, on-site supervision of a qualified asbestos worker. In cases excepted under this section, the partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos. To qualify for a certificate, the contractor, employee, or other individual must have successfully completed a basic course of at least thirty hours, provided or approved by the department, on the health and safety aspects of the removal and encapsulation of asbestos including but not limited to the federal and state standards regarding protective clothing, respirator use, disposal, air monitoring, cleaning, and decontamination. This training is intended to represent the minimum training and education requirement for certification and shall not preclude contractors or employers from providing additional training.

The department may suspend or revoke a certificate, in accordance with chapter 34.04 RCW for failure of the holder to comply with applicable health and safety standards and regulations.

NEW SECTION. Sec. 3. (1) The department shall administer sections 2 through 5 of this act.

(2) The director of the department shall adopt, in accordance with chapter 34.04 RCW, rules necessary to carry out sections 2 through 5 of this act.

(3) The department may prescribe fees for the issuance and renewal of certificates.

NEW SECTION. Sec. 4. No person may assign any employee, contract with, or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a qualified asbestos worker except, in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship in its own facility and by its own employees under the direct, on-site supervision of a qualified asbestos worker. In cases excepted under this section, the partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos. The department may require persons undertaking asbestos projects to provide notice to the department before the commencement of the project.

NEW SECTION. Sec. 5. (1) The department may assess a civil penalty, not to exceed five thousand dollars for each violation, against any person or individual who knowingly violates a provision of sections 2 through 4 of this act.

(2) A person or individual who previously has been assessed a civil penalty under this section, and who knowingly violates a provision of sections 2 through 4 of this act or a rule adopted pursuant to sections 2 through 4 of this act is guilty of a misdemeanor.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 49.26 RCW.

Passed the Senate April 25, 1985.

Passed the House April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 388

[Engrossed Substitute Senate Bill No. 4399]

LOCAL GOVERNANCE STUDY COMMISSION

AN ACT Relating to creating a local governance study commission; adding new sections to chapter 43.63A RCW; adding a new section to chapter 82.44 RCW; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds state statutes allocating governmental powers, duties, and relationships were first enacted nearly a century ago and reflect ideas of their time. The legislature further finds that Washington state was a rural, agrarian society at that time, and that cities were relatively small, surrounded by rural areas, and served as a commercial and social center for those areas.

The legislature finds that the state created counties as political and administrative subdivisions of itself, and allowed for the creation of cities by the local citizenry to provide such additional municipal services as might be desired in areas of greater population density. The legislature further finds that in order to forestall imprudent or hasty creation of local governments, the process was deliberately made somewhat difficult. The legislature also finds that cities and counties were provided with differing tax structures, reflective of their differing governmental and service roles.

The legislature finds that, contrary to expectation, urban development has occurred not only within cities, but around cities and in clusters remote from any city, and that, in 1985, nearly half of the state's population lives in unincorporated, but largely urbanized areas. The legislature further finds that while this situation is the result of a number of factors, the unintended

effects of the policies of various levels of government played a major role in creating it.

The legislature finds that some services are best delivered on a city-wide basis, some services are best delivered on a county-wide basis, while others might best be delivered on a greater than city, less than county-wide basis, and some might best be provided on a multicounty basis. The legislature further finds that in many cases, service needs have no relationship to political jurisdictions' boundary lines. The legislature also finds that there is uncertainty as to the proper role of some units of local government in rendering basic public services. The legislature further finds that cities, counties, and special purpose districts rendering basic municipal services spend approximately two billion dollars per year in providing such services and that there is a state interest in the efficient and effective provision of local government services.

Therefore, the legislature finds that there is a need to examine the present demographic and governmental service provision situation, in order to determine the manner in which local public services are presently delivered and funded in Washington state, the public policies which have led to the present situation, and the manner in which each contributed to it. The legislature further finds that there is a need to examine the practices of other states in such matters and in terms of allocations of responsibility, authority, and funding among various levels and agencies of government. The legislature also finds that there is a need to examine the policies and practices of other states in providing for city incorporation and annexation.

NEW SECTION. Sec. 2. For purposes of sections 3 through 6 of this act, "commission" means the local governance study commission created in section 3 of this act.

*NEW SECTION. Sec. 3. There is hereby created a local governance study commission to consist of the following:

- (1) Twenty-one voting members appointed by the governor *consisting of:*
- (a) *Eight members of the state legislature, four nominated by the Speaker of the House of Representatives, four nominated by the President of the Senate, two from each caucus of the respective house;*
 - (b) *Four members nominated by the association of Washington cities or its successor;*
 - (c) *Four members nominated by the Washington state association of counties or its successor;*
 - (d) *One member nominated by the Washington state association of sewer districts;*
 - (e) *One member nominated by the Washington state association of water districts;*
 - (f) *One member nominated by the Washington association of fire districts;*

(g) One member nominated by the Washington public utility districts association; and

(h) One member nominated by the Washington library association .

(2) Three members serving in an ex officio nonvoting capacity:

(a) The executive director of the association of Washington cities or its representative;

(b) The executive director of the Washington state association of counties or its representative; and

(c) The director of the department of community development, who shall serve as chair of the commission.

(3) Commission members shall serve without pay, at the pleasure of the governor. Nonlegislative members shall be paid travel expenses incurred in their travel to and from meetings of the commission and while attending all meetings of the commission in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be paid travel expenses incurred in their travel to and from meetings of the commission and while attending all meetings of the commission in accordance with RCW 44.04.120.

*Sec. 3 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. The commission shall:

(1) Identify and examine the present demographic and governmental service provision of cities, counties, and special purpose districts together with an examination of the present manner in which revenues are received for the provision of services by the various jurisdictions;

(2) Examine the public policies and history that led to the current situation;

(3) Analyze why policies that are identified in the study had an impact on growth and development in the state of Washington and why they contributed to the current situation;

(4) Examine the policies, practices, and experiences in other states in regard to allocating responsibility, revenue authority, and responsiveness to provide governmental services;

(5) Create advisory committees of representatives of special purpose districts, to advise the commission on issues affecting the operation of these districts, and members of the private sector;

(6) Develop recommended policy, statutory, and constitutional changes as may be determined would serve to better define the appropriate roles and activities of cities, counties, and special purpose districts and their interrelationship to one another; and

(7) Submit to the governor and the legislature a report containing the commission's findings, conclusions, and recommendations by November 1, 1986.

NEW SECTION. Sec. 5. The department shall provide the necessary support to the commission to carry out the purposes of sections 2 through 4 this act. The department may employ such staff as is necessary to carry out

the purposes of sections 2 through 4 of this act. The provisions of chapter 41.06 RCW do not apply to such staff.

NEW SECTION. Sec. 6. A new section is added to chapter 82.44 RCW to read as follows:

For the biennium beginning July 1, 1985, distributions of motor vehicle excise tax receipts to counties, cities, and towns under RCW 82.44.150 shall be altered as follows:

(1) Prior to placing moneys in the county sales and use tax equalization account under RCW 82.14.200, an amount equal to twenty thousand eight hundred thirty-three dollars from amounts otherwise to be placed in this account shall be placed into the account created under section 7 of this act, for each of the quarterly distributions on July 1, 1985, October 1, 1985, January 1, 1986, April 1, 1986, July 1, 1986, and October 1, 1986.

(2) Prior to distributing the moneys to cities and towns under RCW 82.44.150(3)(a), an amount equal to twenty thousand eight hundred thirty-three dollars from amounts otherwise to be distributed to cities and towns shall be placed into the account created under section 7 of this act, for each of the quarterly distributions on July 1, 1985, October 1, 1985, January 1, 1986, April 1, 1986, July 1, 1986, and October 1, 1986.

This section shall expire June 30, 1987.

NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

The local government study commission account is hereby established in the state treasury. Moneys shall be placed into the local government study commission account as provided in section 6 of this act to be used by the department of community development for the biennium ending June 30, 1987, to carry out the purposes of sections 1 through 5 of this act.

This section shall expire June 30, 1987.

NEW SECTION. Sec. 8. There is appropriated from the local government study commission account to the department of community development for the biennium ending June 30, 1987, the sum of two hundred forty-nine thousand nine hundred ninety-six dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 9. Sections 1 through 5 of this act shall expire June 30, 1987.

NEW SECTION. Sec. 10. Sections 2 through 5 of this act are each added to chapter 43.63A RCW.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 23, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to portions of Section 3(1)(a) through (h) of Engrossed Substitute Senate Bill No. 4399 entitled:

"AN ACT Relating to creating a local governance study commission."

I fully support the purpose of this legislation. I believe that it is now timely for the State, in cooperation with local government representatives, to undertake a comprehensive review of the State's assignment of various public service responsibilities, authorities and funding sources among counties, cities and special districts. Much of the rationale for the current allocation of responsibilities and authorities may now be outmoded due to the changes that have occurred over time in population growth and settlement patterns. The proposed Local Governance Study Commission represents a useful opportunity to recommend needed changes to State policies, statutes, and the constitution, which better serve current public service requirements, and which more appropriately define the roles and activities of cities, counties and special districts, as well as their interrelationship to one another.

However, language contained in Section 3(1)(a) through (h) of this bill directs the Governor to appoint to the Commission twenty-one persons who are nominated by certain specified organizations related to local governance. While I concur with the appropriateness of placing representatives of the named organizations on the Commission, I believe this language precludes gubernatorial discretion and negates the Governor's appointment authority.

Therefore, in order to preserve the Governor's appointment prerogatives, I have vetoed the language that requires the Governor to appoint the nominees of specified organizations. I will, of course, honor the spirit of the vetoed language when making my appointments.

With the exception of portions of Section 3(1)(a) through (h), ESSB 4399 is approved."

CHAPTER 389

[Senate Bill No. 4155]

COURT COSTS—COLLECTION AND REMITTANCE

AN ACT Relating to court costs; amending RCW 10.01.160, 27.24.070, 3.46.120, 3.50-.100, 3.62.010, 3.62.040, 10.82.070, 35.20.220, 36.18.025, and 2.42.050; adding new sections to chapter 2.42 RCW; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 96, Laws of 1975-'76 2nd ex. sess. and RCW 10.01.160 are each amended to read as follows:

(1) The court may require a convicted defendant to pay costs.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear may be included in costs the court may require a convicted defendant to pay.

(3) The court shall not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170.

Sec. 2. Section 1, chapter 249, Laws of 1953 as last amended by section 310, chapter 258, Laws of 1984 and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the county treasurer shall deposit in the county or regional law library fund a sum equal to seven dollars for every new probate or civil (~~matter~~) filing fee, including appeals, (~~filed with~~) collected by the clerk of the superior court and three dollars for every (~~civil action commenced~~) fee collected for the commencement of a civil action in district court for the support of the law library in that county or the regional law library to which the county belongs: PROVIDED, That upon a showing of need the seven dollar contribution may be increased up to nine dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies.

Sec. 3. Section 46, chapter 299, Laws of 1961 as last amended by section 303, chapter 258, Laws of 1984 and RCW 3.46.120 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs, except those costs specified in RCW 4.84.010 or otherwise provided for by statute, assessed and collected in whole or in part by the court shall be paid by the clerk to the city treasurer.

(2) The city treasurer shall remit monthly (~~thirty-five~~) thirty-two percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 4. Section 59, chapter 299, Laws of 1961 as last amended by section 304, chapter 258, Laws of 1984 and RCW 3.50.100 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly (~~((thirty-five))~~) thirty-two percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 5. Section 106, chapter 299, Laws of 1961 as last amended by section 306, chapter 258, Laws of 1984 and RCW 3.62.020 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit (~~((thirty-five))~~) thirty-two percent of the money received under subsection (1) of this section to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

Sec. 6. Section 108, chapter 299, Laws of 1961 as last amended by section 307, chapter 258, Laws of 1984 and RCW 3.62.040 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly (~~(thirty-five)~~) thirty-two percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

Sec. 7. Section 3, page 421, Laws of 1873 as last amended by section 313, chapter 258, Laws of 1984 and RCW 10.82.070 are each amended to read as follows:

(1) All sums of money derived from costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly (~~(thirty-five)~~) thirty-two percent of the money received under this section to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law.

(3) All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 8. Section 35.20.220, chapter 7, Laws of 1965 as last amended by section 319, chapter 258, Laws of 1984 and RCW 35.20.220 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the

books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly (~~((thirty=five))~~) thirty-two percent of the money received under this section, other than for parking infractions and costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 9. Section 2, chapter 20, Laws of 1972 ex. sess. as amended by section 322, chapter 258, Laws of 1984 and RCW 36.18.025 are each amended to read as follows:

~~((Thirty=five))~~ Thirty-two percent of the money received from filing fees paid pursuant to RCW 36.18.020, as now or hereafter amended, shall be transmitted by the county treasurer each month to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

NEW SECTION. Sec. 11. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Hearing impaired person" means a person who, because of a hearing impairment, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(2) "Qualified interpreter" means an interpreter who is certified by the registry of interpreters for the deaf with the certificate level specified below and who meets the requirements of section 13 of this act.

(a) For judicial proceedings involving a class A felony, use of the services of a qualified interpreter holding the specialist certificate-legal is required.

(b) For other judicial, quasi-judicial, or administrative proceedings, use of the services of a qualified interpreter holding the specialist certificate-legal, master's comprehensive skills certificate, or comprehensive skills certificate is required.

(c) For programs and activities other than judicial or administrative proceedings, the services of a qualified interpreter holding a partial certification shall be required. Efforts to obtain the services of a qualified interpreter holding the master's comprehensive certificate or comprehensive skills certificate shall be made before obtaining the services of a qualified interpreter holding the interpreting certificate and/or the transliterating certificate.

(4) "Intermediary interpreter" means a hearing impaired interpreter who is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of section 13 of this act, and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified hearing interpreter.

(5) "Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision.

NEW SECTION. Sec. 12. (1) If a hearing impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(2) If the parent, guardian, or custodian of a juvenile brought before a court is hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(3) If a hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay for a qualified interpreter to interpret exchange of information during the program or activity.

(4) If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is hearing impaired,

whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(5) If a hearing impaired person is arrested for an alleged violation of a criminal law the arresting officer or the officer's supervisor shall, at the earliest possible time, procure and arrange payment for a qualified interpreter for any notification of rights, warning, interrogation, or taking of a statement. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(6) Where it is the policy and practice of a court of this state or of a political subdivision to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hearing impaired persons to facilitate communication with counsel in all phases of the preparation and presentation of the case.

NEW SECTION. Sec. 13. (1) If a qualified interpreter for a hearing impaired person is required, the appointing authority shall request a qualified interpreter through the department of social and health services, office of deaf services, or through any community center for hearing impaired persons which operates an interpreter referral service. The office of deaf services and these community centers shall maintain an up-to-date list of interpreters certified by the registry of interpreters for the deaf.

(2) The appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the hearing impaired person, that the interpreter is able in that particular proceeding, program, or activity to interpret accurately all communication to and from the hearing impaired person. If at any time during the proceeding, program, or activity, in the opinion of the hearing impaired person or a qualified observer, the interpreter does not provide accurate and effective communication with the hearing impaired person the appointing authority shall appoint another qualified interpreter. No otherwise qualified interpreter who is a relative of any participant in the proceeding may be appointed.

NEW SECTION. Sec. 14. If the communication mode or language of the hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the appointing authority who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.

NEW SECTION. Sec. 15. (1) The right to a qualified interpreter may not be waived except when:

(a) A hearing impaired person requests a waiver through the use of a qualified interpreter;

(b) The counsel, if any, of the hearing impaired person consents; and

(c) The appointing authority determines that the waiver has been made knowingly, voluntarily, and intelligently.

(2) Waiver of a qualified interpreter shall not preclude the hearing impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding, program, or activity.

NEW SECTION. Sec. 16. (1) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law.

(2) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

NEW SECTION. Sec. 17. A qualified interpreter appointed under this chapter is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.

NEW SECTION. Sec. 18. At the request of any party to the proceeding or on the appointing authority's initiative, the appointing authority may order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use in verification of the official transcript of the proceeding.

In any judicial proceeding involving a capital offense, the appointing authority shall order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use in verification of the official transcript of the proceeding.

NEW SECTION. Sec. 19. Sections 11 through 18 of this act are each added to chapter 2.42 RCW.

Sec. 20. Section 5, chapter 22, Laws of 1973 and RCW 2.42.050 are each amended to read as follows:

Every qualified interpreter appointed (~~(pursuant to)~~) under this chapter in a judicial or administrative proceeding shall, before (~~(entering upon his duties as such)~~) beginning to interpret, take an oath that (~~(he will make)~~) a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which (~~(said)~~) the person understands, and that (~~(he)~~) the interpreter will repeat the statements of (~~(said)~~) the person being examined to the court or other agency conducting the proceedings, in the English language, to the best of (~~(his)~~) the interpreter's skill and judgment.

Passed the Senate April 23, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 390

[Engrossed Senate Bill No. 4185]

HIGHER EDUCATION TUITION AND FEES

AN ACT Relating to higher education tuition and fees; amending RCW 28B.10.265, 28B.14C.010, 28B.14C.080, 28B.14C.090, 28B.14C.100, 28B.14C.110, 28B.14C.120, 28B.14C.130, 28B.14D.900, 28B.14G.900, 28B.15.020, 28B.15.031, 28B.15.041, 28B.15.067, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.202, 28B.15.210, 28B.15.220, 28B.15.310, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.520, 28B.15.522, 28B.15.535, 28B.15.540, 28B.15.543, 28B.15.545, 28B.15.600, 28B.15.740, 28B.15.800, 28B.15.805, 28B.15.820, 28B.20.700, 28B.20.705, 28B.20.715, 28B.20.720, 28B.20.735, 28B.30.700, 28B.30.710, 28B.30.730, 28B.30.740, 28B.31.100, 28B.35.361, 28B.35.370, 28B.35.700, 28B.35.710, 28B.35.720, 28B.35.730, 28B.35.750, 28B.40.361, 28B.50.340, 28B.50.350, 28B.50.360, 28B.50.370, 28B.50.401, 28B.50.403, 28B.50.404, 28B.57.010, 28B.57.100, 28B.57.080, 28B.58.010, 28B.58.070, 28B.58.090, 28B.59.010, 28B.59.070, 28B.59.090, 28B.59B.070, 28B.59C.070, and 28B.59D.060; and adding a new section to chapter 28B.15 RCW.

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

Sec. 1. Section 2, chapter 17, Laws of 1972 ex. sess. as amended by section 2, chapter 63, Laws of 1973 and RCW 28B.10.265 are each amended to read as follows:

Children of any person who was a Washington domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to and attend any public institution of higher education within the state without the necessity of paying any tuition(~~(; operating fees;)~~) and service and activities' fees for any and all courses offered at any time including summer term whether attending on a part time or full time basis: PROVIDED, That such child shall meet such other educational qualifications as such institution of higher education shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

Sec. 2. Section 1, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.010 are each amended to read as follows:

The state finance committee is hereby authorized to issue from time to time on behalf of the state, general obligation bonds of the state in the amount of sixty million dollars, or so much thereof as may be required to refund at or prior to maturity, all or some or any part of the various issues of outstanding limited obligation revenue bonds identified below, issued by various of the institutions of higher education, similarly identified:

(1) University of Washington (~~(general tuition fee)~~) building revenue bonds, all series, aggregating \$28,850,000 in original principal amount;

(2) Washington State University (~~(general tuition fee)~~) building revenue bonds and (~~(general tuition fee)~~) building and scientific fund revenue bonds, all series, aggregating \$19,450,000 in original principal amount;

(3) Western Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds, all series, aggregating \$11,620,000 in original principal amount;

(4) Eastern Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds, all series, aggregating \$9,501,000 in original principal amount;

(5) Central Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds, all series, including refunding series, aggregating \$8,925,000 in original principal amount; and

(6) The Evergreen State College (~~(general tuition fee)~~) building revenue bonds, all series, aggregating \$2,191,125 in original principal amount.

Sec. 3. Section 8, chapter 354, Laws of 1977 ex. sess. and RCW 28B-.14C.080 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding University of Washington (~~(general tuition fee)~~) building revenue bonds payable from the University of Washington bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said University of Washington bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20-.720, 28B.20.725, 28B.20.800 or any other statute pertaining to said bonds or any covenant of the University of Washington board of regents pertaining to said bonds;

(2) The board of regents of the University of Washington shall, from moneys thereafter paid into the University of Washington bond retirement fund pursuant to the provisions of chapter 28B.20 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said University of Washington bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.20 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the University of Washington bond retirement fund pursuant to covenants in the said University of Washington bonds.

(4) Anything to the contrary contained in RCW 28B.20.725 notwithstanding, the board of regents of the University of Washington is empowered to authorize the transfer from time to time to the University of Washington building account any moneys in the University of Washington bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section.

Sec. 4. Section 9, chapter 354, Laws of 1977 ex. sess. and RCW 28B-.14C.090 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Washington State University (~~(general tuition fee)~~) building revenue bonds and (~~(general tuition fee)~~) building and scientific fund revenue bonds payable from the Washington State University bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Washington State University bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20.720, 28B.30.740, 28B.30.750 or any other statute pertaining to said bonds or any covenant of Washington State University board of regents pertaining to said bonds;

(2) The board of regents of Washington State University shall, from moneys thereafter paid into the Washington State University bond retirement fund pursuant to the provisions of chapter 28B.30 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said Washington State University bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.30 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Washington State University bond retirement fund pursuant to covenants in the said Washington State University bonds.

(4) Anything to the contrary contained in RCW 28B.30.750 notwithstanding, the board of regents of Washington State University is empowered to authorize the transfer from time to time to the Washington State University building account any moneys in the Washington State University

bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section.

Sec. 5. Section 10, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.100 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Western Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds payable from the Western Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Western Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Western Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all (~~(general tuition)~~) building fees and all normal school fund revenues received by Western Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Western Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Western Washington State College bond retirement fund pursuant to covenants in the said Western Washington State College bonds.

Sec. 6. Section 11, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.110 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Eastern Washington State College (~~(general tuition fee)~~) building and normal school fund revenue bonds payable from the Eastern Washington State College bond retirement fund, which provision has been

made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Eastern Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Eastern Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all (~~general tuition~~) building fees and all normal school fund revenues received by Eastern Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Eastern Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Eastern Washington State College bond retirement fund pursuant to covenants in the said Eastern Washington State College bonds.

Sec. 7. Section 12, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.120 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Central Washington State College (~~general tuition fee~~) building and normal school fund revenue bonds payable from the Central Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Central Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Central Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all (~~general tuition~~) building fees and all normal school fund revenues received by Central Washington State College pursuant to RCW 28B.40.751

shall thenceforth be deposited into the Central Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Central Washington State College bond retirement fund pursuant to covenants in the said Central Washington State College bonds.

Sec. 8. Section 13, chapter 354, Laws of 1977 ex. sess. and RCW 28B.14C.130 are each amended to read as follows:

At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Evergreen State College (~~general tuition fee~~) building revenue bonds payable from the Evergreen State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this chapter utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this chapter, then:

(1) The said Evergreen State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40-.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of The Evergreen State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all (~~general tuition~~) building fees and all normal school fund revenues received by The Evergreen State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Evergreen State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding,

which have been accumulated theretofore in the Evergreen State College bond retirement fund pursuant to covenants in the said Evergreen State College bonds.

Sec. 9. Section 10, chapter 253, Laws of 1979 ex. sess. and RCW 28B.14D.900 are each amended to read as follows:

No provision of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28B.15.210, 28B.15.310, 28B.15.401, 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, 28B.35.700 through 28B.35.790, or 28B.40.700 through 28B.40.790, nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education hereafter taken in the issuance of its revenue bonds secured by a pledge of its (~~general tuition~~) building fees and/or other revenues mentioned within such statutes. The obligation of the board to make the transfers provided for in RCW 28B.14D.070 and in RCW 28B.14C.080(2), 28B.14C.090(2), 28B.14C.100(2), 28B.14C.110(2), 28B.14C.120(2), and 28B.14C.130(2) shall be subject and subordinate to the lien and charge of any revenue bonds hereafter issued, on the (~~general tuition~~) building fees and/or other revenues pledged to secure such bonds, and on the moneys in the building account or capital project account and the individual institutions of higher education bond retirement funds.

Sec. 10. Section 9, chapter 233, Laws of 1981 as amended by section 14, chapter 48, Laws of 1982 1st ex. sess. and RCW 28B.14G.900 are each amended to read as follows:

No provision of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28B.15.210, 28B.15.310, 28B.15.402, 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, or 28B.35.700 through 28B.35.790, nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education hereafter taken in the issuance of its revenue bonds secured by a pledge of its (~~general tuition~~) building fees and/or other revenues mentioned within such statutes. The obligation of the board to make the transfers provided for in RCW 28B.14G.060, chapters 28B.14C and 28B.14D RCW, and RCW 28B.20.757 shall be subject and subordinate to the lien and charge of any revenue bonds hereafter issued against (~~general tuition~~) building fees and/or other revenues pledged to pay and secure such bonds, and on the moneys in the building account, capital project account, the individual institutions of higher education bond retirement funds and the University of Washington hospital local fund.

Sec. 11. Section 28B.15.020, chapter 223, Laws of 1969 ex. sess. as amended by section 34, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.020 are each amended to read as follows:

The term "~~((general))~~ tuition fees" as used in this chapter shall mean the ~~((general-tuition))~~ fees charged students registering at the state's ~~((regional))~~ colleges and universities~~(, The Evergreen State College, and the state universities for quarters or semesters other than the summer session; which fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College, solely for the purposes provided in RCW 28B.35.370, and at the community colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370 as now or hereafter amended))~~ which consist of:

- (1) The "building fees" as defined in section 12 of this 1985 act; and
- (2) The "operating fees" as defined in RCW 28B.15.031.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.15 RCW to read as follows:

The term "building fees" means the fees charged students registering at the state's colleges and universities, which fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College, solely for the purposes provided in RCW 28B.35.370; and at the community colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370. The term "building fees" is a renaming of the "general tuition fee," and shall not be construed to affect otherwise moneys pledged to, or used for bond retirement purposes.

Sec. 13. Section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 12, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than ~~((general-tuition))~~ building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be

transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, That two and one-half percent of moneys received as operating fees be exempt from such deposit and be retained by the institutions for the purposes of RCW 28B.15.820.

Sec. 14. Section 35, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.041 are each amended to read as follows:

The term "services and activities fees" as used in this chapter is defined to mean fees, other than (~~general~~) tuition (~~and operating~~) fees, charged to all students registering at the state's community colleges, regional universities, The Evergreen State College, and state universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, The Evergreen State College, the regional universities, or the state universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees, or other similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 as now or hereafter amended, shall be included within and deemed to be services and activities fees.

Sec. 15. Section 2, chapter 257, Laws of 1981 as amended by section 15, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.067 are each amended to read as follows:

~~((General))~~ Tuition (~~and operating~~) fees shall be established and adjusted biennially under the provisions of this chapter beginning with the 1983-84 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. (~~The general~~) Tuition (~~and operating~~) fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts herein prescribed.

Sec. 16. Section 7, chapter 322, Laws of 1977 ex. sess. as last amended by section 16, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.070 are each amended to read as follows:

The house and senate higher education committees shall develop, in cooperation with the council for postsecondary education and the respective fiscal committees of the house and senate, the office of financial management and the state institutions of higher education no later than December

1981, and at each two year interval thereafter, definitions, criteria and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities and community colleges upon which (~~general~~) tuition (~~and operating~~) fees will be based. In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the council shall be deemed to be approved.

Sec. 17. Section 4, chapter 257, Laws of 1981 as amended by section 17, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.076 are each amended to read as follows:

The council for postsecondary education shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year. (~~General~~) Tuition fees (~~and operating fees~~) shall be based on such costs in accordance with the provisions of this chapter.

Sec. 18. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.100 are each amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such (~~general~~) tuition fees (~~and operating fees~~) and services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the (~~general~~) tuition fee, (~~operating fee~~) and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such (~~general~~) tuition fees (~~and operating fees~~) for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged (~~general~~) tuition (~~and operating~~) and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged (~~general~~) tuition (~~and operating~~) and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the council for postsecondary education that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such

other states ((or that, until June 30, 1983, it is in the interest of the residents of such community college district to authorize the exchange of educational opportunities between Washington and other such states on a resident tuition and fee basis)).

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour ((general)) tuition ((and operating)) fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge.

Sec. 19. Section 6, chapter 257, Laws of 1981 as amended by section 18, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.202 are each amended to read as follows:

((General)) Tuition fees ((, operating fees,)) and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows: ((PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:))

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be nine hundred and twenty-one dollars, and for the 1982-83 academic year shall be one thousand and thirty-eight dollars, and thereafter such fees)) shall be one-third of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year shall be one hundred and twenty dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be one thousand one hundred and one dollars, and for the 1982-83 academic year shall be one thousand five hundred and sixty-three dollars, and thereafter such fees)) shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and

28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be one hundred and twenty dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981=82 academic year shall be one thousand seven hundred and ninety-one dollars, and for the 1982=83 academic year shall be two thousand six hundred and seven dollars, and thereafter such fees))~~ shall be one hundred sixty-seven percent of such fees charged in subsection (2) above: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be three hundred and forty-two dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981=82 academic year shall be two thousand nine hundred and ten dollars, and for the 1982=83 academic year shall be three thousand one hundred and seventeen dollars, and thereafter such fees))~~ shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be three hundred and fifty-four dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981=82 academic year shall be three thousand four hundred and fifty-two dollars, and for the 1982=83 academic year))~~ shall be four thousand and seventy-four dollars, and thereafter such fees shall be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be three hundred and fifty-four dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total ~~((of general))~~ tuition ~~((and operating))~~ fees ~~((for the 1981=82 academic year shall be five thousand five hundred and ninety-two dollars, and for the 1982=83 academic year shall be six thousand eight hundred and four dollars, and thereafter such fees))~~ shall be one hundred sixty-seven percent of such fees charged in subsection (5) above: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be five hundred and fifty-five dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and

activities fee which for each year of the 1981-83 biennium shall not exceed one hundred and thirty-eight dollars. In subsequent biennia the board of regents may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition (~~and operating~~) fees authorized in subsection (I) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 20. Section 28B.15.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.210 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all (~~general tuition~~) building fees at the University of Washington, including (~~general tuition~~) building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half (~~of the general tuition fees;~~) or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5).

Sec. 21. Section 28B.15.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.220 are each amended to read as follows:

All fees except (~~general tuition~~) building fees shall be held by the board of regents as a revolving fund and expended for the purposes for which collected and be accounted for in accordance with law: PROVIDED, That the board of regents shall have authority to place in a separate fund or funds any or all fees or rentals exacted for the use of facilities of any dormitory, hospital, or infirmary building, and the board of regents shall have authority to pledge any or all such fees for the retirement of any bonds that may be issued for the construction of such dormitory, hospital, or infirmary building.

Sec. 22. Section 28B.15.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.310 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all (~~(such general tuition)~~) building fees shall be paid into the state treasury and credited to the Washington State University bond retirement fund, one-half (~~(of such general tuition fees)~~) or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, except for any sums transferred as authorized by law. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on (~~(tuition-fee)~~) building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 23. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 82, Laws of 1979 and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the state universities may exempt the following classes of persons from the payment of (~~(general)~~) tuition fees(~~(,-operating fees,)~~) or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students: AND, PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977. (2) Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 24. Section 7, chapter 257, Laws of 1981 as amended by section 19, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.402 are each amended to read as follows:

(~~(General)~~) Tuition fees(~~(,-operating fees,)~~) and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows: (~~(PROVIDED, That~~

increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:))

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be six hundred eighty-two dollars and fifty cents, and for the 1982-83 academic year shall be seven hundred fifty-seven dollars and fifty cents, and thereafter such fees)) shall be one-fourth of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be eight hundred eleven dollars and fifty cents, and for the 1982-83 academic year shall be one thousand one hundred thirty-five dollars and fifty cents, and thereafter such fees)) shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year thereafter shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total ((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be two thousand seven hundred twenty-five dollars and fifty cents, and for the 1982-83 academic year shall be three thousand twenty-five dollars and fifty cents, and thereafter such fees)) shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(4) For full time nonresident graduate students, the total of ((general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be three thousand two hundred fifty dollars and fifty cents, and for the 1982-83 academic year shall be three thousand six hundred ninety-seven dollars and fifty cents, and thereafter such fees)) shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ((general tuition)) building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of

the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition (~~and operating~~) fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 25. Section 8, chapter 257, Laws of 1981 as amended by section 10, chapter 37, Laws of 1982, 1st ex. sess. and RCW 28B.15.502 are each amended to read as follows:

~~((General)) Tuition fees(~~and operating fees~~) and services and activities fees at each community college other than at summer quarters shall be as follows: ((PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:))~~

(1) For full time resident students, the total ~~((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be four hundred six dollars and fifty cents, and for the 1982-83 academic year shall be four hundred fifty-four dollars and fifty cents, and thereafter such fees))~~ shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total ~~((of general)) tuition ((and operating)) fees ((for the 1981-82 academic year shall be one thousand seven hundred sixty-five dollars and fifty cents, and for the 1982-83 academic year shall be one thousand nine hundred seventy-two dollars and fifty cents, and thereafter such fees))~~ shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the ~~((general tuition))~~ building fees for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition (~~and operating~~) fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion

of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) ((General)) Tuition(~~(, operating fees)~~) and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

Sec. 26. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 8, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended boards of trustees of the various community colleges shall waive ((general)) tuition fees(~~(, operating fees)~~) and services and activities fees for students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, and the various community college boards may waive the ((general)) tuition(~~(, operating)~~) and services and activities fees for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 27. Section 2, chapter 50, Laws of 1984 and RCW 28B.15.522 are each amended to read as follows:

(1) The boards of trustees of the community college districts may waive the tuition(~~(, operation)~~) and services and activities fees for persons under subsection (2) of this section pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and new course sections shall not be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics which would affect budgetary determinations; and

(c) Persons who enroll under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisite requirements.

(2) A person is eligible for the waiver under subsection (1) of this section if the person:

(a) Meets the requirements for a resident student under RCW 28B.15.011 through 28B.15.015;

(b) Is twenty-one years of age or older;

(c) At the time of initial enrollment under subsection (1) of this section, has not attended an institution of higher education for the previous six months;

(d) Is not receiving or is not entitled to receive unemployment compensation of any nature under Title 50 RCW; and

(e) Has an income at or below the need standard established under chapter 74.04 RCW by the department of social and health services.

(3) The state board for community college education shall adopt rules to carry out this section.

Sec. 28. Section 2, chapter 82, Laws of 1979 as amended by section 1, chapter 220, Laws of 1983 and RCW 28B.15.535 are each amended to read as follows:

(1) The boards of regents of the state universities and the boards of trustees of regional universities, The Evergreen State College, and community colleges may waive the tuition(~~(-operating,))~~ and services and activities fees for full-time employees of their respective institutions of higher education enrolled in said institutions' courses on a space available basis pursuant to the following conditions:

(a) Employees shall register for and be enrolled in courses on a space available basis, and no new course sections shall be created as a direct result of such registration;

(b) Enrollment information on employees registered on a space available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations;

(c) Employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) The governing boards of the respective colleges and universities may waive tuition(~~(-operating))~~ and services and activities fees for full-time intercollegiate center for nursing education, cooperative extension service, and agricultural research employees of Washington State University for such employees stationed off the Pullman, Whitman county campus: PROVIDED, That such waiver complies with the conditions spelled out in subsection (1)(a), (b), and (c) above.

(3) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education with respect to community colleges, shall adopt guidelines for the implementation of employee waivers granted pursuant to this section.

Sec. 29. Section 2, chapter 157, Laws of 1975 1st ex. sess. and RCW 28B.15.540 are each amended to read as follows:

Notwithstanding any other provision of this chapter or the laws of this state and consistent with the regulations and procedures established by the boards of trustees of the state colleges, the boards of regents of the state universities and the state board for community college education each institution may for Washington residents who are sixty years of age or older:

(1) Waive, in whole or in part, the tuition(~~(,-operating))~~) and services and activities fees for students who qualify under this section and who are enrolled for credit, and

(2) Waive the tuition(~~(,-operating))~~) and services and activities fees for students who qualify under this section, but charge a nominal fee not to exceed five dollars per quarter, or semester, as the case may be, for such students who are enrolled on an audit basis: PROVIDED, That residents enrolling with fee exemptions under this section shall register for not more than two quarter or semester courses at one time on a space available basis, and no new course sections shall be created as a direct result of such registration: PROVIDED FURTHER, That such waivers shall not be available to students who plan to use the course credits gained thereby for increasing credentials or salary schedule increases: PROVIDED FURTHER, That enrollment information concerning fee exemptions awarded under this section shall be maintained separately from other enrollment information but shall not be included in official enrollment reports: PROVIDED, That persons who enroll pursuant to provisions of this section shall not be considered for any purpose in determining student-teacher ratio, nor for any purpose relating to enrollment totals, nor any other statistic which would affect budgetary determinations. Persons enrolling under the provisions of this section shall have, in equal with all other students, access to course counseling services and shall be subject to all course prerequisite requirements.

Sec. 30. Section 17, chapter 278, Laws of 1984 and RCW 28B.15.543 are each amended to read as follows:

(1) The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition(~~(,-operating))~~) and service and activities fees for two years for recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.832. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

(2) The council for postsecondary education shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years.

Sec. 31. Section 6, chapter 267, Laws of 1984 and RCW 28B.15.545 are each amended to read as follows:

The boards of regents and trustees of the state universities, regional universities, The Evergreen State College, and the community colleges shall waive tuition(~~(-operating;))~~) and services and activities fees for a maximum of one academic year for recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award.

Sec. 32. Section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 256, Laws of 1983 and RCW 28B.15.600 are each amended to read as follows:

The boards of regents of the state's universities and the boards of trustees of the regional universities and The Evergreen State College and community colleges may refund or cancel in full the (~~(general))~~) tuition(~~(-operating;))~~) and services and activities fees if the student withdraws from a university or college course or program prior to the sixth day of instruction of the quarter or semester for which said fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund or cancel up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. The regents or trustees of the respective universities and colleges may adopt rules for the refund of tuition and fees for courses or programs that begin after the start of the regular quarter or semester. Said boards of regents and trustees may extend the refund or cancellation period for students who withdraw for medical reasons or who are called into the military service of the United States.

Said boards of regents and trustees may refund other fees pursuant to such rules as they may prescribe.

Sec. 33. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 9, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition(~~(-operating;))~~) and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition(~~(-operating;))~~) and services and activities fees had no such waivers been made and deducting the portion of that total

amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs.

Sec. 34. Section 15, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.800 are each amended to read as follows:

Notwithstanding any other section of this 1977 amendatory act, the boards of regents and trustees of the respective institutions of higher education shall set aside from (~~general~~) tuition and fees charged in each schedule an amount heretofore pledged and necessary for the purposes of bond retirement until such time as any such debt has been satisfied.

Sec. 35. Section 9, chapter 257, Laws of 1981 as last amended by section 1, chapter 64, Laws of 1983 1st ex. sess. and RCW 28B.15.820 are each amended to read as follows:

(1) Each institution of higher education shall deposit two and one-half percent of revenues collected from tuition(~~(-operating-)~~) and services and activities fees in an institutional long-term loan fund which is hereby created and which shall be held locally. Moneys in such fund shall be used to make guaranteed loans to eligible students except as provided for in subsection (10) of this section.

(2) An "eligible student" for the purposes of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the loans made under subsection (1) of this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et(~~(-)~~) seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of loans under subsection (1) of this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community college education and shall be conducted under procedures adopted by such state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, which are paid by or on behalf of borrowers of funds under subsection (1) of this section, shall be deposited in each institution's general local fund and shall be used to cover the costs of making the loans under subsection (1) of this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principle. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be used for the support of the institution's operating budget.

(7) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community college education, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(8) Lending activities under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term interim loans, not to exceed one hundred twenty days, may be made from the institutional long-term loan fund to students eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan.

(10) Any moneys deposited in the institutional long-term loan fund which are not used in making long or short term loans or transferred to institutional operating budgets may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee waiver programs. These funds shall be used in addition to and not to replace institutional funds which would otherwise support these locally-administered financial aid programs. Priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study.

Sec. 36. Section 28B.20.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.700 are each amended to read as follows:

The board of regents of the University of Washington is empowered, in accordance with the provisions of this chapter, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of (~~general tuition~~) building fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Sec. 37. Section 28B.20.705, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.705 are each amended to read as follows:

The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of the University of Washington.

(2) The words "~~general tuition~~) building fees" mean the (~~general tuition~~) building fees charged students registering at the university.

(3) The words "bond retirement fund" mean the special fund created by chapter 254, Laws of 1957, to be known as the University of Washington bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Sec. 38. Section 28B.20.715, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 56, Laws of 1970 ex. sess. and RCW 28B.20.715 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of the University of Washington or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:
 - (a) A covenant that the (~~general tuition~~) building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to

secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and shall be used solely for paying the costs of the projects.

Sec. 39. Section 28B.20.720, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.720 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust fund to be known as the University of Washington bond retirement fund, the following:

(1) One-half of such (~~general tuition~~) building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter and less than thirty-seven dollars and fifty cents per each nonresident student per quarter;

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof except as provided in RCW 28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect (~~general tuition~~) building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 40. Section 28B.20.735, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.735 are each amended to read as follows:

The bonds authorized to be issued pursuant to the provisions of RCW 28B.20.700 through 28B.20.740 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment derived from the ~~((general tuition))~~ building fees as herein provided. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.20.700 through 28B.20.740 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Sec. 41. Section 28B.30.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.700 are each amended to read as follows:

The board of regents of Washington State University is empowered, in accordance with the provisions of RCW 28B.30.700 through 28B.30.780, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of ~~((general tuition))~~ building fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Sec. 42. Section 28B.30.710, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.710 are each amended to read as follows:

The following terms, whenever used or referred to in RCW 28B.30.700 through 28B.30.780, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of Washington State University.

(2) The words "~~((general tuition))~~ building fees" mean the ~~((general tuition))~~ building fees charged students registering at the university, but shall not mean special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the university, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement fund" mean the special fund created by RCW 28B.30.700 through 28B.30.780, to be known as the Washington State University bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or

other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Sec. 43. Section 28B.30.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 25, Laws of 1972 ex. sess. and RCW 28B.30.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of Washington State University or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the ((~~general tuition~~)) building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

Sec. 44. Section 28B.30.740, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.740 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the state treasury, the following:

(1) One-half of such ((~~general tuition~~)) building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remain unpaid, be available solely for the payment thereof except as provided in subdivision (5) of RCW 28B.30.750. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect ((~~general tuition~~)) building fees and to deposit the portion of such fees in the bond

retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 45. Section 10, chapter 344, Laws of 1977 ex. sess. and RCW 28B.31.100 are each amended to read as follows:

No provision of this chapter shall be deemed to repeal, override, or limit any provision of RCW 28B.15.310 or 28B.30.700 through 28B.30.780, nor any provision or covenant of the proceedings of the board of regents of Washington State University heretofore or hereafter taken in the issuance of its revenue bonds secured by a pledge of its (~~general tuition~~) building fees and/or other revenues pursuant to such statutes. The obligation of the board of regents of Washington State University to make the transfers provided for in RCW 28B.31.070 shall be subject and subordinate to the lien and charge of such revenue bonds, and any revenue bonds hereafter issued, on such (~~general tuition~~) building fees and/or other revenues pledged to secure such bonds, and on the moneys in the Washington State University building account and the Washington State University bond retirement fund.

Sec. 46. Section 59, chapter 169, Laws of 1977 ex. sess. as amended by section 12, chapter 322, Laws of 1977 ex. sess. and RCW 28B.35.361 are each amended to read as follows:

The boards of trustees of each regional university may exempt from the payment of (~~general~~) tuition(~~(-operating fees;)~~) or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in the regional universities on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 47. Section 28B.40.370, chapter 223, Laws of 1969 ex. sess. as amended by section 79, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.370 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all (~~general tuition~~) building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its (~~general tuition~~) building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all (~~general tuition~~) building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University bond retirement fund, the Central Washington University bond retirement fund, the Western Washington University bond retirement fund, or The Evergreen State College bond retirement fund respectively, which funds are hereby created in the state treasury, such funds for the regional universities being redesignations for the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, and the Western Washington State College bond retirement fund, respectively. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on the (~~tuition-fee~~) building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding (~~general tuition-fee~~) building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All (~~general tuition~~) building fees and above described normal school fund revenue not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of (~~general tuition-fee~~) building or above described normal school fund revenue bond principal or interest shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the general fund of the state treasury(~~{}~~), such funds for the regional universities being redesignations for the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, and the Western Washington State College capital projects account, respectively. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction,

erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

Sec. 48. Section 28B.40.700, chapter 223, Laws of 1969 ex. sess. as amended by section 82, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.700 are each amended to read as follows:

The boards of trustees of the regional universities and of The Evergreen State College are empowered in accordance with the provisions of RCW 28B.35.700 through 28B.35.790, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the aforementioned universities and The Evergreen State College and to finance the payment thereof by bonds payable out of special funds from revenues hereafter derived from the payment of (~~general tuition~~) building fees, gifts, bequests or grants and such additional funds as the legislature may provide.

Sec. 49. Section 28B.40.710, chapter 223, Laws of 1969 ex. sess. as amended by section 83, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.710 are each amended to read as follows:

The following terms, whenever used or referred to in RCW 28B.35.700 through 28B.35.790, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "boards" means the boards of trustees of the regional universities and The Evergreen State College.

(2) The words "~~general tuition~~) building fees" mean the (~~general tuition~~) building fees charged students registering at each college, but shall not mean the special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the respective colleges, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement funds" shall mean the special funds created by law and known as the Eastern Washington University bond retirement fund, Central Washington University bond retirement fund, Western Washington University bond retirement fund, and The Evergreen State College bond retirement fund, all as referred to in RCW 28B.35.370.

(4) The word "bonds" means the bonds payable out of the bond retirement funds.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or

other facility of any of the aforementioned colleges authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Sec. 50. Section 28B.40.720, chapter 223, Laws of 1969 ex. sess. as amended by section 84, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.720 are each amended to read as follows:

In addition to the powers conferred under existing law, each of the boards is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university or college as are authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the ((general tuition)) building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

Sec. 51. Section 28B.40.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 85, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the university or college or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university or college by the chairman of the board, attested by the secretary of the board, have the seal of the university or college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.35.700 through 28B.35.790, as now or hereafter amended, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the (~~general tuition~~) building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the university or college issuing the bonds to the bond retirement fund of such university or college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the university or college issuing the bonds and shall be used solely for paying the costs of the projects.

Sec. 52. Section 28B.40.750, chapter 223, Laws of 1969 ex. sess. as amended by section 86, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.750 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid

into the state treasury and credited to the respective bond retirement fund of each university or college issuing bonds, the following:

(1) Amounts derived from (~~(general tuition)~~) building fees as the board shall certify as necessary to prevent default in the payments required to be paid into such bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect (~~(general tuition)~~) building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Sec. 53. Section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 11, chapter 322, Laws of 1977 ex. sess. and RCW 28B.40.361 are each amended to read as follows:

The board of trustees of The Evergreen State College may exempt from the payment of (~~(general)~~) tuition(~~(, operating fees,)~~) or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in state colleges on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 54. Section 18, chapter 15, Laws of 1970 ex. sess. as amended by section 18, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.340 are each amended to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the community college state board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition

of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the community college state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to one hundred percent of the (~~general tuition~~) building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28B.50.340 through 28B.50.400.

Sec. 55. Section 28B.50.350, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.350 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) an obligation, either general or special, of the state; or
 - (b) a general obligation of the college or of the college board;
- (2) Shall be
 - (a) either registered or in coupon form; and
 - (b) issued in denominations of not less than one hundred dollars; and
 - (c) fully negotiable instruments under the laws of this state; and
 - (d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;
- (3) Shall state
 - (a) the date of issue; and
 - (b) the series of the issue and be consecutively numbered within the series; and
 - (c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in (8)(b) above;

(9) Shall constitute a prior lien and charge against ~~((all general tuition))~~ the building fees of the community colleges.

Sec. 56. Section 20, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.360 are each amended to read as follows:

There is hereby created in the state treasury a community college bond retirement fund. Within thirty-five days from the date of start of each quarter all ~~((general tuition))~~ building fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of ~~((general tuition))~~ building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college bond retirement fund which fund as required, is hereby created in the state treasury. Such amounts of the funds deposited in the bond retirement fund as are necessary to pay and secure the payment of the principal of and interest on the ~~((tuition fee))~~ building bonds issued by the

college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding (~~general tuition fee~~) building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the (~~general tuition~~) building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in the community college capital projects account which account is hereby created in the general fund of the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes.

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding (~~tuition fee~~) building bonds of the college board payable from the community college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all (~~general tuition~~) building fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college (~~tuition fee~~) building bonds from some source other than the community college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

Sec. 57. Section 28B.50.370, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.370 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the state board for community college education, the following:

(1) Amounts derived from (~~general tuition~~) building fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect (~~general tuition~~) building fees as established by this chapter and deposit such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Sec. 58. Section 1, chapter 223, Laws of 1977 ex. sess. and RCW 28B.50.401 are each amended to read as follows:

The state finance committee has heretofore refunded, pursuant to RCW 28B.50.403 through 28B.50.407, all of the outstanding (~~general tuition fee~~) building bonds of the community college board payable from the community college bond retirement fund. By reason of such refunding said (~~tuition fee~~) bonds are no longer deemed to be outstanding and moneys presently on deposit in said bond retirement fund are no longer needed to pay and secure the payment of such refunded (~~tuition fee~~) bonds.

Sec. 59. Section 1, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.403 are each amended to read as follows:

The state of Washington is hereby authorized to issue state general obligation bonds for the purpose of refunding any outstanding (~~general tuition fee~~) building, limited obligation bonds of the college board issued pursuant to this chapter in an amount not exceeding 1.05 times the amount which, taking into account amounts to be earned from the investment of the proceeds of the issue, is required to pay the principal thereof, interest thereon, any premium payable with respect thereto, and the costs incurred in accomplishing such refunding: PROVIDED, That any proceeds of the refunding bonds in excess of those required to accomplish such refunding, or any obligations acquired with such excess proceeds, shall be applied exclusively for the payment of principal, interest, or call premiums with respect to such refunding obligations. In no event shall the amount of such refunding bonds authorized in this section exceed seventy-five million dollars.

Sec. 60. Section 2, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.404 are each amended to read as follows:

Subject to the specific provisions of RCW 28B.50.360 and 28B.50.403 through 28B.50.407, such general obligation refunding bonds shall be issued and the refunding of said community college (~~(tuition-fee)~~) building bonds shall be carried out pursuant to chapters 39.42 and 39.53 RCW as now or hereafter amended. The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise of the state to pay the principal thereof and interest thereon when due.

Sec. 61. Section 1, chapter 65, Laws of 1975 1st ex. sess. and RCW 28B.57.010 are each amended to read as follows:

The legislature has previously approved by its appropriation of funds from time to time, certain capital projects for the state community colleges, which appropriations were to be funded primarily by the issuance of (~~(general tuition-fee)~~) building, limited obligation bonds by the state board for community college education (hereinafter in this chapter called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of (~~(general tuition-fee)~~) building, limited obligation bonds.

For purposes of this chapter, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights of way, easements, improvements or appurtenances in relation thereto.

Sec. 62. Section 10, chapter 65, Laws of 1975 1st ex. sess. and RCW 28B.57.100 are each amended to read as follows:

The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its projected (~~(general tuition)~~) building fees revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of RCW 28B.57.080, during the life of the bonds proposed to be issued.

Sec. 63. Section 8, chapter 65, Laws of 1975 1st ex. sess. and RCW 28B.57.080 are each amended to read as follows:

On or before June 30 of each year, the college board shall accumulate in the community college capital projects account from (~~(general tuition)~~) building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. On July 1st of each such year, the state treasurer shall withdraw said

sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of ((~~general tuition~~)) building fees from the community college capital projects account for deposit into the state general fund pursuant to the provisions of this section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding ((~~general tuition-fee~~)) building, limited obligation bonds of the college board coming due in the twelve months next succeeding July 1 of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

Sec. 64. Section 1, chapter 236, Laws of 1975 1st ex. sess. and RCW 28B.58.010 are each amended to read as follows:

The legislature has approved by its appropriation of funds from time to time, capital projects for the state community colleges, which appropriations have been funded primarily by the issuance of ((~~general tuition-fee~~)) building, limited obligation bonds by the state board for community college education (hereinafter in this chapter called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of ((~~general tuition-fee~~)) building, limited obligation bonds.

For purposes of this chapter, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto. It is the intent of the legislature that in any decision to contract for capital projects funded as the result of this chapter, full and fair consideration shall be given to minority contractors.

Sec. 65. Section 7, chapter 236, Laws of 1975 1st ex. sess. and RCW 28B.58.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from ((~~general tuition~~)) building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. On July 1st of each such year, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of ((~~general tuition~~)) building fees from the community college capital projects account for deposit into the general fund pursuant to the provisions of this

section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding (~~(general tuition-fee)~~) building, limited obligation bonds of the college board coming due in the twelve months next succeeding July 1st of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

Sec. 66. Section 9, chapter 236, Laws of 1975 1st ex. sess. and RCW 28B.58.090 are each amended to read as follows:

The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its projected (~~(general tuition)~~) building fees revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of RCW 28B.58.070, during the life of the bonds proposed to be issued.

Sec. 67. Section 1, chapter 107, Laws of 1975-'76 2nd ex. sess. and RCW 28B.59.010 are each amended to read as follows:

The legislature has approved by its appropriation of funds from time to time, capital projects for the state community colleges, which appropriations have been funded primarily by the issuance of (~~(general tuition-fee)~~) building, limited obligation bonds by the state board for community college education (hereinafter in this chapter called the "college board"). In order that any future appropriations for such approved capital projects may be funded on terms most advantageous to the state, it is hereby determined to be in the public interest to provide for the issuance of state general obligation bonds, in lieu of (~~(general tuition-fee)~~) building, limited obligation bonds.

For purposes of this chapter, "community college capital projects" means the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto.

Sec. 68. Section 7, chapter 107, Laws of 1975-'76 2nd ex. sess. and RCW 28B.59.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from (~~(general tuition)~~) building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. On July 1st of each such year, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund: PROVIDED, That withdrawal of (~~(general tuition)~~) building fees from the community college capital projects account for deposit into the general fund pursuant to the provisions of this

section shall be made only after provision has first been made for the payment in full of the principal of and interest on all outstanding (~~(general tuition fee)~~) building, limited obligation bonds of the college board coming due in the twelve months next succeeding July 1st of each such year, and for any reserve account deposits necessary for such outstanding bonds in the same period.

Sec. 69. Section 9, chapter 107, Laws of 1975-'76 2nd ex. sess. and RCW 28B.59.090 are each amended to read as follows:

The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its projected (~~(general tuition)~~) building fees revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of RCW 28B.59.070, during the life of the bonds proposed to be issued.

Sec. 70. Section 7, chapter 346, Laws of 1977 ex. sess. and RCW 28B.59B.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from (~~(general tuition)~~) building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund.

Sec. 71. Section 7, chapter 226, Laws of 1979 ex. sess. and RCW 28B.59C.070 are each amended to read as follows:

On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from (~~(general tuition)~~) building fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under this chapter. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw the sum from the community college capital projects account and deposit the sum in the state general fund.

Sec. 72. Section 6, chapter 237, Laws of 1981 and RCW 28B.59D.060 are each amended to read as follows:

(1) On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from (~~(general tuition)~~) building fees and other moneys deposited therein, to the extent the fees and moneys are available, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of

and interest on the bonds issued under RCW 28B.59D.010 through 28B.59D.070. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw this amount, to the extent available, from the community college capital projects account and deposit it in the state general fund.

(2) The state treasurer shall make withdrawals from the community college capital projects account for deposit in the general fund of amounts equal to debt service payments on state general obligation bonds issued for community college purposes pursuant to Title 28B RCW only to the extent that funds are or become actually available in the account from time to time. Any unpaid debt service payments shall be a continuing obligation against the community college capital projects account until paid. Beginning with the 1979-1981 biennium, the state board for community college education need not accumulate any specific amount in the community college capital projects account for purposes of these withdrawals by the state treasurer.

Passed the Senate April 22, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 391

[Senate Bill No. 4278]

MOTOR VEHICLE IMPOUNDMENT FOR DRIVING WITH AN INVALID LICENSE—HEARING

AN ACT Relating to motor vehicles; and amending RCW 46.20.435.

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

Sec. 1. Section 1, chapter 8, Laws of 1982 and RCW 46.20.435 are each amended to read as follows:

(1) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that has been expired for ninety days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420, a law enforcement officer may immediately impound the vehicle (~~which~~) that the person is operating.

(2) If the driver of the vehicle is the owner of the vehicle, the (~~department~~) officer shall not release the vehicle impounded under subsection (1) of this section until the owner of the vehicle:

(a) Establishes (~~to the department~~) that any penalties, fines, or forfeitures owed by the person driving the vehicle when it was impounded have been satisfied; and

(b) Pays ~~((to the person who impounded and stored the vehicle))~~ the reasonable costs of such impoundment and storage.

(3) If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner immediately upon proof of such ownership.

(4) ~~((The department shall adopt such rules as are necessary for the administration of this section))~~ Whenever a vehicle has been impounded by a law enforcement officer, the officer shall immediately serve upon the driver of the impounded vehicle a notice informing the recipient of his or her right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing or the amount of towing and storage charges. A request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date of the impound. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the driver is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(5)(a) The district court, within five days after the request for a hearing, shall notify the driver in writing of the hearing date and time.

(b) At the hearing, the person requesting the hearing may produce any relevant evidence to show that the impoundment was not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the driver was responsible for any penalties, fines, or forfeitures owed or due at the time of the impoundment, and whether they have been satisfied.

(d) A certified transcript or abstract of the driving record of the driver, as maintained by the department, is admissible in evidence in any hearing and is prima facie evidence of the status of the driving privilege of the person named in it at the time of the impoundment and whether there were penalties, fines, or forfeitures due and owing by the person named in it at the time the impoundment occurred.

Passed the Senate March 15, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 392

[Substitute Senate Bill No. 4386]

RURAL COUNTY LIBRARY DISTRICT—INTERCOUNTY RURAL LIBRARY DISTRICT—LIABILITIES OF ANNEXED CITY OR TOWN

AN ACT Relating to special purpose districts; and adding a new section to chapter 27.12 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 27.12 RCW to read as follows:

(1) All liabilities of a city or town that is annexed to a rural county library district or intercounty rural library district, which liabilities were incurred for the purpose of or in the course of acquiring, operating, or maintaining a library or libraries, may, if provided for in the ordinance providing for annexation and in the resolution of the district consenting to annexation, pass to and be assumed by the rural county library district or intercounty rural library district. Notwithstanding the foregoing, if the city or town has incurred any voted bonded indebtedness for the purpose of acquiring, operating, or maintaining a library or libraries, and if the indebtedness is outstanding at the time of the annexation, the voted bonded indebtedness shall not be assumed by the annexing district.

(2) Notwithstanding subsection (1) of this section, if the annexed city or town has outstanding at the time of the annexation any voted bonded indebtedness incurred for the purpose of acquiring, operating, or maintaining a library or libraries, a special election may be called by the board of trustees of the rural county library district or intercounty rural library district, to be held at the next general or special election held in the applicable county or counties, for the purpose of affording the voters residing within the area of the district outside the annexed city or town an opportunity to assume the voted bonded indebtedness of the annexed city or town upon the assent of three-fifths of the voters.

Passed the Senate April 23, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 393

[Engrossed Substitute House Bill No. 91]

OPEN SPACE LAND CLASSIFICATION AND VALUATION

AN ACT Relating to the valuation of open space lands with no current use; amending RCW 84.34.037 and 84.34.060; and adding new sections to chapter 84.34 RCW.

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

Sec. 1. Section 5, chapter 212, Laws of 1973 1st ex. sess. as amended by section 1, chapter 111, Laws of 1984 and RCW 84.34.037 are each amended to read as follows:

Applications for classification under RCW 84.34.020 subsection (1) or (3) shall be made to the county legislative authority. An application made for classification of land under RCW 84.34.020 subsection (1)(b), or (3) which is in an area subject to a comprehensive plan shall be acted upon in the same manner in which an amendment to the comprehensive plan is processed. Application made for classification of land which is in an area not subject to a comprehensive plan shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing: PROVIDED, That applications for classification of land in an incorporated area shall be acted upon by a determining authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located.

In determining whether an application made for classification under RCW 84.34.020, subsection (1)(b), or (3) should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and may consider whether or not preservation of current use of the land when balanced against the resulting revenue loss or tax shift from granting the application will (1) conserve or enhance natural, cultural, or scenic resources, (2) protect streams (~~or water supplies~~), stream corridors, wetlands, natural shorelines and aquifers, (3) (~~promote conservation of soils, wetlands, beaches or tidal marshes, (4))~~ protect soil resources and unique or critical wildlife and native plant habitat, (4) promote conservation principles by example or by offering educational opportunities, (5) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, ((5)) (6) enhance recreation opportunities, ((6)) (7) preserve historic and archaeological sites, ((7)) (8) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property ((against the potential loss in revenue which may result from granting the application)): PROVIDED, That if a public benefit rating system is adopted under section 3 of this 1985 act, the county legislative authority shall rate property applying for classification under RCW 84.34.020(1)(b) according to the public benefit rating system in determining whether an application should be approved or disapproved, but when such a system is adopted, open space properties then classified under this chapter which do not qualify under the system shall not be removed from classification but may be rated according to the public benefit rating system: PROVIDED FURTHER, That the granting authority may approve the application with respect to only part of the land which is the subject of the

application: AND PROVIDED FURTHER, That if any part of the application is denied, the applicant may withdraw the entire application: AND PROVIDED FURTHER, That the granting authority in approving in part or whole an application for land classified pursuant to RCW 84.34.020(1) or (3) may also require that certain conditions be met, including but not limited to the granting of easements: AND PROVIDED FURTHER, That the granting or denial of the application for current use classification is a legislative determination and shall be reviewable only for arbitrary and capricious actions. The granting authority may not require the granting of easements for land classified pursuant to RCW 84.34.020(3).

Sec. 2. Section 6, chapter 87, Laws of 1970 ex. sess. as last amended by section 10, chapter 148, Laws of 1981 and RCW 84.34.060 are each amended to read as follows:

In determining the true and fair value of open space land and timber land, which has been classified as such under the provisions of this chapter, the assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. The assessor shall compute the assessed value of such property by using the same assessment ratio which he applies generally in computing the assessed value of other property: PROVIDED, That the assessed valuation of open space land with no current use shall not be less than that which would result if it were to be assessed for agricultural uses, except that the assessed valuation of open space land with no current use may be valued based on the public benefit rating system adopted under section 3 of this 1985 act: PROVIDED FURTHER, That timber land shall be valued according to chapter 84.33 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 84.34 RCW to read as follows:

(1) The county legislative authority may direct the county planning commission to set open space priorities and adopt, after a public hearing, an open space plan and public benefit rating system for the county. The plan shall consist of criteria for determining eligibility of lands, the process for establishing a public benefit rating system, and an assessed valuation schedule. The assessed valuation schedule shall be developed by the county assessor and shall be a percentage of market value based upon the public benefit rating system. The open space plan, the public benefit rating system, and the assessed valuations schedule shall not be effective until approved by the county legislative authority after at least one public hearing: PROVIDED, That any county which has complied with the procedural requisites of this act, prior to the effective date of this act, need not repeat those procedures in order to adopt an open space plan pursuant to this act.

(2) In adopting an open space plan, recognized sources shall be used unless the county does its own survey of important open space priorities or features, or both. Recognized sources include but are not limited to the

natural heritage data base; the state office of historic preservation; the interagency committee for outdoor recreation inventory of dry accretion beach and shoreline features; state, national, county, or city registers of historic places; the shoreline master program; or studies by the parks and recreation commission and by the departments of fisheries, game, and natural resources. Features and sites may be verified by an outside expert in the field and approved by the appropriate state or local agency to be sent to the county legislative authority for final approval as open space.

(3) When the county open space plan is adopted, owners of open space lands then classified under this chapter shall be notified in the same manner as is provided in RCW 84.40.045 of their new assessed value. These lands may be removed from classification, upon request of owner, without penalty within thirty days of notification of value.

(4) The open space plan and public benefit rating system under this section may be adopted for taxes payable in 1986 and thereafter.

NEW SECTION. Sec. 4. A new section is added to chapter 84.34 RCW to read as follows:

The department of revenue, thirty days prior to the convening of each regular session of the legislature, shall submit a report, compiled from information furnished by county assessors, showing the extent of use by general category of the open space plan adopted under section 3 of this act. Such report shall include any comments and recommendations that the department of revenue may have in regard to this program.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 394

[Substitute House Bill No. 512]

CHILD VICTIMS AND CHILD WITNESSES—BILL OF RIGHTS

AN ACT Relating to a bill of rights for the child victims and child witnesses; and adding a new chapter to Title 7 RCW.

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

NEW SECTION. Sec. 1. The legislature recognizes that it is important that child victims and child witnesses of crime cooperate with law enforcement and prosecutorial agencies and that their assistance contributes to state and local enforcement efforts and the general effectiveness of the criminal justice system of this state. Therefore, it is the intent of the legislature by means of this act, to insure that all child victims and witnesses of crime are treated with the sensitivity, courtesy, and special care that must be afforded to each child victim of crime and that their rights be protected

by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded the adult victim, witness, or criminal defendant.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Child" means any living child under the age of eighteen years.

(3) "Victim" means a living person against whom a crime has been committed.

(4) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

(5) "Family member" means child, parent, or legal guardian.

(6) "Advocate" means any person, including a family member not accused of a crime, who provides support to a child victim or child witness during any legal proceeding.

NEW SECTION. Sec. 3. In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. The enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights:

(1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.

(2) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.

(3) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.

(4) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.

(5) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.

(6) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

(7) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.

(8) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.

(9) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.

NEW SECTION. Sec. 4. The failure to provide notice to a child victim or witness under this chapter of the rights enumerated in section 3 of this act shall not result in civil liability so long as the failure to notify was in good faith and without gross negligence. The failure to make a reasonable effort to assure that child victims and witnesses are afforded the rights enumerated in section 3 of this act shall not result in civil liability so long as the failure to make a reasonable effort was in good faith and without gross negligence.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 7 RCW.

Passed the House April 22, 1985.

Passed the Senate April 17, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 395

[Engrossed House Bill No. 718] MOBILE HOMES—TAXATION

AN ACT Relating to mobile homes; amending RCW 46.44.170, 84.04.090, 84.36.383, 84.56.340, and 84.60.020; adding a new section to chapter 19.52 RCW; adding a new section to chapter 84.36 RCW; and adding a new section to chapter 84.40 RCW.

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

Sec. 1. Section 2, chapter 22, Laws of 1977 ex. sess. as amended by section 1, chapter 152, Laws of 1980 and RCW 46.44.170 are each amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the

department of transportation and local authorities pursuant to RCW 46.44-.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46-.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes due in that calendar year, and all delinquent taxes upon the mobile home being moved have been satisfied; PROVIDED, That endorsement or certification by the county treasurer is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or ((his)) the agent to obtain such endorsement from the county treasurer.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section.

Sec. 2. Section 84.04.090, chapter 15, Laws of 1961 as amended by section 70, chapter 299, Laws of 1971 ex. sess. and RCW 84.04.090 are each amended to read as follows:

The term "real property" for the purposes of taxation shall be held and construed to mean and include the land itself, whether laid out in town lots or otherwise, and all buildings, structures or improvements or other fixtures of whatsoever kind thereon, except improvements upon lands the fee of which is still vested in the United States, or in the state of Washington, and all rights and privileges thereto belonging or in any wise appertaining, except leases of real property and leasehold interests therein for a term less than the life of the holder; and all substances in and under the same; all standing timber growing thereon, except standing timber owned separately from the ownership of the land upon which the same may stand or be growing; and all property which the law defines or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law for the purposes of taxation. ~~((Except for the purposes of chapters 84.56 and 84.60 RCW;))~~ The term real property shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being permanently fixed in location upon land owned or leased by the owner of the mobile home and placed on a permanent foundation (posts or blocks) with fixed pipe connections with sewer, water, or other utilities; PROVIDED, That a mobile home located on land leased by

the owner of the mobile home shall be subject to the provisions of chapter 84.56 RCW.

Sec. 3. Section 2, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 11, Laws of 1983 1st ex. sess. and RCW 84.36.383 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" (~~except for the purposes of chapters 84.56 and 84.60 RCW,)~~) shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities; PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject to the provisions of chapter 84.56 RCW.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for the treatment or care of either person in a nursing home.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1980, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

- (a) Capital gains;
- (b) Amounts deducted for loss;
- (c) Amounts deducted for depreciation;
- (d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

Sec. 4. Section 84.56.340, chapter 15, Laws of 1961 as amended by section 1, chapter 48, Laws of 1971 ex. sess. and RCW 84.56.340 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use, or where a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise, no segregation of property for tax purposes shall be made unless all delinquent taxes and assessments on the entire tract have been paid in full: **AND PROVIDED FURTHER,** That where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from date of notice, the county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county commissioners at their next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by county commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Sec. 5. Section 84.60.020, chapter 15, Laws of 1961 as amended by section 8, chapter 22, Laws of 1977 ex. sess. and RCW 84.60.020 are each amended to read as follows:

The taxes assessed upon real property, including mobile homes assessed thereon, and other mobile homes as defined in RCW 82.50.010 shall be a lien thereon from and including the first day of January in the year in which

they are levied until the same are paid, but as between the grantor or vendor and the grantee or purchaser of any real property or any such mobile home, when there is no express agreement as to payment of the taxes thereon due and payable in the calendar year of the sale or the contract to sell, the grantor or vendor shall be liable for the same proportion of such taxes as the part of the calendar year prior to the day of the sale or the contract to sell bears to the whole of such calendar year, and the grantee or purchaser shall be liable for the remainder of such taxes and subsequent taxes. The lien for the property taxes assessed on a mobile home shall be terminated and absolved for the year subsequent to the year of its removal from the state, when notice is given to the county treasurer describing the mobile home, if all property taxes due at the time of removal are satisfied. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property except mobile homes as above provided from and after the date upon which the same is listed with and valued by the county assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the treasurer as provided in RCW 84.56.070, from and after the date of the distraint and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the county treasurer and designated and charged upon the tax rolls as provided in RCW 84.60.040, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.

NEW SECTION. Sec. 6. A new section is added to chapter 19.52 RCW to read as follows:

This chapter shall not apply to the financing of mobile homes which meets the definition of real property contained in RCW 84.04.090, and which financing is insured by a federal instrumentality.

NEW SECTION. Sec. 7. A new section is added to chapter 84.36 RCW to read as follows:

Any mobile home which is a part of a dealer's inventory and held solely for sale in the ordinary course of the dealer's business and is not used for any other purpose shall be exempt from property taxation: PROVIDED, That this exemption shall not apply to property taxes already levied or delinquent on such mobile home at the time it becomes part of a dealer's inventory.

NEW SECTION. Sec. 8. A new section is added to chapter 84.40 RCW to read as follows:

In the assessment of any mobile home, the assessment record shall contain a description of the mobile home including the make, model, and serial number. The property tax roll shall identify any mobile home.

Passed the House April 28, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 396

[Substitute House Bill No. 150]

DIKING, DRAINAGE, FLOOD CONTROL—DISTRICT CREATION AND OPERATION

AN ACT Relating to special districts; amending RCW 85.05.085, 85.05.280, 85.05.410, 85.05.580, 85.06.080, 85.06.250, 85.06.380, 85.08.290, 85.08.300, 85.08.320, 85.08.610, 85.20.030, 85.20.050, 85.22.030, 85.22.050, 85.22.070, 85.24.070, 85.24.080, 85.36.010, 86.09.184, 86.09.187, 86.09.259, 86.09.271, 86.09.274, 86.09.283, 86.09.301, 86.09.304, 86.09.385, 86.09.388, 86.09.391, 86.09.409, 86.09.418, 86.09.433, 86.09.442, 86.09.448, 86.09.451, 86.09.457, 86.09.463, 86.09.466, 86.09.568, 86.09.577, 86.09.592, 86.09.598, 86.09.604, 86.09.607, 86.09.610, 86.09.622, 86.09.625, 86.09.700, and 86.09.703; adding a new chapter to Title 85 RCW; adding new sections to chapter 85.05 RCW; adding new sections to chapter 85.06 RCW; adding new sections to chapter 85.08 RCW; adding new sections to chapter 85.24 RCW; adding new sections to chapter 85.36 RCW; adding new sections to chapter 86.09 RCW; and repealing RCW 85.05.020, 85.05.030, 85.05.040, 85.05.050, 85.05.060, 85.06.020, 85.06.030, 85.06.040, 85.06.050, 85.08.020, 85.08.040, 85.08.050, 85.08.060, 85.08.070, 85.08.080, 85.08.090, 85.08.100, 85.08.110, 85.08.120, 85.08.130, 85.08.140, 85.08.150, 85.08.160, 85.08.170, 85.08.180, 85.08.290, 85.20.040, 85.22.040, 85.24.020, 85.24.030, 85.24.040, 86.09.007, 86.09.022, 86.09.025, 86.09.028, 86.09.031, 86.09.034, 86.09.037, 86.09.040, 86.09.043, 86.09.046, 86.09.049, 86.09.052, 86.09.055, 86.09.058, 86.09.061, 86.09.064, 86.09.067, 86.09.070, 86.09.073, 86.09.076, 86.09.079, 86.09.082, 86.09.085, 86.09.088, 86.09.091, 86.09.094, 86.09.097, 86.09.100, 86.09.103, 86.09.106, 86.09.109, 86.09.112, 86.09.115, 86.09.118, 86.09.121, 86.09.124, 86.09.127, 86.09.130, 86.09.133, 86.09.136, 86.09.139, 86.09.142, 86.09.145, 86.09.238, 86.09.241, 86.09.244, 86.09.247, 86.09.250, 86.09.253, 86.09.256, 86.09.262, 86.09.289, 86.09.295, 86.09.298, 86.09.316, 86.09.331, 86.09.334, 86.09.337, 86.09.340, 86.09.343, 86.09.346, 86.09.349, 86.09.352, 86.09.355, 86.09.358, 86.09.361, 86.09.364, 86.09.367, 86.09.370, 86.09.373, and 86.09.376.

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

NEW SECTION. Sec. 1. The purpose of this chapter is to provide uniform and simplified procedures for the creation, elections, and operations of various special districts that provide diking, drainage, and flood control facilities and services. The legislature finds that it is in the public interest to clarify and standardize the laws relating to these special districts.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Governing body" means the board of commissioners, board of supervisors, or board of directors of a special district.

(2) "Owner of land" means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the county auditor, except that if the lot or

parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is assumed, unless shown otherwise, that the name appearing as the owner of property on the property tax rolls is the current owner.

(3) "Qualified voter of a special district" means a person who is either: (a) A natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than sixty days before the election, and the owner of land located in the special district for a period of not less than sixty days before the election; or (b) a corporation or partnership that has owned land located in the special district for a period of not less than sixty days before the election. If land is owned as community property, both spouses may vote if otherwise qualified. If other multiple undivided interests exist in a lot or parcel, and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing which owner is eligible to vote. A corporation or partnership shall designate a natural person to exercise its voting powers. Except as provided in sections 21 and 22 of this act, no owner of land may cast more than one vote, or have more than one vote cast for it, in a special district election.

(4) "Special district" means: (a) A diking district; (b) a drainage district; (c) a diking, drainage, and/or sewerage improvement district; (d) an intercounty diking and drainage district; (e) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (f) a flood control district.

(5) "Special district general election" means the election of a special district regularly held on the second Tuesday of December in each odd-numbered year at which a member of the special district governing body is regularly elected.

NEW SECTION. Sec. 3. The establishment of a special district may be initiated by either petition of the owners of property located within the proposed special district, or by resolution of the county legislative authority or authorities within which the proposed special district is located.

A petition calling for the creation of a special district, which is signed by at least ten owners of land located within the proposed district, shall be filed with the county legislative authority within which a proposed special district, or the largest portion of a special district, is located. If the proposed special district is proposed to be located within more than one county, the county legislative authority receiving the petitions shall notify the other county legislative authorities of the proposal. The petition shall set forth in general terms: (1) The objects sought by the creation of the special district; (2) the projects proposed to be completed by the special district that will accomplish these objects; (3) the boundaries of the proposed special district, which may be stated in terms of sections, townships, and ranges; and (4) any other matters deemed material by the petitioners. The jurisdiction of

the county legislative authority to proceed with consideration of the creation of the proposed special district shall not be affected by the form of the petition or allegations on the petition. The petition shall be accompanied by proof of land ownership that is sufficient in the opinion of the county legislative authority to evidence the ownership of land by the petitioners within the proposed special district. A petition calling for the creation of a special district shall be accompanied by a bond of five thousand dollars to defray the costs incurred by the county, or counties, in considering the creation of the special district.

A resolution proposing the creation of a special district shall contain the same items as are required and permitted to be contained in a petition to create a special district.

NEW SECTION. Sec. 4. Upon the filing of a valid petition or upon the adoption of the resolution, the county legislative authority shall direct the county engineer to investigate the proposed boundaries of the special district and the feasibility of the projects located in the county as proposed in the petition or resolution. The engineer shall report to the county legislative authority within ninety days of such direction on the proposed boundaries of the special district within the county and feasibility of that portion of the proposed project. If the proposed special district is located in more than one county, the county legislative authority of each county shall direct its county engineer to investigate and report on the proposal within its boundaries.

NEW SECTION. Sec. 5. The county legislative authority shall schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are feasible. If the engineers of each of the counties within which a proposed special district is located indicate that the proposed projects are feasible, the county legislative authorities shall schedule a joint public hearing on the proposed special district. The county legislative authority may, on its own initiative, schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are not feasible. The county legislative authorities of counties within which a proposed special district is located may, on their own initiative, schedule a joint public hearing on the proposed special district if one or more of the county engineers' reports indicate that the proposed projects are not feasible.

Notice of the public hearing shall be published and posted as provided in section 13 of this act for notices of elections. Additional notice of the public hearing shall be published in the newspaper in general circulation within the proposed special district, which notice shall be purchased in the manner of a general advertisement, not to be included with legal advertisements or with classified advertisements. This additional notice shall be published at least twice, not more than twenty nor less than three days before

public hearing. Additional notice shall be made as required in RCW 79.44.040.

The notice must contain the following: (1) The date, time, and place of the public hearing; (2) a statement that a particular special district is proposed to be created; (3) a general description of the proposed projects to be completed by the special district; (4) a general description of the proposed special district boundaries; and (5) a statement that all affected persons may appear and present their comments in favor of or against the creation of the proposed special district.

NEW SECTION. Sec. 6. The county legislative authority or authorities shall conduct the public hearing at the date, time, and place indicated in the notice. Public hearings may be continued to other dates, times, and places specified by the county legislative authority or authorities before the adjournment of the public hearing. Each county legislative authority may alter those portions of boundaries of the proposed special district that are located within the county, but if territory is added that was not described in the original proposed boundaries, an additional hearing on the proposal shall be held with notice being posted and published as provided in section 5 of this act.

After receiving the public testimony, the county legislative authority may cause an election to be held to authorize the creation of a special district if it finds:

(1) That creation of the special district will be conducive to the public health, convenience and welfare;

(2) That the creation of the special district will be of special benefit to a majority of the lands included within the special district; and

(3) That the proposed improvements are feasible and economical, and that the benefits of these improvements exceed costs for the improvements.

If the proposed special district is located within two or more counties, the county legislative authorities may cause an election to be held to authorize the creation of the special district upon making the findings set forth in subsections (1) through (3) of this section.

The county legislative authority or authorities may also choose not to allow such an election to be held by either failing to act or finding that one or more of these factors are not met.

NEW SECTION. Sec. 7. The county legislative authority or authorities shall cause an election on the question of creating the special district to be held if findings as provided in section 6 of this act are made. The county legislative authority or authorities shall designate a time and date for such election, which shall be one of the special election dates provided for in RCW 29.13.020, together with the site or sites at which votes may be cast. The persons allowed to vote on the creation of a special district shall be those persons who, if the special district were created, would be qualified voters of the special district as described in section 2 of this act. The county

auditor or auditors of the counties within which the proposed special district is located shall conduct the election and prepare a list of presumed eligible voters.

Notices for the election shall be published and posted as provided in section 5 of this act. The special district shall be created if the proposition to create the special district is approved by a simple majority vote of the voters voting on the proposition and the special district may assume operations whenever the initial members of the governing body are appointed as provided in section 8 of this act.

Any special district created after the effective date of this act may only have special assessments measured and imposed, and budgets adopted, as provided in sections 15 through 18 of this act.

If the special district is created, the county or counties may charge the special district for the costs incurred by the county engineer or engineers pursuant to section 4 of this act and the costs of the auditor or auditors related to the election to authorize the creation of the special district pursuant to this section. Such county actions shall be deemed to be special benefits of the property located within the special district that are paid through the imposition of special assessments.

NEW SECTION. Sec. 8. (1) Except as provided in section 10 of this act, each special district shall be governed by a three-member governing board. The term of office for each member of a special district governing body shall be six years and until his or her successor is elected and qualified. One member of the governing body shall be elected at the time of special district general elections in each odd-numbered year for a term of six years beginning as provided in RCW 29.04.170 for assumption of office by elected officials of cities.

(2) The terms of office of members of the governing bodies of special districts, who are holding office on the effective date of this act, shall be altered to provide staggered six-year terms as provided in this subsection. The member who on the effective date of this act has the longest term remaining shall have his or her term altered so that the position will be filled at the December, 1991, special district general election; the member with the second longest term remaining shall have his or her term altered so that the position will be filled at the December, 1989, special district general election; and the member with the third longest term of office shall have his or her term altered so that the position will be filled at the December, 1987, special district general election.

(3) The initial members of the governing body of a newly created special district shall be appointed by the legislative authority of the county within which the special district, or the largest portion of the special district, is located. These initial governing body members shall serve until their successors are elected and qualified at the next special district general election held at least ninety days after the special district is established. At that

election the first elected members of the governing body shall be elected. No primary elections may be held. Any voter of a special district may become a candidate for such a position by filing written notice of this intention with the governing body of the special district at least thirty, but not more than sixty, days before a special district general election. The names of all candidates for such positions shall be listed alphabetically. At this first election, the candidate receiving the greatest number of votes shall have a six-year term, the candidate receiving the second greatest number of votes shall have a four-year term, and the candidate receiving the third greatest number of votes shall have a two-year term of office. The initially elected members of a governing body shall take office immediately when qualified as defined in RCW 29.01.135. Thereafter the candidate receiving the greatest number of votes shall be elected for a six-year term of office. Members of a governing body shall hold their office until their successors are elected and qualified, and assume office as provided in RCW 29.04.170.

(4) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve the remaining term of office. A vacancy occurs upon the death, resignation, or incapacity of a governing body member or whenever the governing body member ceases being a qualified voter of the special district.

(5) An elected or appointed member of a special district governing body must be a qualified voter of the special district.

NEW SECTION. Sec. 9. Each member of a governing body of a special district, whether elected or appointed, shall enter into a bond, payable to the special district. The bond shall be in the sum of not less than one thousand dollars nor more than five thousand dollars, as determined by the county legislative authority of the county within which the special district, or the largest portion of the special district, is located. The bond shall be conditioned on the faithful performance of his or her duties as a member of the governing body of the special district and shall be filed with the county treasurer of the county within which the special district, or the largest portion of the special district, is located.

NEW SECTION. Sec. 10. (1) Whenever the governing body of a special district has more than three members, the governing body shall be reduced to three members as of January 1, 1986, by eliminating the positions of those district governing body members with the shortest remaining terms of office. The remaining three governing body members shall have staggered terms with the one having the shortest remaining term having his or her position filled at the 1987 special district general election, the one with the next shortest remaining term having his or her position filled at the 1989 special district general election, and the one with the longest remaining term having his or her position filled at the 1991 special district general

election. If any of these remaining three governing body members have identical remaining terms of office, the newly calculated remaining terms of these persons shall be determined by lot with the county auditor who assists the special district in its elections managing such lot procedure. The newly established terms shall be recorded by the county auditor.

(2) However, whenever five or more special districts have consolidated under chapter 85.36 RCW and the consolidated district has five members in its governing body on the effective date of this act, the consolidated district may adopt a resolution retaining a five-member governing body. At any time thereafter, such a district may adopt a resolution and reduce the size of the governing body to three members with the reduction occurring as provided in subsection (1) of this section, but the years of the effective dates shall be extended so that the reduction occurs at the next January 1st occurring after the date of the adoption of the resolution. Whenever a special district is so governed by a five-member governing body, two members shall be elected at each of two consecutive special district general elections, and one member shall be elected at the following special district general election, each to serve a six-year staggered term.

NEW SECTION. Sec. 11. General elections shall be held in each special district on the second Tuesday in December in each odd-numbered year. The auditor of the county within which a special district, or the largest portion of a special district, is located may provide for special elections whenever necessary.

NEW SECTION. Sec. 12. A list of presumed eligible voters shall be prepared and maintained by each special district. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish voting authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish voting authority. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or the largest portion of the special district is located.

NEW SECTION. Sec. 13. The auditor of the county within which a special district, or the largest portion of a special district, is located shall assist such special district with its elections as provided in this section. The county auditor shall both publish and post notices for such elections. Notices shall be posted in at least four conspicuous public places within the special district at least two weeks before the election. Notices shall also be published in a newspaper of general circulation in the special district at

least once not more than ten nor less than three days before the election. The notices shall describe the election, give its date and times to be held, and indicate the election site or sites in the special district where ballots may be cast. All costs of the county auditor incurred related to such elections shall be reimbursed by the special district. A special district may also contract with the county auditor to staff the voting site during the election or contract with the county auditor to conduct the election pursuant to RCW 29.36.120.

NEW SECTION. Sec. 14. The governing body of each special district shall appoint three voters of the special district, who may be members of the governing body, to act as election officials, unless the special district contracts with the county auditor to staff the election site. The election officials shall distribute a ballot or ballots to each voter of the special district who arrives at the voting place during the hours for the election on the day of the election and requests a ballot. Ballots shall also be provided to those persons arriving at the polling place during the hours for the election on the day of the election who present documents or evidence sufficient to establish their eligibility to vote. A person arriving at the polling place at such times who demands a ballot, but who fails to present documents or evidence which in the opinion of the election officials is sufficient to establish eligibility to vote, shall be given a ballot clearly marked as "challenged" and shall be allowed to vote. Each challenged ballot shall be numbered consecutively and a list of such persons and their ballot numbers shall be made.

The governing body of each special district shall designate those hours from 7 a.m. to 8 p.m. during which the election shall be held: PROVIDED, That at least two consecutive hours must be designated. When the election is over, the election officials shall secure the ballots and transport the ballots to the county auditor's office by noon of the day following the election. The auditor may, at his or her discretion, station a deputy auditor or auditors at the election site who shall observe the election and transport the ballots to the auditor's office. The auditor shall count the ballots and certify the count of votes for and against each measure and for each candidate appearing on the ballot. A separate count shall be made of any challenged ballots. A challenged ballot shall be counted as a normal ballot if documents or evidence are supplied to the auditor before 4:00 p.m. on the day after the election that, in the opinion of the auditor, are sufficient to establish the person's eligibility to vote.

Additionally, voting by absentee ballot shall be allowed in every special district. A request for an absentee ballot may be made by an eligible voter by mail or in person to the county auditor who supervises the special district elections. An absentee ballot shall be provided to each voter of a special district requesting such a ballot under this section. A person requesting such a ballot may present information establishing his or her eligibility to vote in such a special district. The auditor shall provide an absentee ballot to each

person requesting an absentee ballot who is either included on the list of presumed eligible voters or who submits information which, in the auditor's opinion, establishes his or her eligibility to vote. The names of these persons so determined to be eligible to vote shall be added to the list of presumed eligible voters for the appropriate special district. The request for an absentee ballot must be made no more than forty-five days before the election. To be valid, absentee ballots must be postmarked on or before the day of the election and mailed to the county auditor.

NEW SECTION. Sec. 15. The process by which budgets are adopted, special assessments are measured and imposed, and assessment zones are established, as provided in sections 15 through 18 of this act, shall constitute an alternative optional method of financing special districts. A special district in existence prior to the effective date of this act may conform with sections 15 through 18 of this act when its governing body adopts a resolution indicating its intention to conform with such laws. Whenever such a resolution is adopted, or a new special district is created on or after the effective date of this act, sections 15 through 18 of this act shall be the exclusive method by which the special district measures and imposes special assessments and adopts its budget. The governing body of a special district that was created before the effective date of this act, and which operates under sections 15 through 18 of this act, may adopt a resolution removing the special district from operating under sections 15 through 18 of this act, and operate under alternative procedures available to the special district. A county may charge a special district for costs the county incurs in establishing a system or systems of assessment for the special district pursuant to sections 15 through 18 of this act.

NEW SECTION. Sec. 16. (1) Special district special assessments shall be imposed only on real property within the district that uses or will use the special district's facilities or receives or will receive special benefits from the special district's operations and facilities. Both privately owned and publicly owned real property, including real property owned by the state, is subject to these special assessments. Mobile homes located on real property within a special district shall be considered an improvement to the real property for purposes of imposing special assessments.

(2) Special assessments imposed upon real property, other than improvements, shall be a function of the dollar value of benefit or use per acre and the assessment zone in which the real property is located. Special assessments imposed upon an improvement shall be a function of the dollar value of benefit or use assigned to the type or class of improvements and the assessment zone in which the improvement is located.

(3) Assessment zones shall be established in which each zone reflects a different relative ratio of benefit or use that the real property within such a zone receives, or will receive, from the special district's operations and facilities. That real property receiving the greatest benefits, or which uses the

special district's facilities to the greatest extent, shall be placed into class No. 1 and assigned a value of one hundred percent; that real property receiving the next greatest benefits, or which uses the special district's facilities to the next greatest extent, shall be placed into class No. 2 and assigned a lower percentage value; and so on, extending to the class of least benefits or use. That real property receiving no benefits or use shall be designated "nonbenefit." If all real property in the special district is found to have the same relative ratio of benefit or use, a single assessment zone may be established.

(4) Any one or more of the following criteria shall be used in measuring the manifest degrees or ratios of benefit or use: (a) Proximity to the special district's facilities; (b) height above or below dikes and levees; (c) easier accessibility; (d) facility of drainage; (e) minimization of flood or inundation damage; (f) actual flood protection; (g) use of the special district's facilities; and (h) any other criteria established by the county under section 17 of this act that measure manifest degrees of benefit or use from the special district's facilities and operations.

(5) Special assessments may be imposed to pay for the construction, repair, and maintenance of special district facilities and for special district operations. Administrative and operational costs of the special district shall be proportionally included in these special assessments.

NEW SECTION. Sec. 17. (1) The county within which each special district is located shall establish a system or systems of assessment for the special district as provided in this section. A differing system of assessment shall be established for different classes of facilities that a special district provides or will provide, including a separate system of assessment for diking and drainage facilities if both classes of facilities are provided. Whenever a special district is located in more than one county, the county within which the largest portion of the special district is located shall establish the system or systems of assessment for the entire special district. A system of assessment shall include assessment zones, the acreage included in each assessment zone, a dollar value of benefit or use per acre, and various classes or types of improvements together with a dollar value of benefit or use for an improvement included in each of the classes or types of improvements. The county shall establish which improvements shall be subject to special assessments and shall establish one or more types or classes of such improvements.

(2) The engineer of the county shall prepare a preliminary system or systems of assessment for each special district. Each system of assessment that is prepared for a special district shall be designed to generate a total of one thousand dollars in revenue for the special district.

The preliminary system or systems of assessment shall be filed with the county legislative authority. A public hearing on the preliminary system or

systems of assessment shall be held by the county legislative authority. Notice of the public hearing shall be published in a newspaper, in general circulation in the special district, for two consecutive weeks with the final notice being published not less than fourteen, nor more than twenty-one days, before the public hearing. Notice shall also be mailed to each owner or reputed owner, as shown on the assessor's tax rolls, of each lot or parcel subject to such assessments. The mailed notice shall indicate the amount of assessment on the lot or parcel that, together with all other assessments in the system of assessment, would raise one thousand dollars. The mailed notice shall indicate that this assessment amount is not being imposed, but is a hypothetical assessment that, if combined with all other hypothetical assessments in the system of assessment, would generate one thousand dollars, and that this hypothetical assessment is proposed to be used to establish a system or systems of assessment for the special district. Where a special district currently is imposing special assessments and a property owner's property is subject to these special assessments, the mailed notice to this property owner also shall use the hypothetical special assessment in conjunction with the total special assessments imposed by the special district in that year to provide a comparison special assessment value to the property owner. This notice shall indicate that the comparison special assessment value is not being imposed, and should be considered for comparative purposes only. Where a special district is not currently imposing special assessments, the mailed notice may include, if deemed appropriate by the county engineer and if such figures are available, an estimated special assessment value for the property owner's property using this hypothetical special assessment in conjunction with special district-wide level of special assessments that possibly would be imposed in the following year. Where a county is imposing rates and charges for stormwater or surface water control facilities pursuant to chapters 36.89 or 36.94 RCW, the county shall credit such rates and charges with assessments imposed under this section by a special district to fund drainage facilities and the maintenance of drainage facilities.

(3) The county legislative authority shall hold a public hearing on the preliminary system or systems of assessment on the day specified in the notices. Persons objecting to the preliminary system or systems of assessment may present their objections at this public hearing, which may be continued if necessary. The county legislative authority shall adopt an ordinance finalizing the system or systems of assessment after making any changes that in its discretion are necessary. The county legislative authority shall have broad discretion in establishing systems of assessment. The decision of the county legislative authority shall be final, except for appeals. Any person objecting to the system or systems of assessment must appeal such decision to the superior court of the county within which all, or the largest portion,

of the special district is located within twenty days of the adoption of the ordinance.

(4) The system or systems of assessment of each special district shall be reviewed by the county engineer and finalized by the county legislative authority at least once every four years. A system or systems of assessment shall be finalized on or before the first of September in the year that it is finalized. The legislative authority of a county that is responsible for establishing a system or systems of assessment for more than one special district may, at its option, stagger the initial finalization of such systems of assessment for different special districts over a period of up to four years. Assessments shall be collected in special districts pursuant to the district's previous system of assessment until the system or systems of assessment under this chapter is finalized under this section.

(5) New improvements shall be noted by the special district as they are made and shall be subject to special assessments in the year after the improvement is made.

(6) The county legislative authority, upon request by a special district, may authorize the special district to impose and collect emergency assessments pursuant to the special district's system or systems of assessment whenever the emergent protection of life or property is necessary.

NEW SECTION. Sec. 18. Budgets for each special district shall be adopted, and special assessments imposed, annually for the succeeding calendar year. On or before December 1st of each year, the governing body of the special district shall adopt a resolution approving a budget for the succeeding year and special assessments sufficient to finance the budget. A copy of the resolution and the budget shall be forwarded immediately to the county legislative authority of the county or counties within which the special district is located and to the treasurer of the county or counties in which the special district is located. Special assessments necessary to generate funds for this budget shall be imposed pursuant to the system or systems of assessment established by the county. Special assessments shall be collected by the county treasurer or treasurers within which the special district is located. Notice of the special assessments due may be included on the notice of property taxes due, may be included on a separate notice that is mailed with the notice of property taxes due, or may be sent separately from the notice of property taxes due. Special assessments shall be due at the same time property taxes are due and shall constitute liens on the land or improvements upon which they are imposed. Delinquent special assessments shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting special assessments not to exceed one percent of the dollar value of special assessments collected.

NEW SECTION. Sec. 19. A special district may:

(1) Engage in flood control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to prevent inundation or flooding from rivers, streams, tidal waters or other waters. Such facilities include dikes, levees, dams, banks, revetments, channels, canals, and other works, appliances, machinery, and equipment.

(2) Engage in drainage control, stormwater control, and surface water control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to control and treat stormwater, surface water, and flood water. Such facilities include drains, ditches, canals, nonsanitary sewers, pumps, and other works, appliances, machinery, and equipment.

(3) Take actions necessary to protect life and property from inundation or flow of flood waters, stormwaters, or surface waters.

(4) Acquire, purchase, condemn by power of eminent domain pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name, necessary property, property rights, facilities, and equipment.

(5) Sell or exchange surplus property, property rights, facilities, and equipment.

(6) Accept funds and property by loan, grant, gift, or otherwise from the United States, the state of Washington, or any other public or private source.

(7) Hire staff, employees, or services, or use voluntary labor.

(8) Sue and be sued.

(9) Cooperate with or join the United States, the state of Washington, or any other public or private entity or person for district purposes.

(10) Enter into contracts.

(11) Exercise any of the usual powers of a corporation for public purposes.

NEW SECTION. Sec. 20. Sections 1 through 19 of this act shall constitute a new chapter in Title 85 RCW.

NEW SECTION. Sec. 21. A new section is added to chapter 85.05 RCW to read as follows:

Each qualified voter of a diking or drainage improvement district who owns more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof located within the district, up to a maximum total of twenty votes for any voter, or in the case of community property, a maximum total of ten votes per member of the marital community: PROVIDED, That this additional voting provision shall only apply in districts that were not in operation and did not have improvements as of May 14, 1925.

NEW SECTION. Sec. 22. A new section is added to chapter 86.09 RCW to read as follows:

Each qualified voter of a flood control district who owns more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof located within the district, up to a maximum total of twenty votes for any voter, or in the case of community property, a maximum total of ten votes per member of the marital community.

NEW SECTION. Sec. 23. A new section is added to chapter 85.08 RCW to read as follows:

The county engineer shall continue to act as a supervisor of a diking, drainage, or sewerage improvement district that is governed by a three-member board of supervisors until a replacement assumes office after being elected at the 1987 special district general election. At that election two supervisors shall be elected, with the person receiving the greatest number of votes being elected to a six-year term, and the person receiving the second greatest number of votes being elected to a four-year term. Thereafter, all supervisors shall be elected to six-year terms.

NEW SECTION. Sec. 24. A new section is added to chapter 85.05 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which diking districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which diking districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

NEW SECTION. Sec. 25. A new section is added to chapter 85.06 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which drainage districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which drainage districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

NEW SECTION. Sec. 26. A new section is added to chapter 85.08 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which diking, drainage, or sewerage improvement districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which diking, drainage, or sewerage improvement districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

NEW SECTION. Sec. 27. A new section is added to chapter 85.24 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which intercounty diking and drainage districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which intercounty diking and drainage districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

NEW SECTION. Sec. 28. A new section is added to chapter 85.36 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

NEW SECTION. Sec. 29. A new section is added to chapter 86.09 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which flood control districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which flood control districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

NEW SECTION. Sec. 30. A new section is added to chapter 85.08 RCW to read as follows:

Sewerage improvement districts may investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities to collect, treat, and dispose of sanitary, industrial, and other sewage. Such facilities include on-site and off-site sewerage facilities, including approved septic tanks or septic tank systems.

NEW SECTION. Sec. 31. A new section is added to chapter 85.05 RCW to read as follows:

Diking districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.____ RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 32. A new section is added to chapter 85.06 RCW to read as follows:

Drainage districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.____ RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 33. A new section is added to chapter 85.08 RCW to read as follows:

Diking, drainage, or sewerage improvement districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 34. A new section is added to chapter 85.24 RCW to read as follows:

Intercounty diking and drainage districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 35. A new section is added to chapter 85.36 RCW to read as follows:

Consolidated diking districts, drainage districts, diking improvement districts, and drainage improvement districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 36. A new section is added to chapter 86.09 RCW to read as follows:

Flood control districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

Sec. 37. Section 8, chapter 117, Laws of 1895 as amended by section 5, chapter 146, Laws of 1921 and RCW 85.05.085 are each amended to read as follows:

~~((Said))~~ The board of dike commissioners shall consist of three elected commissioners. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act). ~~The board of dike commissioners ((hereinbefore provided for)) shall have the exclusive charge of the construction and maintenance of all dikes or dike systems which may be constructed within the ((said)) district, and shall be the executive officers thereof, with full power to bind ((said)) the district by their acts in the performance of their duties, as provided by law. ((In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district, such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of the county owning land in the district by the judge of the superior court of said county, and said appointee shall serve the unexpired term,~~

~~or until the next general election or until a successor is elected and qualified. PROVIDED, That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment.))~~

Sec. 38. Section 28, chapter 117, Laws of 1895 and RCW 85.05.280 are each amended to read as follows:

The board of commissioners of such district shall elect one of their number chairman and shall either elect one of their number, or appoint a voter of the district, as secretary, ((and)) who shall keep minutes of all ((their meetings, and)) the district's proceedings. The board of commissioners may issue warrants of such district in payment of all claims of indebtedness against such district. Such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: PROVIDED, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

Sec. 39. Section 41, chapter 117, Laws of 1895 as last amended by section 1, chapter 39, Laws of 1974 ex. sess. and RCW 85.05.410 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of ((eight)) up to twenty-five dollars ((per day)) for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ((one)) three thousand dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved ((and made)) at ((a)) regular meetings of ((said)) the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against ((said)) the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 40. Section 3, chapter 43, Laws of 1913 and RCW 85.05.580 are each amended to read as follows:

The manner of conducting ~~((said))~~ the election and the hours between the opening and closing of the polls and the officers of ~~((said))~~ the election shall be the same as provided in ~~((the general diking law for the annual election of officers of diking districts, and in case a canvass of the votes cast at said election shall show))~~ chapter 85.— RCW (sections 1 through 19 of this 1985 act). If a majority of the votes cast in each of the districts seeking to consolidate to be in favor of consolidation, an order shall at once be ~~((entered upon the minutes of each of said districts by the commissioners thereof))~~ issued by the county legislative authority, showing the result of ~~((said))~~ the vote cast at ~~((said))~~ the election, and setting forth therein the name of such consolidated district ~~((, and a copy))~~. Two copies of the ~~((minutes so entered duly certified by the commissioners of each of said districts))~~ order shall be filed, one each with the auditor and treasurer of the county within which ~~((said))~~ the districts are located, ~~((and one with the clerk of the superior court of such county, to be entered and filed by the clerk of such court in the original proceedings establishing said districts;))~~ and a certified copy of such entry shall be transmitted to the secretary of state ~~((by the clerk of said court, and))~~. Thereafter the territory embraced in ~~((said))~~ the districts so consolidated shall be known and designated as "Consolidated Diking District No. (here insert number) of (here insert name of county) County, Washington," as provided in said order, and thereafter the ~~((said))~~ district shall have the same powers and duties as other diking districts organized under the diking laws of the state of Washington.

Sec. 41. Section 8, chapter 115, Laws of 1895 as amended by section 3, chapter 86, Laws of 1913 and RCW 85.06.080 are each amended to read as follows:

~~((Said))~~ The board of drainage commissioners ~~((hereinbefore provided for;))~~ shall consist of three elected commissioners. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act). The board shall have exclusive charge of the construction and maintenance of all drainage systems which may be constructed by said district and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law. ~~((In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the superior court of said county, and said appointee shall serve the unexpired term or until the next general election: PROVIDED, That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment:))~~

Sec. 42. Section 25, chapter 115, Laws of 1895 and RCW 85.06.250 are each amended to read as follows:

The board of commissioners of such district shall elect one of their number chairman and shall either elect one of their number, or appoint a voter of the district, as secretary, ((and)) who shall keep minutes of all ((their)) the district's proceedings((, and)). The board of commissioners may issue warrants of such district in payment of all claims of indebtedness against such district(~~(, such warrants)~~), which shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: PROVIDED, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

Sec. 43. Section 38, chapter 115, Laws of 1895 as last amended by section 2, chapter 23, Laws of 1980 and RCW 85.06.380 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners shall receive as compensation up to twenty-five dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed(;) in connection with their duties((, including the attendance at meetings)) as commissioners: PROVIDED, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including his subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

**Sec. 44. Section 19, chapter 176, Laws of 1913 as last amended by section 1, chapter 89, Laws of 1925 ex. sess. and RCW 85.08.290 are each amended to read as follows:*

Upon the determination by the ((board of)) county ((commissioners)) legislative authority to proceed with the work of construction, ((said board)) the county legislative authority shall order an election to be held in some place within the district to be designated by the ((board, and shall appoint an election board to consist of one inspector and two judges, who shall qualify in like manner and receive like compensation as election officers at general elections. Notice of said election shall be given by the clerk of the board of county commissioners by publication once a week for two consecutive weeks

~~in a newspaper to be designated by the board and of general circulation in the district, the last of which publications shall be not less than seven nor more than fourteen days prior to the date of said election, and such notice shall also be posted by the sheriff of the county not less than fourteen days prior to the date of said election, in three of the most public places in the district. That at all elections held within the diking district the polls shall be open from one o'clock p.m. until seven o'clock p.m. All electors of the state owning land in the district shall be entitled to vote at any election held within the district, and each elector owning more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof. PROVIDED, This amendment shall not apply to any districts already constructed and in operation.~~

~~At such election the officers may require any person offering to vote to take an oath that he is qualified to vote as in this act provided. An officer or agent of any corporation, organized under the laws of this state owning land in the district, duly authorized thereto in writing, may, upon filing with the election officers such written instrument of authority, cast a vote on behalf of such corporation)) county legislative authority, to determine if the proposed district shall be created as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act).~~

*Sec. 44 was vetoed, see message at end of chapter.

Sec. 45. Section 20, chapter 176, Laws of 1913 as last amended by section 1, chapter 120, Laws of 1965 and RCW 85.08.300 are each amended to read as follows:

~~((At the election, two electors of the county owning land in the district shall be elected, who, with the district engineer, shall constitute the first))~~
The board of supervisors of the district((The supervisors)) shall consist of three elected supervisors. The initial supervisors shall be appointed, and the first elected supervisor elected, as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act). The board of supervisors shall have charge of the construction and maintenance of the systems of improvements, subject to the limitations hereinafter set forth, and may employ a superintendent of construction and maintenance who may be one of the two elected supervisors. The ((elected)) supervisors may be employed upon the construction or maintenance, receiving the same compensation as other labor of like character. ((The engineer shall receive compensation for his services as supervisor in the maintenance of the system at the per diem rate allowed him for other work; and if he is a salaried officer the compensation shall be a charge against the district in favor of the engineer's office.

The term of office of each elected district supervisor shall be four years, and until his successor is elected and qualified except that the terms of those chosen at the first election in each district shall be as follows: The one receiving the highest number of votes shall serve for a period ending four years after the first Monday of January of the first odd-numbered year

~~following the election, and the one receiving the second highest number of votes shall serve for a period ending two years after the first Monday of January of the first odd-numbered year following the election. Elections after the first election in a district shall be held biennially on the fourth Tuesday of November in the even-numbered years, except that where the first election is in an odd-numbered year no election shall be held in the next even-numbered year. Terms of office shall begin on the first Monday of January next following the election, except that the terms of the supervisors elected at the first election shall begin immediately on their qualifying. Every duly elected supervisor shall qualify in the same manner as other county officers. A vacancy on the board shall be filled by a district elector appointed by the board of county commissioners.~~

~~Elections, except for the first election as provided in RCW 85.08.290, shall be conducted by the board of supervisors of such district, who shall prepare the ballot therefor. The expenses of the election shall be defrayed by the district, and the judges, clerks and inspectors of the election shall each receive not to exceed the sum of fifteen dollars per day for services so rendered. At least thirty days before the election the district supervisors shall post notice thereof in four public places in the district, and publish notice of the election at least once in a legal newspaper published in the district, or if none is published therein, then in a legal newspaper in the county in which the district is situated. Such notice shall contain the names of the two judges and one inspector of the election, who shall be electors of the district appointed by the supervisors. The supervisors may declare the entire district as one precinct and shall designate in the notice of election the number and places of voting. The supervisors shall meet on the day following the election and canvass the votes, declare the results, and issue the certificates of election:))~~

~~When a district contains not more than five hundred acres, or when a petition is presented to the ((board of)) county ((commissioners)) legislative authority signed by the owners of fifty percent of the acreage of the district praying for such action, the ((district)) county engineer shall act as the sole supervisor of the district; and in such case the allowance of all claims against the district shall be by the county ((commissioners)) legislative authority.~~

Sec. 46. Section 23, chapter 176, Laws of 1913 as last amended by section 23, chapter 156, Laws of 1981 and RCW 85.08.320 are each amended to read as follows:

The compensation of the ((board of supervisors,)) superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the ((county legislative authority)) district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by

the ~~((county legislative authority))~~ district board of supervisors. The compensation for members of the board of supervisors shall be fixed by the county legislative authority. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. Each member of the county legislative authority, except in counties of the first class, shall receive pay at the rate of four dollars per day for the number of days he is engaged in the performance of any duty under this chapter, which sum shall be additional to his salary in case he receive an annual salary; and none of the statutory provisions limiting the number of days that a member of the county legislative authority shall draw pay for or limiting the number of sessions for attendance upon which he shall be entitled to mileage shall apply to any proceedings under this chapter. All officers and members of boards performing duties under this chapter shall receive in addition to their fees or salaries their actual necessary expenses incurred in the performance of their duties hereunder. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

If at the hearing provided for in RCW 85.08.160 the county legislative authority shall determine that bonds shall be issued to pay the costs of the improvement or warrants sold to procure funds with which to pay such cost, as therein provided, temporary warrants may be issued for any part or all of such costs, expenses, fees, and charges, and shall be paid in cash upon the issuance and sale of such bonds, or shall be exchanged for an equal amount par value of such bonds. All such temporary warrants shall recite that they are temporary warrants and that they draw interest until called to be paid in cash or to be exchanged for bonds. All warrants issued under the provisions of this chapter and sold by the county legislative authority, or issued to any contractor and by him sold or hypothecated for a valuable consideration, shall be claims and liens against the fund against which they are drawn, prior and superior to any right, lien or claim of any surety upon any bond or bonds given to secure the performance of the contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or provisions and supplies for the carrying on of the work.

Sec. 47. Section 4, chapter 130, Laws of 1917 and RCW 85.08.610 are each amended to read as follows:

Until the ~~((expiration of the terms of the elected supervisors having the shortest term to serve in each of the districts so consolidated, the two elected))~~ first special district general election after the consolidation of the districts, the supervisors of each district~~((, together with the county engineer;))~~ shall form the board of supervisors of such consolidated district.

At the ~~((annual))~~ special district general election following the entry of the order of consolidation, ~~((one supervisor shall be elected in the consolidated district and shall serve for two years and until his successor is elected and qualified, and together with the supervisor of each district included in the consolidation whose term of office has not expired and the county engineer, shall constitute the board of supervisors of the consolidated district until the next annual election:~~

~~At the next annual election and at each succeeding annual election, one supervisor shall be elected in the consolidated district for a term of two years))~~ all supervisors shall have their positions filled. The person receiving the greatest number of votes for supervisor shall have a six-year term, the person receiving the second greatest number of votes for supervisor shall have a four-year term, and the person receiving the third greatest number of votes shall have a two-year term.

Sec. 48. Section 3, chapter 131, Laws of 1917 and RCW 85:20.030 are each amended to read as follows:

Whenever a petition is presented as provided in RCW 85.20.020, the ~~((clerk of the board of county commissioners shall give notice of an election to be held on a day, and at a place within the district, to be fixed in such notice, at which the electors of the district shall vote for or against the reorganization of the district so petitioning as a drainage or a diking improvement district))~~ county legislative authority shall order an election to be held to determine if the district shall be reorganized. The county legislative authority shall specify the election date which may or may not be at the normal special district general election. Notice of the election shall be posted and published, and the election shall be conducted, as for any special district election. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held~~((, and shall require the voters to cast ballots which shall contain the words "Reorganization, Yes", or "Reorganization, No". Such notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places in the district, and if the board of county commissioners shall so direct, shall be published once a week for four successive weeks in some newspaper published in the county, the last publication of which shall be not less than ten days prior to the day fixed for such election))~~. The auditor shall certify the results of the election to the county legislative authority. If the proposition to reorganize the district is approved by a simple majority vote of the voters voting on the proposition, the district shall be reorganized as either a diking improvement district or drainage

improvement district upon the county legislative authority ordering the reorganization. The district shall be liable to the county for its costs incurred for the election.

Sec. 49. Section 5, chapter 131, Laws of 1917 and RCW 85.20.050 are each amended to read as follows:

~~((Upon the entry of the order provided for in RCW 85.20.040, such reorganized district shall be known as a drainage or a diking improvement district of the same number as borne by it as a diking or a drainage district; and))~~ The board of commissioners of ((such)) the drainage or diking district shall((, together with the county engineer,)) constitute the board of supervisors of the reorganized district ((until the second Tuesday of December following such reorganization, when an election shall be held as provided for annual elections in drainage improvement districts, at which two supervisors shall be elected, who shall serve for the terms and whose successors shall be elected in the manner provided for the first board of supervisors in drainage improvement districts)). From the entry of ~~((said))~~ an order under RCW 85.20.030 reorganizing the district, such reorganized district, and its board of supervisors ((herein provided for)), shall have all the rights and powers of and be subject to all laws applicable to a diking or drainage improvement district, and such district so reorganized shall be dissolved without any further proceedings therefor. Notwithstanding such dissolution and reorganization, none of the outstanding bonds, warrants or other indebtedness of the district, shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such reorganization had not been made, and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired and shall be collected in the same manner as if no such reorganization had been had. The ((board of county commissioners)) legislative authority of the county in which such reorganized district is situated shall have all the powers possessed at the time of the reorganization by the board of commissioners of such district to levy, assess, and cause to be collected any and all assessments or charges against any of the lands within such district that may be necessary or required to provide funds for the payment of all the bonds, warrants and other indebtedness thereof.

Sec. 50. Section 3, chapter 182, Laws of 1933 and RCW 85.22.030 are each amended to read as follows:

Whenever a petition is presented as provided in RCW 85.22.020, the ((clerk of the board of county commissioners shall give notice of an election to be held on a day, and at a place within the district, to be fixed in such notice, at which the electors of the district shall vote for or against the reorganization. of the district so petitioning as a drainage and irrigation improvement district or diking, drainage and irrigation improvement district)) county legislative authority shall order an election to be held to determine if

the district shall be reorganized. The county legislative authority shall specify the election date which may or may not be the same as the regular special district general election. Notice of the election shall be posted and published, and the election shall be conducted, as for any special district election. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held(; and shall require the voters to cast ballots which shall contain the words "Reorganization, Yes", or "Reorganization, No". Such notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places of said district; and if the board of county commissioners shall so direct, shall be published once a week for four successive weeks in some newspaper published in the county, the last publication of which shall be not less than ten days prior to the day fixed for such election)). The auditor shall certify the results of the election to the county legislative authority. If the proposition to reorganize the district is approved by a simple majority vote of the voters voting on the proposition, the district shall be reorganized as either a diking improvement district or drainage improvement district upon the county legislative authority ordering the reorganization. The district shall be liable to the county for its costs incurred for the election.

Sec. 51. Section 5, chapter 182, Laws of 1933 and RCW 85.22.050 are each amended to read as follows:

~~((Upon the entry of the order provided for in RCW 85.22.040, such reorganized district shall be known as a drainage and irrigation improvement district or diking, drainage and irrigation improvement district of the same number borne by it as a diking or drainage district. Such preexisting district so reorganized shall be dissolved without any further proceedings therefor.))~~ The commissioners of the old district shall become the ~~((commissioners))~~ supervisors of the reorganized district and shall have all the rights and powers and be subject to all laws applicable to a diking or drainage improvement district. The ~~((said commissioners))~~ supervisors shall also have the power of using such drainage ditches and equipment in the district for irrigation purposes at proper times and may adapt such ditches to such purposes by making the necessary improvements therein. The ~~((said commissioners))~~ supervisors shall also have the right to purchase and install machinery, pumps and other equipment for the carrying on of such irrigation within the district. Notwithstanding such dissolution and reorganization, none of the outstanding bonds, warrants or other indebtedness of the district, shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such reorganization had not been made, and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired and shall be collected in the same manner as if no such

reorganization had been had. The (~~board of county commissioners~~) legislative authority of the county in which such reorganized district is situated shall have all the powers possessed at the time of the reorganization by the board of commissioners of such district to levy, assess, and cause to be collected any and all assessments or charges against any of the lands within such district that may be necessary or required to provide funds for the payment of all the bonds, warrants and other indebtedness thereof.

Sec. 52. Section 7, chapter 182, Laws of 1933 and RCW 85.22.070 are each amended to read as follows:

The (~~board~~) county legislative authority shall determine the amount of the assessment necessary to be levied to provide funds to liquidate the bonds of the district then payable and shall cause such assessment to be apportioned to the lands of the district in proportion to the maximum benefits as fixed by the judgment of the jury, and shall cause to be prepared an assessment roll showing the assessment apportioned against each tract, lot and parcel of land contained in such judgment and shall file such roll with the clerk of the (~~board~~) county legislative authority. Thereupon the (~~board~~) county legislative authority shall adopt a resolution which shall set forth:

(1) A schedule showing the bonds outstanding against the district then payable which they propose to refund, and the assessment necessary to be levied to provide funds for the payment thereof.

(2) That the assessment roll for the collection of the assessments proposed to be levied against the lands of the district is on file with the clerk of the (~~board~~) county legislative authority and open to the inspection of all persons interested.

(3) That the (~~commissioners~~) district proposes to levy such assessments for collection in installments according to the schedule attached thereto.

(4) A schedule showing the installments in which such assessments are to be paid.

(5) That the assessments contained in such assessment roll may be paid in full at any time prior to the expiration of thirty days after such assessment roll shall have been turned over to the treasurer for collection and he shall have published a notice to that effect, and that all assessments not so paid shall thereafter bear interest until due at a rate to be fixed therein.

(6) That the (~~commissioners~~) district proposes to issue bonds under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, payable in years (to be stated in the resolution), to refund such outstanding bonds then payable.

(7) A date which shall be not more than sixty nor less than thirty days after the date of the adoption of such resolution, on which the (~~board~~) county legislative authority will hear any objections offered to the proposed

levy and issuance of refunding bonds, or to the assessment roll prepared by the ~~((commissioners))~~ supervisors.

Sec. 53. Section 5, chapter 225, Laws of 1909 as last amended by section 26, chapter 156, Laws of 1981 and RCW 85.24.070 are each amended to read as follows:

A three-member board of commissioners shall be the governing body of an intercounty diking and drainage district. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act).

The members of such board, before entering upon their duties, shall take and subscribe on oath substantially as follows:

State of Washington, }
County of } ss.

I, the undersigned, a member of the board of commissioners of the diking and drainage district No., in and counties, do solemnly swear (or affirm) that I will ~~((well and truly))~~ faithfully discharge my duties as a member of ((said)) the commission.

~~((The members shall also, before entering upon their duties, give a bond to the state of Washington for the benefit of such diking and drainage district, for the faithful performance of their duties as such board of commissioners, in the penal sum of five thousand dollars with a company or corporation as surety, authorized to make and execute official bonds under the laws of the state, the district to bear the expense of such bond, and))~~ Upon the taking of such oath and the entering into a bond ((being filed with the commissioner of public lands, that officer)), as provided in section 9 of this 1985 act, the county legislative authority shall enter an order upon ((his)) its records that the three persons named ((as aforesaid)) have qualified as the board of commissioners for diking and drainage district No., in and counties, and that ((said)) those persons and their successors do and shall constitute a board of commissioners for the ((aforesaid)) diking and drainage district((; which)). The order when made shall be conclusive of the regularity of the election and qualification of the board of diking and drainage commissioners for the particular district, and the persons named therein shall constitute ((such)) the board of diking and drainage commissioners.

The ~~((said))~~ board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chairman and may either appoint a voter of the district or another diking and drainage commissioner to act as secretary. The ~~((said))~~ board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of

~~((a))~~ the plan of improvement of the district (~~((as aforesaid))~~), proceed to acquire the necessary property and property rights for the construction, establishment and maintenance of ~~((said))~~ the system either by purchase or by power of eminent domain as hereinafter provided. Upon such acquisition being had, the board shall then proceed with the construction of ~~((said))~~ the diking and drainage system and in doing so shall have the power to do the work directly or in its discretion to have all or any part of ~~((said))~~ the work done by contract. In case the board shall decide upon doing the same by contract, it shall advertise for bids for ~~((said))~~ the construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the state of Washington relating to contractors of public work.

The board shall have the right, power and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under ~~((the provisions of))~~ this chapter, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of ~~((said))~~ the district. All warrants issued hereunder shall draw interest at a rate determined by the board.

Upon the completion of the construction of ~~((said))~~ the system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the ~~((said))~~ district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, and a general description of each lot, block, parcel or tract of land within ~~((such))~~ the district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form(~~;~~ to-wit):

To: Your property (here describe the property) is assessed \$. A hearing on the assessment roll will be had before the undersigned at the office of the ((said)) board at on the day of at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the ((said)) assessment against your lands, or any part or portion thereof.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of ((said)) the notices shall certify generally that he has mailed such notices to the known address of all owners, and such certificate shall be prima facie evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two successive weeks in one or more weekly newspapers within the boundaries of ((said)) the district, in each county if there ((be)) are such newspapers published therein, and if there ((be)) is no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks(~~(; which)~~). The notice shall be signed by the chairman or secretary of the ((said)) board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to ((said)) the assessment roll and the levies as therein made.

Sec. 54. Section 33, chapter 225, Laws of 1909 and RCW 85.24.080 are each amended to read as follows:

The members of the board shall receive as compensation (~~((the sum of five))~~) up to twenty-five dollars ((per day)) for attendance at official meetings of the district and for each day ((while engaged in the actual performance of)) or major part thereof for all necessary services actually performed in connection with their duties(~~(; and in addition thereto their actual incurred expenses in the performance of their duties)~~) as commissioners; PROVIDED, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers

therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his duties.

Sec. 55. Section 2, chapter 154, Laws of 1967 and RCW 85.36.010 are each amended to read as follows:

(1) Any two or more diking districts, two or more drainage districts, or two or more diking and/or drainage improvement districts, heretofore organized or which may hereafter be organized pursuant to any of the laws of the state of Washington desiring to consolidate into one district may ((upon petition)) initiate a process to consolidate the districts and become a flood control district by either: (a) Submitting a petition to the legislative authority of the county within which the proposed district, or the largest portion of the proposed district, is located, which petition requests the consolidation and is signed by the owners of real property representing a majority of the acreage ((therein)) in each district to the governing body of the respective districts((;)); or((,-in the alternative,-by)) (b) resolution of a majority of the members of the governing body of each district((,-effect such consolidation by the governing body of said district so desiring to consolidate, giving thirty days notice of an election for such purpose to be held in each of said districts, setting forth in said notice the date of said election and the object of the same, said notice to be given and posted as notice of the annual election of members of the governing body within said district, and if no provision is made for the giving of such notice, then as provided in the general diking law, and then publication of the same for at least three successive issues in a weekly newspaper published in the county in which such districts are located and of general circulation in said districts. PROVIDED, That where there is no newspaper so published or circulated, then publication of the notice of said election may be dispensed with)). The auditor of the county, or auditors of the counties, within which these districts are located shall authenticate the signatures on the petitions and certify the results. Whenever the resolutions have been adopted, or the valid petitions have been submitted, a proposition authorizing the consolidation shall be submitted to the voters of each of the special districts proposed to be consolidated at the next special district general election held at least sixty days after the last resolution has been adopted, or the signatures on the petitions have been certified as being valid. Consolidation shall become effective only upon approval of the proposition by simple majority vote of the voters of each district voting on the proposition. The elections shall be held as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act).

(2) Upon consolidation, the governing body of the consolidated district shall be three persons appointed, with their successors elected, as provided for the creation of a new special district in chapter 85.— RCW (sections 1 through 19 of this 1985 act).

(3) Nothing contained herein shall be construed to limit or interfere with the existing power or authority presently held by any of ~~((said))~~ the districts to consolidate one with another.

~~((Implementation of a consolidation pursuant hereto and future repair, improvement or maintenance of any district system may be as provided for consolidated diking districts in RCW 85.05.570 et seq. through RCW 85.05.600 and such provisions thereof as can be made applicable shall fully apply to consolidation of any districts therein provided for:))~~

Sec. 56. Section 62, chapter 72, Laws of 1937 as amended by section 10, chapter 104, Laws of 1982 and RCW 86.09.184 are each amended to read as follows:

Districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor or materials entering therein, without public bidding, with the written approval and consent of the ~~((state director))~~ county legislative authority in instances of genuine emergency to be declared by ~~((said director))~~ the county legislative authority or in any instance where the contract price does not exceed ~~((two))~~ ten thousand ~~((five hundred))~~ dollars.

Sec. 57. Section 63, chapter 72, Laws of 1937 as last amended by section 4, chapter 104, Laws of 1982 and RCW 86.09.187 are each amended to read as follows:

Any proposed improvement or part thereof, not exceeding ~~((two thousand five hundred))~~ five thousand dollars in cost may be constructed by ~~((the))~~ district ~~((by force account))~~ employees.

Sec. 58. Section 87, chapter 72, Laws of 1937 as amended by section 7, chapter 154, Laws of 1967 and RCW 86.09.259 are each amended to read as follows:

A flood control district((s)) shall be managed by a board of directors consisting of three members~~((: PROVIDED, That when a new district is created by consolidation pursuant to the provisions of chapter 85.36 RCW, there shall be five directors))~~. The initial directors shall ~~((organize as a board each year, after any new members have qualified and))~~ be appointed, and the elected directors elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act). The directors shall elect a chairman from their number and shall either elect one of their number, or appoint a voter of the district, as secretary to hold office at its pleasure and who shall keep a record of its proceedings.

Sec. 59. Section 91, chapter 72, Laws of 1937 as amended by section 7, chapter 26, Laws of 1965 and RCW 86.09.271 are each amended to read as follows:

The office of the directors and principal place of business of the district shall be located, if possible, at some place within the district to be designated by the board. If a place convenient and suitable for conducting district

business and public hearings required by this chapter cannot be found within the district, ~~((said))~~ the office may be located in the county within which the major portion of district lands is situated. ~~((Said))~~ The office and place of business cannot thereafter be changed, except with the previous written consent of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, and without passing a resolution to that effect at a previous regular meeting of the board, entered in the minutes thereof and without posting a notice of the change in a conspicuous public place at or near the place of business which is to be changed at least ten days prior thereto and by the previous posting of a copy of ~~((said))~~ the notice for the same length of time at or near the new location of the office.

Sec. 60. Section 92, chapter 72, Laws of 1937 and RCW 86.09.274 are each amended to read as follows:

The directors shall hold a regular ~~((monthly))~~ meeting at their office ~~((on such day in each month as))~~ at least once a year, or more frequently, on the date or dates the board shall designate in their bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business: PROVIDED, That the day of the regular ~~((monthly))~~ meeting cannot be changed, except in the manner prescribed herein for changing the place of business of the district.

Sec. 61. Section 95, chapter 72, Laws of 1937 as amended by section 8, chapter 26, Laws of 1965 and RCW 86.09.283 are each amended to read as follows:

The board of directors shall each receive ~~((not to exceed ten))~~ up to twenty-five dollars ~~((per day in attending the))~~ for attendance at official meetings~~(, to be determined by said board, and such compensation, not exceeding ten dollars per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, directors shall receive necessary expenses in attending meetings or when otherwise engaged on district business))~~ of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. A director ~~((using his own automobile shall be entitled to compensation therefor for the actual and necessary number of miles traveled, based on a resolution fixing the rate per mile not in excess of eight cents per mile))~~ is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 62. Section 101, chapter 72, Laws of 1937 and RCW 86.09.301 are each amended to read as follows:

Every district officer, upon taking office, shall take and subscribe an official oath for the faithful discharge of the duties of his office during the term of his incumbency (~~and each director shall at the cost of the district furnish an official bond conditioned upon the faithful performance of the duties of his office in such amount as the director of the department of conservation shall prescribe, to be approved by said director as to sufficiency, and all said oaths and bonds shall be filed in the office of the county clerk of the county in which the office of the district is located~~)).

Sec. 63. Section 102, chapter 72, Laws of 1937 and RCW 86.09.304 are each amended to read as follows:

Every district officer or employee handling any district funds (~~{shall}~~) shall execute a surety bond payable to the district in the sum of double the estimated amount of funds handled monthly, conditioned that the principal will strictly account for all moneys or credit received by him for the use of the district. Each bond and the amount thereof shall be approved by the (~~state director and the same shall be recorded in the office of his department~~) county legislative authority of the county within which the major portion of the district is situated, and thereafter filed with the secretary of the district.

Sec. 64. Section 129, chapter 72, Laws of 1937 as amended by section 10, chapter 26, Laws of 1965 and RCW 86.09.385 are each amended to read as follows:

As a basis for the levy of all assessments authorized under this chapter, the (~~state supervisor of flood control~~) county legislative authority of the county within which the major portion of the district is situated, soon after the creation of the district, shall cause to be prepared a base map of the lands within the district and deliver the same to the secretary of the district: PROVIDED, That said (~~state supervisor~~) county legislative authority shall not be required to prepare said base map unless ample appropriation of funds for the purpose has been made.

Sec. 65. Section 130, chapter 72, Laws of 1937 as amended by section 11, chapter 26, Laws of 1965 and RCW 86.09.388 are each amended to read as follows:

Upon receipt of (~~said~~) the base map the board of directors of the district shall appoint a board of three appraisers subject to the written approval of the (~~state director~~) county legislative authority of the county within which the major portion of the district is situated, whose duty it shall be to determine the ratio of benefits which the several tracts of land shall receive with respect to each other from the organization and operation of the district and the construction and maintenance of the district works in

accordance with the comprehensive plan therefor adopted by the directors of the district.

Sec. 66. Section 131, chapter 72, Laws of 1937 and RCW 86.09.391 are each amended to read as follows:

~~((Said))~~ The board of appraisers shall elect a member as chairman and the secretary of the district or his deputy shall be ex officio secretary of the board of appraisers. ~~((Said))~~ The appraisers shall receive such compensation and expenses as the board of directors of the district, with the approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, shall determine, and which may forthwith be paid by the issuance of district warrants.

Sec. 67. Section 137, chapter 72, Laws of 1937 and RCW 86.09.409 are each amended to read as follows:

As an independent and alternative method to any other method herein authorized and subject to the prior written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, the ratio of benefits herein mentioned may be determined in their relation to the relative values of the respective benefited lands, including the improvements thereon, and the same shall be expressed on a relative percentage basis.

Sec. 68. Section 140, chapter 72, Laws of 1937 and RCW 86.09.418 are each amended to read as follows:

Upon completion of the control works of the district or of any unit thereof, ~~((said))~~ the board of directors of the district may, with the written consent of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, and upon petition signed by landowners representing twenty-five percent of the acreage of the lands in the district shall, appoint three qualified persons who shall be approved in writing by the ~~((state director))~~ county legislative authority, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentages, or any part or parts thereof, in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance: PROVIDED, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by ~~((said))~~ the reexamining board of appraisers.

Sec. 69. Section 145, chapter 72, Laws of 1937 and RCW 86.09.433 are each amended to read as follows:

At the time set for said hearing the ~~((state supervisor))~~ county legislative authority shall be present at the place designated in the notice and if it appears that due notice of the hearing has been given, shall proceed to hear such objections to the base map as shall be presented and shall hear all pertinent evidence that may be offered. ~~((Said state supervisor))~~ The county

legislative authority shall have authority to adjourn said hearings from time to time to study the record and evidence presented, to make such independent investigation as ~~((he))~~ it shall deem necessary and to correct, modify or confirm the things set out on said base map or any part thereof and to determine all questions concerning the matter and shall finally make an order confirming said map with such substitutions, changes or corrections, if any, as may have been made thereon, which order shall be signed by ~~((said state supervisor))~~ the chairman of the county legislative authority and attached to said map.

Sec. 70. Section 148, chapter 72, Laws of 1937 and RCW 86.09.442 are each amended to read as follows:

When confirmed by order of said ~~((state supervisor))~~ county legislative authority as aforesaid, or by order of said ~~((state supervisor))~~ county legislative authority making any changes decreed by the court on appeal to the superior court, it shall be the duty of the secretary of the district to prepare a correct copy of so much of said base assessment map as includes the lands in the district situated in each county in which the lands in the district are situated, with the assessment classes and ratios properly designated thereon, and file the same with the respective county assessors of said counties for record therein.

Sec. 71. Section 150, chapter 72, Laws of 1937 and RCW 86.09.448 are each amended to read as follows:

Any person, firm or corporation feeling aggrieved at any determination by said ~~((state supervisor))~~ county legislative authority of the classification or relative percentage of his or its lands, aforesaid, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county in which the land affected is situated. The matter shall be heard and tried by the court and shall be informal and summary but full opportunity to be heard and present evidence shall be given before judgment is pronounced.

Sec. 72. Section 151, chapter 72, Laws of 1937 and RCW 86.09.451 are each amended to read as follows:

No such appeal shall be entertained by the court unless notice of the same containing a statement of the substance of the matter complained of and the manner in which the same injuriously affects the appellant's interests shall have been served personally or by registered mail, upon ~~((said state director at his office at the state capitol))~~ the county legislative authority of the county within which the major portion of the district is situated, and upon the secretary of the district, within twenty days following the date of ~~((said))~~ the determination appealed from.

Sec. 73. Section 153, chapter 72, Laws of 1937 and RCW 86.09.457 are each amended to read as follows:

Costs shall be paid as in civil cases brought in the superior court, and the practices in civil cases shall apply: PROVIDED, That any costs awarded against said ~~((state supervisor))~~ county legislative authority shall be in ~~((his))~~ its official capacity only and shall be against and paid by the district.

Sec. 74. Section 155, chapter 72, Laws of 1937 and RCW 86.09.463 are each amended to read as follows:

In all said appeals from the determination of said ~~((state supervisor))~~ county legislative authority, as herein provided, said determination and all parts thereof shall be deemed to be prima facie correct.

Sec. 75. Section 156, chapter 72, Laws of 1937 and RCW 86.09.466 are each amended to read as follows:

The secretary of the district on or before the first day of November in each year shall estimate the amount of money necessary to be raised for any and all district purposes during the ensuing year based upon a budget furnished him by the district board ~~((on forms prescribed by the director of the department of conservation with the advice of the state auditor,))~~ and submit the same to ~~((said director))~~ the county legislative authority of the county within which the major portion of the district is situated for ~~((his))~~ its suggestions, approval and revision and upon the approval of the budget by said ~~((director))~~ county legislative authority, either as originally submitted or as revised, the secretary shall prepare an assessment roll with appropriate headings in which must be listed all the lands in each assessment classification shown on the base assessment map.

Sec. 76. Section 190, chapter 72, Laws of 1937 and RCW 86.09.568 are each amended to read as follows:

Upon previous written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, the district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district, in the manner provided herein.

Sec. 77. Section 193, chapter 72, Laws of 1937 and RCW 86.09.577 are each amended to read as follows:

The notice of election for the authorization of such bonds shall set forth the proposition generally as to the amount, maturities and the purpose thereof, shall state that the issuance of the proposed bonds has been approved by the ~~((state director of the department of conservation))~~ county legislative authority of the county within which the major portion of the district is situated, shall specify the day and place or places of election, the hours during which the polls will be open and shall be signed by the secretary of the district.

Sec. 78. Section 198, chapter 72, Laws of 1937 and RCW 86.09.592 are each amended to read as follows:

In any instance where the district is using, selling or leasing water for beneficial purposes or furnishing other service under the provisions of this chapter and there is reasonable certainty of a permanent fixed income from this source, the district board, upon previous written approval of the ((state director)) county legislative authority of the county within which the major portion of the district is situated, shall have authority to pledge the revenues derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from the utility bond fund and to sell the same to raise money for district purposes.

Sec. 79. Section 200, chapter 72, Laws of 1937 as last amended by section 207, chapter 167, Laws of 1983 and RCW 86.09.598 are each amended to read as follows:

(1) Said utility bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual interest at such rate or rates and at such place as the ((department of ecology)) county legislative authority of the county within which the major portion of the district is situated shall provide. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 80. Section 202, chapter 72, Laws of 1937 as amended by section 208, chapter 167, Laws of 1983 and RCW 86.09.604 are each amended to read as follows:

(1) Upon approval of the ((department of ecology)) county legislative authority, of the county within which the major portion of the district is situated, first obtained, the district board shall have authority to issue and dispose of short term general obligation bonds of the district in such amount or amounts, not exceeding the aggregate amount of the district's collected revenue for the year next previous to the date of their issue, on such conditions and in such form as said ((department of ecology)) county legislative authority shall prescribe including issuance and sale in accordance with chapter 39.46 RCW. Such bonds shall not run for a longer term than five years and may be issued without a district election authorizing them: PROVIDED, That a second issue of such bonds shall not be authorized until all outstanding short term bonds of the previous issue have been paid. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

Sec. 81. Section 203, chapter 72, Laws of 1937 as amended by section 209, chapter 167, Laws of 1983 and RCW 86.09.607 are each amended to read as follows:

(1) Bonds of flood control districts issued under the provisions of this chapter shall not be sold nor disposed of for less than ninety percent of par and where issued in exchange for labor or service, materials or machinery and appliances, such labor or service and/or property given in exchange shall be appraised in writing and approved by the ~~((department of ecology))~~ county legislative authority of the county within which the major portion of the district is situated.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter 39.46 RCW.

Sec. 82. Section 204, chapter 72, Laws of 1937 and RCW 86.09.610 are each amended to read as follows:

District bonds may be disposed of at public or private offering in such manner as the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated shall prescribe.

Sec. 83. Section 208, chapter 72, Laws of 1937 and RCW 86.09.622 are each amended to read as follows:

Flood control districts may be dissolved upon a favorable sixty percent vote of the electors voting at an election for that purpose called, noticed, conducted and canvassed in the manner provided in this chapter for special elections and no further district obligations shall thereafter be incurred: PROVIDED, That ~~((said))~~ the election shall not abridge or cancel any of the outstanding obligations of the district, and the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated shall each year at the time and in the manner provided in this chapter for the levy of district assessments, levy assessments against the lands in the district and the same shall be collected and enforced in the manner provided herein, until ~~((said))~~ the outstanding obligations of the district are fully paid.

Sec. 84. Section 209, chapter 72, Laws of 1937 and RCW 86.09.625 are each amended to read as follows:

When the obligations have been fully paid, all moneys in any of the funds of the district and all collections of unpaid district assessments shall be transferred to the ~~((state reclamation revolving))~~ general fund of the county within which the major portion of the district is situated as partial reimbursement for moneys expended and services rendered by the ~~((state department of conservation))~~ county for and in behalf of ~~((said))~~ the district, and thereupon ~~((said state director))~~ the county legislative authority of that county shall file a statement of the full payment of the district's obligations for record in the county auditor's office in each county in which any lands in the district were situated and thereafter the dissolution of ~~((said))~~ the district shall be complete and its corporate existence ended.

Sec. 85. Section 14, chapter 26, Laws of 1965 and RCW 86.09.700 are each amended to read as follows:

A board may amend the district comprehensive plan of flood control, alter, reduce or enlarge the district system of improvement, within or without the district, and change the district boundaries so as to include land likely to be benefited by said amendment, alteration, reduction or enlargement by filing a petition to that effect with the ~~((director))~~ county legislative authority of the county within which the major portion of the district is situated.

Sec. 86. Section 15, chapter 26, Laws of 1965 and RCW 86.09.703 are each amended to read as follows:

If funds are available the ~~((director))~~ county legislative authority shall, at the expense of ~~((his department))~~ the county, refer the petition to the ~~((supervisor))~~ county engineer for a preliminary investigation as to the feasibility of the objects sought by the petition. If the investigation discloses that the matter petitioned for is feasible, conducive to the public welfare, consistent with a comprehensive plan of development and in the best interest of the district and will promote the purposes for which the district was organized, the ~~((director))~~ county legislative authority shall so find, approve the petition, enter an order in his records declaring the establishment of the new boundaries as petitioned for, or as modified by him, and file a certified copy of the order with each county auditor, without filing fee, and with the board.

The board shall forthwith cause a review of the classifications and ratio of benefits, in the same manner and with the same effect as for the determination of such matters in the first instance.

The lands in the original district shall remain bound for the whole of the original unpaid assessment thereon for the payment of any outstanding warrants or bonds to be paid by such assessments. Until the assessments are collected and all indebtedness of the original district paid, separate funds shall be maintained for the original district and the revised district.

NEW SECTION. Sec. 87. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 117, Laws of 1895, section 2, chapter 146, Laws of 1921 and RCW 85.05.020;

(2) Section 3, chapter 117, Laws of 1895, section 1, chapter 87, Laws of 1905, section 3, chapter 146, Laws of 1921 and RCW 85.05.030;

(3) Section 4, chapter 117, Laws of 1895 and RCW 85.05.040;

(4) Section 5, chapter 117, Laws of 1895, section 1, chapter 115, Laws of 1899, section 1, chapter 84, Laws of 1915 and RCW 85.05.050;

(5) Section 1, chapter 84, Laws of 1953 and RCW 85.05.060;

(6) Section 2, chapter 115, Laws of 1895, section 1, chapter 86, Laws of 1913 and RCW 85.06.020;

(7) Section 3, chapter 115, Laws of 1895, section 1, chapter 175, Laws of 1905, section 2, chapter 86, Laws of 1913 and RCW 85.06.030;

(8) Section 4, chapter 115, Laws of 1895 and RCW 85.06.040;

(9) Section 5, chapter 115, Laws of 1895, section 1, chapter 143, Laws of 1909, section 1, chapter 183, Laws of 1941 and RCW 85.06.050;

(10) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020;

(11) Section 3, chapter 176, Laws of 1913, section 14, chapter 130, Laws of 1917, section 3, chapter 46, Laws of 1923, section 2, chapter 209, Laws of 1959 and RCW 85.08.040;

(12) Section 4, chapter 209, Laws of 1959 and RCW 85.08.050;

(13) Section 5, chapter 209, Laws of 1959 and RCW 85.08.060;

(14) Section 6, chapter 209, Laws of 1959 and RCW 85.08.070;

(15) Section 7, chapter 209, Laws of 1959 and RCW 85.08.080;

(16) Section 8, chapter 209, Laws of 1959 and RCW 85.08.090;

(17) Section 9, chapter 209, Laws of 1959 and RCW 85.08.100;

(18) Section 5, chapter 176, Laws of 1913 and RCW 85.08.110;

(19) Section 6, chapter 176, Laws of 1913, Section 16, chapter 130, Laws of 1917, section 4, chapter 46, Laws of 1923 and RCW 85.08.120;

(20) Section 7, chapter 176, Laws of 1913, section 17, chapter 130, Laws of 1917, section 5, chapter 46, Laws of 1923 and RCW 85.08.130;

(21) Section 8, chapter 176, Laws of 1913, section 18, chapter 130, Laws of 1917 and RCW 85.08.140;

(22) Section 9, chapter 176, Laws of 1913, section 19, chapter 130, Laws of 1917 and RCW 85.08.150;

(23) Section 10, chapter 176, Laws of 1913, section 20, chapter 130, Laws of 1917, section 6, chapter 46, Laws of 1923 and RCW 85.08.160;

(24) Section 11, chapter 176, Laws of 1913 and RCW 85.08.170;

(25) Section 12, chapter 176, Laws of 1913 and RCW 85.08.180;

(26) Section 19, chapter 176, Laws of 1913, section 25, chapter 130, Laws of 1917, section 1, chapter 89, Laws of 1925 ex. sess. and RCW 85.08.290;

(27) Section 4, chapter 131, Laws of 1917 and RCW 85.20.040;

(28) Section 4, chapter 182, Laws of 1933 and RCW 85.22.040;

(29) Section 2, chapter 225, Laws of 1909, section 2, chapter 140, Laws of 1923 and RCW 85.24.020;

(30) Section 3, chapter 225, Laws of 1909 and RCW 85.24.030;

(31) Section 4, chapter 225, Laws of 1909, section 3, chapter 140, Laws of 1923 and RCW 85.24.040;

(32) Section 3, chapter 72, Laws of 1937 and RCW 86.09.007;

(33) Section 8, chapter 72, Laws of 1937 and RCW 86.09.022;

(34) Section 9, chapter 72, Laws of 1937 and RCW 86.09.025;

(35) Section 10, chapter 72, Laws of 1937 and RCW 86.09.028;

(36) Section 11, chapter 72, Laws of 1937 and RCW 86.09.031;

(37) Section 12, chapter 72, Laws of 1937 and RCW 86.09.034;

- (38) Section 13, chapter 72, Laws of 1937 and RCW 86.09.037;
- (39) Section 14, chapter 72, Laws of 1937 and RCW 86.09.040;
- (40) Section 15, chapter 72, Laws of 1937 and RCW 86.09.043;
- (41) Section 16, chapter 72, Laws of 1937 and RCW 86.09.046;
- (42) Section 17, chapter 72, Laws of 1937 and RCW 86.09.049;
- (43) Section 18, chapter 72, Laws of 1937 and RCW 86.09.052;
- (44) Section 19, chapter 72, Laws of 1937 and RCW 86.09.055;
- (45) Section 20, chapter 72, Laws of 1937 and RCW 86.09.058;
- (46) Section 21, chapter 72, Laws of 1937 and RCW 86.09.061;
- (47) Section 22, chapter 72, Laws of 1937 and RCW 86.09.064;
- (48) Section 23, chapter 72, Laws of 1937 and RCW 86.09.067;
- (49) Section 24, chapter 72, Laws of 1937 and RCW 86.09.070;
- (50) Section 25, chapter 72, Laws of 1937 and RCW 86.09.073;
- (51) Section 26, chapter 72, Laws of 1937 and RCW 86.09.076;
- (52) Section 27, chapter 72, Laws of 1937 and RCW 86.09.079;
- (53) Section 28, chapter 72, Laws of 1937 and RCW 86.09.082;
- (54) Section 29, chapter 72, Laws of 1937 and RCW 86.09.085;
- (55) Section 30, chapter 72, Laws of 1937 and RCW 86.09.088;
- (56) Section 31, chapter 72, Laws of 1937 and RCW 86.09.091;
- (57) Section 32, chapter 72, Laws of 1937 and RCW 86.09.094;
- (58) Section 33, chapter 72, Laws of 1937 and RCW 86.09.097;
- (59) Section 34, chapter 72, Laws of 1937 and RCW 86.09.100;
- (60) Section 35, chapter 72, Laws of 1937 and RCW 86.09.103;
- (61) Section 36, chapter 72, Laws of 1937 and RCW 86.09.106;
- (62) Section 37, chapter 72, Laws of 1937 and RCW 86.09.109;
- (63) Section 38, chapter 72, Laws of 1937 and RCW 86.09.112;
- (64) Section 39, chapter 72, Laws of 1937 and RCW 86.09.115;
- (65) Section 40, chapter 72, Laws of 1937 and RCW 86.09.118;
- (66) Section 41, chapter 72, Laws of 1937 and RCW 86.09.121;
- (67) Section 42, chapter 72, Laws of 1937 and RCW 86.09.124;
- (68) Section 43, chapter 72, Laws of 1937 and RCW 86.09.127;
- (69) Section 44, chapter 72, Laws of 1937 and RCW 86.09.130;
- (70) Section 45, chapter 72, Laws of 1937 and RCW 86.09.133;
- (71) Section 46, chapter 72, Laws of 1937 and RCW 86.09.136;
- (72) Section 47, chapter 72, Laws of 1937 and RCW 86.09.139;
- (73) Section 48, chapter 72, Laws of 1937, section 6, chapter 154,
Laws of 1967 and RCW 86.09.142;
- (74) Section 49, chapter 72, Laws of 1937 and RCW 86.09.145;
- (75) Section 80, chapter 72, Laws of 1937 and RCW 86.09.238;
- (76) Section 81, chapter 72, Laws of 1937 and RCW 86.09.241;
- (77) Section 82, chapter 72, Laws of 1937 and RCW 86.09.244;
- (78) Section 83, chapter 72, Laws of 1937 and RCW 86.09.247;
- (79) Section 84, chapter 72, Laws of 1937 and RCW 86.09.250;
- (80) Section 85, chapter 72, Laws of 1937 and RCW 86.09.253;

(81) Section 86, chapter 72, Laws of 1937, section 6, chapter 26, Laws of 1965 and RCW 86.09.256;

(82) Section 88, chapter 72, Laws of 1937 and RCW 86.09.262;

(83) Section 97, chapter 72, Laws of 1937 and RCW 86.09.289;

(84) Section 99, chapter 72, Laws of 1937 and RCW 86.09.295;

(85) Section 100, chapter 72, Laws of 1937, section 8, chapter 154, Laws of 1967 and RCW 86.09.298;

(86) Section 106, chapter 72, Laws of 1937 and RCW 86.09.316;

(87) Section 111, chapter 72, Laws of 1937, section 5, chapter 104, Laws of 1982 and RCW 86.09.331;

(88) Section 112, chapter 72, Laws of 1937 and RCW 86.09.334;

(89) Section 113, chapter 72, Laws of 1937 and RCW 86.09.337;

(90) Section 114, chapter 72, Laws of 1937 and RCW 86.09.340;

(91) Section 115, chapter 72, Laws of 1937 and RCW 86.09.343;

(92) Section 116, chapter 72, Laws of 1937 and RCW 86.09.346;

(93) Section 117, chapter 72, Laws of 1937 and RCW 86.09.349;

(94) Section 118, chapter 72, Laws of 1937 and RCW 86.09.352;

(95) Section 119, chapter 72, Laws of 1937 and RCW 86.09.355;

(96) Section 120, chapter 72, Laws of 1937, section 6, chapter 104, Laws of 1982 and RCW 86.09.358;

(97) Section 121, chapter 72, Laws of 1937, section 7, chapter 104, Laws of 1982 and RCW 86.09.361;

(98) Section 122, chapter 72, Laws of 1937, section 9, chapter 26, Laws of 1965, section 71, chapter 292, Laws of 1971 ex. sess. and RCW 86.09.364;

(99) Section 123, chapter 72, Laws of 1937, section 8, chapter 104, Laws of 1982 and RCW 86.09.367;

(100) Section 124, chapter 72, Laws of 1937, section 9, chapter 104, Laws of 1982 and RCW 86.09.370;

(101) Section 125, chapter 72, Laws of 1937 and RCW 86.09.373; and

(102) Section 126, chapter 72, Laws of 1937 and RCW 86.09.376.

NEW SECTION. Sec. 88. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 150, entitled:

"AN ACT Relating to special districts;"

I am vetoing Section 44 in order to eliminate a conflict with Section 87. Section 44 would amend RCW 85.08.290; Section 87 would repeal the same. The procedures set forth in Section 44 are not needed, it refers back to Sections 1 through 19 which do contain the formation procedures.

With the exception of Section 44, which I have vetoed, the remainder of Substitute House Bill No. 150 is approved."

CHAPTER 397

[Engrossed Substitute House Bill No. 379]

LOCAL IMPROVEMENT DISTRICTS—UTILITY LOCAL IMPROVEMENT DISTRICTS—POWERS AND AUTHORITY—ASSESSMENTS

AN ACT Relating to local improvement districts and utility local improvement districts; amending RCW 35.43.040, 35.43.050, 35.44.010, 35.44.020, 35.44.190, and 36.94.280; adding a new chapter to Title 35 RCW; and creating a new section.

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

Sec. 1. Section 35.43.040, chapter 7, Laws of 1965 as last amended by section 1, chapter 291, Laws of 1983 and RCW 35.43.040 are each amended to read as follows:

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regraveling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational ((σ)), playground, museum, cultural, or arts facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers, and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;

(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants, and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof;

(15) Roadbeds, trackage, signalization, storage facilities for rolling stock, overhead and underground wiring, and any other stationary equipment reasonably necessary for the operation of an electrified public street-car line; ((and))

(16) Systems of surface, underground, or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including passenger, terminal, station parking, and related facilities and properties, and such other facilities as may be necessary for passenger and vehicular access to and from such terminal, station, parking, and related facilities and properties, together with all lands, rights of way, property, equipment, and accessories necessary for such systems and facilities; and

(17) Programs of aquatic plant control, lake or river restoration, or water quality enhancement. Such programs shall identify all the area of any lake or river which will be improved and shall include the adjacent waterfront property specially benefited by such programs of improvements. Assessments may be levied only on waterfront property including any waterfront property owned by the department of natural resources or any other state agency. Notice of an assessment on a private leasehold in public property shall comply with provisions of chapter 79.44 RCW. Programs under this subsection shall extend for a term of not more than five years.

Sec. 2. Section 35.43.050, chapter 7, Laws of 1965 as amended by section 3, chapter 52, Laws of 1967 and RCW 35.43.050 are each amended to read as follows:

When the legislative body of any city or town finds that all of the property within a local improvement district or utility local improvement district will be benefited by the improvements as a whole, a local improvement district or utility local improvement district may include adjoining,

vicinal, or neighboring streets, avenues, and alleys or other improvements even though the improvements thus made ((is)) are not connected or continuous(~~(-PROVIDED, That)~~). The assessment rates may be ascertained on the basis of the special benefit of the improvements as a whole to the properties within the entire local improvement district or utility local improvement district, or on the basis of the benefit of each unit of the improvements to the properties specially benefited by that unit, or the assessment rates may be ascertained by a combination of the two bases. Where no finding is made by the legislative body as to the benefit of the improvements as a whole to all of the property within a local improvement district or utility local improvement district, the cost and expense of each continuous unit of the improvements shall be ascertained separately, as near as may be, and the assessment rates shall be computed on the basis of the cost and expense of each unit. In the event of the initiation of a local improvement district authorized by this section or a utility local improvement district authorized by this section, the legislative body may, in its discretion, eliminate from ((said)) the district any unit of the improvement which is not connected or continuous and may proceed with the balance of the improvement within ((said)) the local improvement district or utility local improvement district, as fully and completely as though ((said)) the eliminated unit had not been included within the improvement district, without the giving of any notices to the property owners remaining within the district, other than such notices as are required by the provisions of this chapter to be given subsequent to such elimination.

Sec. 3. Section 35.44.010, chapter 7, Laws of 1965 as amended by section 9, chapter 52, Laws of 1967 and RCW 35.44.010 are each amended to read as follows:

All property included within the limits of a local improvement district or utility local improvement district shall be considered to be the property specially benefited by the local improvement and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited. The cost and expense shall be assessed upon all the property in accordance with the special benefits conferred thereon (~~(in proportion to area and distance back from the marginal line of the public way or area improved)~~).

Sec. 4. Section 35.44.020, chapter 7, Laws of 1965 as last amended by section 8, chapter 116, Laws of 1971 ex. sess. and RCW 35.44.020 are each amended to read as follows:

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

(1) The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;

(6) All cost of the acquisition of rights of way, property, easements, or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner (~~PROVIDED, That any of the costs enumerated in this section may be excluded from the cost and expense to be assessed against the property in such local improvement district if the legislative body of such city or town so designates by ordinance at any time and may be paid from any other moneys available therefor;~~);

(7) The cost for legal, financial, and appraisal services and any other expenses incurred by the city or town for the district or in the formation thereof, or by the city or town in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds and the cost of providing for increases in the local improvement guaranty fund, or providing for a separate reserve fund or other security for the payment of principal of and interest on such bonds.

Any of the costs set forth in this section may be excluded from the cost and expense to be assessed against the property in such local improvement district and may be paid from any other moneys available therefor if the legislative body of the city or town so designates by ordinance at any time.

NEW SECTION. Sec. 5. The definitions set forth in this section apply throughout this chapter.

(1) "Local improvement district" means any local improvement district, local utility district, or any other similar special assessment district.

(2) "Municipality" means any city, town, county, metropolitan municipal corporation, or any other municipal corporation or quasi-municipal corporation of the state of Washington authorized to order local improvements, to establish local improvement districts, and to levy special assessments on property specially benefited thereby to pay the expense of the improvements.

(3) "Permissible floor area" means the maximum total floor area, at grade and above and below grade, of a building or other structure that may lawfully be developed on a property.

(4) "Private land use restriction" means any restriction on the use of property imposed by agreement and enforceable by a court of law and that the legislative authority of a municipality determines is useful in measuring

special benefits to a property from an improvement. Such restrictions include but are not limited to easements, covenants, and equitable servitudes that are not mere personal obligations.

(5) "Public land use restriction" means any restriction on the use of property imposed by federal, state, or local laws, regulations, ordinances, or resolutions. Such restrictions include but are not limited to local zoning ordinances and historic preservation statutes.

NEW SECTION. Sec. 6. A municipality may contract with any other municipality, or with the state of Washington, for the following purposes:

(1) To have the acquisition or construction of the whole or any part of an improvement performed by another municipality or by the state of Washington;

(2) To pay, from assessments on property within a local improvement district or from the proceeds of local improvement district bonds, notes or warrants, the whole or any part of the expense of an improvement ordered, constructed, acquired, or owned by another municipality; or

(3) To integrate the planning, financing, construction, acquisition, management, or operation, or any combination thereof, of the improvements of one municipality with the planning, financing, construction, acquisition, management, or operation, or any combination thereof, of the improvements of another municipality on such terms and conditions as may be mutually agreed upon including, but not limited to, the allocation of the costs of the improvements and the allocation of planning, financing, construction, management, operation, or other responsibilities.

NEW SECTION. Sec. 7. (1) As an alternative or in addition to other methods of ascertaining assessments for local improvements, the legislative authority of a municipality may develop and apply a system of classification of properties based upon some or all of the public land use restrictions or private land use restrictions to which such property may be put at the time the assessment roll is confirmed.

(2) The legislative authority of a municipality may classify property into office, retail, residential, public, or any other classifications the legislative authority finds reasonable, and may levy special assessments upon different classes of property at different rates, but in no case may a special assessment exceed the special benefit to a particular property. A municipality also may exempt certain classes of property from assessment if the legislative authority of the municipality determines that properties within such classes will not specially benefit from the improvement.

(3) For each property within a classification, the legislative authority of the municipality may determine the special assessment after consideration of any or all of the following:

(a) Square footage of the property;

(b) Permissible floor area;

(c) Distance from or proximity of access to the local improvement;

(d) Private land use restrictions and public land use restrictions;
(e) Existing facilities on the property at the time the assessment roll is confirmed; and

(f) Any other factor the legislative authority finds to be a reasonable measure of the special benefits to the properties being assessed.

(4) If after the assessment roll is confirmed, the legislative authority of a municipality finds that the lawful uses of any assessed property have changed and that the property no longer falls within its original classification, the legislative authority may, in its discretion, reclassify and reassess such property whether or not the bonds issued to pay any part of such costs remain outstanding. If such reassessment reduces the total outstanding assessments within the local improvement district, the legislative authority shall either reassess all other properties upward in an aggregate amount equal to such reduction, or shall pledge additional money, including money in a reserve fund, to the payment of principal of and interest on such bonds in an amount equal to such reduction.

(5) When the legislative authority of a municipality determines that it will use the alternative or additional method of assessment authorized by this section, it may select and describe the method or methods of assessment in the ordinance ordering a local improvement and creating a local improvement district if such method or methods of assessment have been described in the notice of hearing required under RCW 35.43.150. If the method or methods of assessment are so selected and described in the ordinance ordering a local improvement and creating a local improvement district, the action and decision of the legislative authority as to such method or methods of assessment shall be final and conclusive, and no lawsuit whatsoever may be maintained challenging such method or methods of assessment unless that lawsuit is served and filed no later than thirty days after the date of passage of the ordinance ordering the improvement, and creating the district or, when applicable, no later than thirty days after the expiration of the thirty-day protest period provided in RCW 35.43.180.

NEW SECTION. Sec. 8. For the purpose of securing the payment of the principal of and interest on an issue of local improvement bonds, notes, warrants, or other short-term obligations, the legislative authority of a municipality may create a reserve fund in an amount not exceeding fifteen percent of the principal amount of the bonds, notes, or warrants issued. The cost of a reserve fund may be included in the cost and expense of any local improvement for assessment against the property in the local improvement district to pay the cost, or any part thereof. The reserve fund may be provided for from the proceeds of the bonds, notes, warrants, or other short-term obligations, from special assessment payments, or from any other money legally available therefor.

Sec. 9. Section 35.44.190, chapter 7, Laws of 1965 and RCW 35.44.190 are each amended to read as follows:

Whenever any assessment roll for local improvements has been confirmed by the council, the regularity, validity, and correctness of the proceedings relating to the improvement and to the assessment therefor, including the action of the council upon the assessment roll and the confirmation thereof shall be conclusive in all things upon all parties. They cannot in any manner be contested or questioned in any proceeding by any person unless he filed written objections to the assessment roll in the manner and within the time required by the provisions of this chapter and unless he prosecutes his appeal in the manner and within the time required by the provisions of this chapter.

No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any assessment or the sale of any property to pay an assessment or any certificate of delinquency issued therefor, or the foreclosure of any lien therefor, except that injunction proceedings may be brought to prevent the sale of any real estate upon the ground (1) that the property about to be sold does not appear upon the assessment roll or, (2) that the assessment has been paid.

If federal, local, or state funds become available for a local improvement after the assessment roll has been confirmed by the city legislative authority, the funds may be used to lower the assessments on a uniform basis. Any adjustments to the assessments because of the availability of federal or state funds may be made on the next annual payment.

Sec. 10. Section 28, chapter 72, Laws of 1967 and RCW 36.94.280 are each amended to read as follows:

Whenever any assessment roll for local improvements (~~shall have~~) has been confirmed by the (~~board of county commissioners as herein provided~~) county legislative authority, the regularity, validity and correctness of the proceedings relating to (~~such~~) the improvement and to the assessment therefor, including the action of the (~~board~~) county legislative authority upon (~~such~~) the assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding (~~whatsoever~~) by any person not filing written objections to (~~such~~) the assessment roll in the manner and within the time provided in this chapter, and not appealing from the action of the (~~board of county commissioners~~) county legislative authority in confirming (~~such~~) the assessment roll in the manner and within the time in this chapter provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any (~~such~~) assessment, or the sale of any property to pay (~~such~~) an assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: PROVIDED, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

(1) That the property about to be sold does not appear upon the assessment roll, or

(2) That ~~((said))~~ the assessment has been paid.

If federal, local, or state funds become available for a local improvement after the assessment roll has been confirmed by the county legislative authority, the funds may be used to lower the assessments on a uniform basis. Any adjustments to the assessments because of the availability of federal or state funds may be made on the next annual payment.

NEW SECTION. Sec. 11. Sections 5 through 8 of this act shall constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 12. The authority granted by sections 1 through 8 of this act is supplemental and in addition to the authority granted by Title 35 RCW and to any other authority granted to cities, towns, or municipal corporations to levy special assessments.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 398

[Substitute House Bill No. 606]

LAKE MANAGEMENT DISTRICTS

AN ACT Relating to lake improvements; amending RCW 90.24.010 and 90.24.040; adding a new chapter to Title 36 RCW; adding a new section to chapter 35.21 RCW; repealing RCW 90.24.065; and providing an effective date.

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

NEW SECTION. Sec. 1. The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments shall not extend to public property. Lake bottom property shall not be considered

to be benefited, shall not be subject to special assessments, and shall not receive voting rights under this chapter.

NEW SECTION. Sec. 2. Any county may create lake management districts to finance the improvement and maintenance of lakes located within or partially within the boundaries of the county. All or a portion of a lake and the adjacent land areas may be included within one or more lake management districts. More than one lake, or portions of lakes, and the adjacent land areas may be included in a single lake management district. A lake management district may be created for a period of up to ten years.

Special assessments may be imposed on the property included within a lake management district to finance lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake management district.

Special assessments may be imposed annually on all the land in a lake management district for the duration of the lake management district without a related issuance of lake management district bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake management district bonds.

NEW SECTION. Sec. 3. A lake management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or twenty-five percent of the landowners within the proposed lake management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments; (3) whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake management district bonds, or both methods; (4) the number of years proposed for the duration of the lake management district; and (5) the proposed boundaries of the lake management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake management district initiated by petition. The bond may

only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls, and conducting elections related to the lake management district if the proposed lake management district is not created.

A resolution of intention shall also designate the number of the proposed lake management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake management district appears to be in the public interest and the financing of the lake improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

NEW SECTION. Sec. 4. Notice of the public hearing shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed lake management district, the date of the first publication to be at least fifteen days prior to the date fixed for the public hearing by the resolution of intention. Notice of the public hearing shall also be given to the owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county assessor at the address shown thereon. Notice of the public hearing shall also be mailed to the departments of fisheries, game, and ecology at least fifteen days before the date fixed for the public hearing.

Notices of the public hearing shall: (1) Refer to the resolution of intention; (2) designate the proposed lake management district by number; (3) set forth a proposed plan describing: (a) The nature of the proposed lake improvement or maintenance activities; (b) the amount of special assessments proposed to be raised by the lake management district; (c) whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake management bonds being issued, or both; and (d) the proposed duration of the lake management district; and (4) indicate the date, time, and place of the public hearing designated in the resolution of intention.

In the case of the notice sent to each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost of the lake improvement or maintenance activities to be borne by special assessment or annual special assessments on the lot, tract, parcel of land, or other property owned by the owner or reputed owner.

If the county legislative authority has designated a committee of itself or an officer to hear complaints and make recommendations to the full county legislative authority, as provided in section 10 of this act, the notice shall also describe this additional step before the full county legislative authority may adopt a resolution creating the lake management district.

NEW SECTION. Sec. 5. The county legislative authority shall hold a public hearing on the proposed lake management district at the date, time, and place designated in the resolution of intention.

At this hearing the county legislative authority shall hear objections from any person affected by the formation of the lake management district. Representatives of the departments of fisheries, game, and ecology shall be afforded opportunities to make presentations on and comment on the proposal. Members of the public shall be afforded an opportunity to comment on the proposal. The county legislative authority must consider recommendations provided to it by the departments of fisheries, game, and ecology. The public hearing may be extended to other times and dates declared at the public hearing. The county legislative authority may make such changes in the boundaries of the lake management district or such modification in plans for the proposed lake improvement or maintenance activities as it deems necessary. The county legislative authority may not change boundaries of the lake management district to include property that was not included previously without first passing an amended resolution of intention and giving new notice to the owners or reputed owners of property newly included in the proposed lake management district in the manner and form and within the time provided for the original notice. The county legislative authority shall not alter the plans for the proposed lake improvement or maintenance activities to result in an increase in the amount of money proposed to be raised, and shall not increase the amount of money proposed to be raised, without first passing an amended resolution of intention and giving new notice to property owners in the manner and form and within the time provided for the original notice.

NEW SECTION. Sec. 6. After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake management district to the owners of land within the proposed lake management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake management district and the financing of the lake improvement and maintenance activities is feasible. The resolution shall also include a plan describing the proposed lake improvement and maintenance activities which avoid adverse

impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife, the number of years the lake management district will exist, the amount to be raised by special assessments, whether the special assessments shall be imposed annually for the duration of the lake management district or only once with the possibility of installments being imposed and lake management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake improvement or maintenance activities proposed to be financed by each type of special assessment.

No lake management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

NEW SECTION. Sec. 7. A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall lake management district No. be formed?

Yes...

No "

In addition, the ballot shall contain appropriate spaces for the signatures of the landowner or landowners, or officer authorized to cast such a ballot. Each ballot shall include a description of the property owner's property, the number of acres of such property, and the number of feet of lake front footage, if any. A copy of the instructions and the resolution submitting the question to the landowners shall also be included.

NEW SECTION. Sec. 8. The balloting shall be subject to the following conditions, which shall be included in the instructions mailed with each ballot, as provided in section 7 of this act: (1) All ballots must be signed by the owner or reputed owner of property according to the assessor's tax rolls; (2) each ballot must be returned to the county legislative authority not later than five o'clock p.m. of a specified day, which shall be at least twenty but not more than thirty days after the ballots are mailed; (3) each property owner shall mark his or her ballot for or against the creation of the proposed lake management district, with the ballot weighted so that the property owner has one vote for any amount of property up to one acre and one vote for each additional acre, or major portion of an acre, he or she owns in the proposed lake management district and one vote for any amount up to fifty feet, and one vote for each additional fifty feet, or major portion thereof, of lake frontage he or she owns in the proposed lake management district; and (4) the valid ballots shall be tabulated and a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected.

NEW SECTION. Sec. 9. If the proposal receives a simple majority vote in favor of creating the lake management district, the county legislative authority shall adopt an ordinance creating the lake management district and may proceed with establishing the special assessments, collecting the special assessments, and performing the lake improvement or maintenance activities. If a proposed lake management district includes more than one lake and its adjacent areas, the lake management district may only be established if the proposal receives a simple majority vote in favor of creating it by the voters on each lake and its adjacent areas. The county legislative authority shall publish a notice in a newspaper of general circulation in a lake management district indicating that such an ordinance has been adopted within ten days of the adoption of the ordinance.

The ballots shall be available for public inspection after they are counted.

NEW SECTION. Sec. 10. A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hold public hearings on the proposed formation of a lake management district and hear objections to the proposed formation as provided in section 5 of this act. The committee or officer shall make a recommendation to the full legislative authority, which need not hold a public hearing on the proposed creation of the lake management district. The full county legislative authority by resolution may approve or disapprove the recommendation and submit the question of creating the lake management district to the property owners as provided in sections 6 through 9 of this act.

NEW SECTION. Sec. 11. No lawsuit may be maintained challenging the jurisdiction or authority of the county legislative authority to proceed with the lake improvement and maintenance activities and creating the lake management district or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decisions unless the lawsuit is served and filed no later than forty days after publication of a notice that the ordinance has been adopted ordering the lake improvement and maintenance activities and creating the lake management district. Written notice of the appeal shall be filed with the county legislative authority and clerk of the superior court in the county in which the property is situated.

NEW SECTION. Sec. 12. After a lake management district is created, the county shall prepare a proposed special assessment roll. A separate special assessment roll shall be prepared for annual special assessments if both annual special assessments and special assessments paid at one time are imposed. The proposed special assessment roll shall list: (1) Each separate lot, tract, parcel of land, or other property in the lake management district; (2) the acreage of such property, and the number of feet of lake frontage, if any; (3) the name and address of the owner or reputed owner of

each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor; and (4) the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property, or the annual special assessments proposed to be imposed on each lot, tract, parcel of land, or other property.

At the time, date, and place fixed for a public hearing, the county legislative authority shall act as a board of equalization and hear objections to the special assessment roll, and at the times to which the public hearing may be adjourned, the county legislative authority may correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof, or set the proposed special assessment roll aside and order a new proposed special assessment roll to be prepared. The county legislative authority shall confirm and approve a special assessment roll by adoption of a resolution.

If a proposed special assessment roll is amended to raise any special assessment appearing thereon or to include omitted property, a new public hearing shall be held. The new public hearing shall be limited to considering the increased special assessments or omitted property. Notices shall be sent to the owners or reputed owners of the affected property in the same manner and form and within the time provided for the original notice.

Objections to a proposed special assessment roll must be made in writing, shall clearly state the grounds for objections, and shall be filed with the governing body prior to the public hearing. Objections to a special assessment or annual special assessments that are not made as provided in this section shall be deemed waived and shall not be considered by the governing body or a court on appeal.

NEW SECTION. Sec. 13. A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hear objections to the special assessment roll, act as a board of equalization, and make recommendations to the full county legislative authority, which need not hold a public hearing on the special assessment roll. The ordinance shall provide a process by which an appeal may be made in writing to the full county legislative authority by a person protesting his or her special assessment or annual special assessments as confirmed by the committee or officer. The full county legislative authority by resolution shall approve the special assessment roll, modify and approve the special assessment roll as a result of hearing objections, or reject the special assessment roll and return it to the committee or officer for further work and recommendations. No objection to the decision of the full county legislative authority approving the special assessment roll may be considered by a court unless an objection to the decision has been timely filed with the county legislative authority as provided in this section.

NEW SECTION. Sec. 14. Notice of the original public hearing on the proposed special assessment roll, and any public hearing held as a result of

raising special assessments or including omitted property, shall be published and mailed to the owner or reputed owner of the property as provided in section 4 of this act for the public hearing on the formation of the lake management district. However, the notice need only provide the total amount to be collected by the special assessment roll and shall state that: (1) A public hearing on the proposed special assessment roll will be held, giving the time, date, and place of the public hearing; (2) the proposed special assessment roll is available for public perusal, giving the times and location where the proposed special assessment roll is available for public perusal; (3) objections to the proposed special assessment must be in writing, include clear grounds for objections, and must be filed prior to the public hearing; and (4) failure to so object shall be deemed to waive an objection.

Notices mailed to the owners or reputed owners shall additionally indicate the amount of special assessment ascribed to the particular lot, tract, parcel of land, or other property owned by the person so notified.

NEW SECTION. Sec. 15. The decision of a county legislative authority upon any objection to the special assessment roll may be appealed to the superior court only if the objection had been timely made in the manner prescribed in this chapter. The appeal shall be made within ten days after publication of a notice that the resolution confirming the special assessment roll has been adopted by filing written notice of the appeal with the county legislative authority and the clerk of the superior court in the county in which the real property is situated. The notice of appeal shall describe the property and set forth the objections of the appellant to the special assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court a transcript consisting of the special assessment roll and his or her objections thereto, together with the resolution confirming such special assessment roll and the record of the county legislative authority with reference to the special assessment or annual special assessments, which transcript, upon payment of the necessary fees therefor, shall be furnished by an officer of the county and by him or her certified to contain full, true, and correct copies of all matters and proceedings required to be included in the transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions.

At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with a surety or sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and

if unsuccessful, to pay all costs incurred by the county because of the appeal. The court may order the appellant, upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require.

Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the county legislative authority that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing.

The superior court shall, at this time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in the court, except proceedings under an act relating to eminent domain in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer having custody of the special assessment roll, and he or she shall modify and correct such special assessment roll in accordance with the decision.

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of the superior court, and the record and opening brief of the appellant in the cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal is taken by notice as provided in this section. The time for filing the record and serving and filing of briefs may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, modify, confirm, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such special assessment roll, who shall thereupon modify and correct such special assessment roll in accordance with such decision.

NEW SECTION. Sec. 16. All property included within a lake management district shall be considered to be the property specially benefited by the lake improvement or maintenance activities and shall be the property upon which special assessments are imposed to pay the costs and expenses of the lake improvement or maintenance activities, or such part of the costs and expenses as may be chargeable against the property specially benefited. The special assessments shall be imposed on property in accordance with the special benefits conferred on the property up to but not in excess of the

total costs and expenses of the lake improvement or maintenance activities as provided in the special assessment roll.

Special assessments may be measured by front footage, acreage, the extent of improvements on the property, or any other factors that are deemed to fairly reflect special benefits. Special assessments may be calculated by using more than one factor. Zones around the public improvement may be used that reflect different levels of benefit in each zone that are measured by a front footage, acreage, the extent of improvements, or other factors.

Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments, except no lien shall extend to public property.

NEW SECTION. Sec. 17. The total annual special assessments may not exceed the estimated cost of the lake improvement or maintenance activities proposed to be financed by such special assessments, as specified in the resolution of intention. The total of special assessments imposed in a lake management district that are of the nature of special assessments imposed in a local improvement district shall not exceed one hundred fifty percent of the estimated total cost of the lake improvement or maintenance activities that are proposed to be financed by the lake management district as specified in the resolution of intention. After a lake management district has been created, the resolution of intention may be amended to increase the amount to be financed by the lake management district by using the same procedure in which a lake management district is created.

NEW SECTION. Sec. 18. Whenever annual special assessments are being imposed, the county legislative authority may modify the level of annual special assessments imposed by conforming with the procedures and subject to the limitations included in sections 12 through 17 of this act.

NEW SECTION. Sec. 19. Special assessments and installments on any special assessment shall be collected by the county treasurer.

The county treasurer shall publish a notice indicating that the special assessment roll has been confirmed and that the special assessments are to be collected. The notice shall indicate the duration of the lake management district and shall describe whether the special assessments will be paid in annual payments for the duration of the lake management district, or whether the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake management bonds being issued, or both.

If the special assessments are to be payable at one time, the notice additionally shall indicate that all or any portion of the special assessments

may be paid within thirty days from the date of publication of the first notice without penalty or interest. This notice shall be published in a newspaper of general circulation in the lake management district.

Within ten days of the first newspaper publication, the county treasurer shall notify each owner or reputed owner of property whose name appears on the special assessment roll, at the address shown on the special assessment roll, for each item of property described on the list: (1) Whether one special assessment payable at one time or special assessments payable annually have been imposed; (2) the amount of the property subject to the special assessment or annual special assessments; and (3) the total amount of the special assessment due at one time, or annual amount of special assessments due. If the special assessment is due at one time, the notice shall also describe the thirty-day period during which the special assessment may be paid without penalty, interest, or cost.

NEW SECTION. Sec. 20. If the special assessments are to be payable at one time, all or any portion of any special assessment may be paid without interest, penalty, or costs during this thirty-day period and placed into a special fund to defray the costs of the lake improvement or maintenance activities. The remainder shall be paid in installments as provided in a resolution adopted by the county legislative authority, but the last installment shall be due at least two years before the maximum term of the bonds issued to pay for the improvements or maintenance. The installments shall include amounts sufficient to redeem the bonds issued to pay for the lake improvement and maintenance activities. A twenty-day period shall be allowed after the due date of any installment within which no interest, penalty, or costs on the installment may be imposed.

The county shall establish by ordinance an amount of interest that will be imposed on late special assessments imposed annually or at once, and on installments of a special assessment. The ordinance shall also specify the penalty, in addition to the interest, that will be imposed on a late annual special assessment, special assessment, or installment which shall not be less than five percent of the delinquent special assessment or installment.

The owner of any lot, tract, parcel of land, or other property charged with a special assessment may redeem it from all liability for the unpaid amount of the installments by paying, to the county treasurer, the remaining portion of the installments that is attributable to principal on the lake management district bonds.

NEW SECTION. Sec. 21. Whenever any land against which there has been levied any special assessment or annual special assessments by any county has been sold in part, subdivided, or short subdivided, the county legislative authority may order a segregation of the special assessment or annual special assessments. If an installment has been made, the segregation shall apportion the remaining installments on the parts or lots created.

Any person desiring to have such a special assessment or annual special assessments against a tract of land segregated to apply to smaller parts thereof shall apply to the county legislative authority which levied the special assessment or annual special assessments. If the county legislative authority determines that a segregation should be made, it shall by resolution order the county treasurer to segregate the special assessment or annual special assessments on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original special assessment or annual special assessments were levied, and the total of the segregated parts of the special assessment or annual special assessments shall equal the amount of the special assessment or annual special assessments unpaid before segregation. The resolution shall describe the original tract and the amount and date of the original special assessment or annual special assessments and shall define the boundaries of the divided parts and the amount of the special assessment or annual special assessments chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to segregate the special assessment or annual special assessments upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the county legislative authority may require as a condition to the order of segregation that the person seeking it pay the local government the reasonable engineering and clerical costs incident to making the segregation.

NEW SECTION. Sec. 22. Within fifteen days after a county creates a lake management district, the county shall cause to be filed with the county treasurer, a description of the lake improvement and maintenance activities proposed that the lake management district finances, the lake management district number, and a copy of the diagram or print showing the boundaries of the lake management district and preliminary special assessment roll or abstract of same showing thereon the lots, tracts, parcels of land, and other property that will be specially benefited thereby and the estimated cost and expense of such lake improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake improvement or maintenance activities.

NEW SECTION. Sec. 23. The special assessment or annual special assessments imposed upon the respective lots, tracts, parcels of land, and other property in the special assessment roll or annual special assessment roll confirmed by resolution of the county legislative authority for the purpose of paying the cost and expense in whole or in part of any lake improvement or maintenance activities shall be a lien upon the property assessed from the time the special assessment roll is placed in the hands of the county treasurer for collection, but as between the grantor and grantee,

or vendor and vendee of any real property, when there is no express agreement as to payment of the special assessments against the real property, the lien of such special assessments shall attach thirty days after the filing of the diagram or print and the estimated cost and expense of such lake improvement or maintenance activities to be borne by each lot, tract, parcel of land, or other property, as provided in section 22 of this act. Interest and penalty shall be included in and shall be a part of the special assessment lien. No lien shall extend to public property subjected to special assessments.

The special assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes.

NEW SECTION. Sec. 24. Special assessments shall be valid and enforceable as such and the lien thereof on the property assessed shall be valid if the county legislative authority in making the special assessments acted in good faith and without fraud. Delinquent special assessments or installments shall be foreclosed in the same manner as special assessments are foreclosed under chapter 36.94 RCW. Public property subject to special assessments shall not be subject to liens.

NEW SECTION. Sec. 25. The county legislative authority may stop the imposition of annual special assessments if, in its opinion, the public interest will be served by such action.

NEW SECTION. Sec. 26. (1) Counties may issue lake management district bonds in accordance with this section. Lake management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in section 19 of this act. The maximum term of lake management district bonds shall be ten years.

Whenever lake management district bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake management district from which all or a portion of the costs of the lake improvement and maintenance activities shall be paid. Lake management district bonds shall not be issued in excess of the costs and expenses of the lake improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

Lake management district bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake management district bonds.

(2) Lake management district bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake management district bond shall not

have any claim for the payment thereof against the county that issues the bonds except for payment from the special assessments made for the lake improvement or maintenance activities for which the lake management district bond was issued and from a lake management district guaranty fund that may have been created. The county shall not be liable to the owner of any lake management district bond for any loss to the lake management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake management district bond shall not have any claim against the state arising from the lake management district bond, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake management district bonds.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each lake management district bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the lake management district bonds.

(3) If the county fails to make any principal or interest payments on any lake management district bond or to promptly collect any special assessment securing the bonds when due, the owner of the lake management district bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake management districts may join as plaintiffs.

(4) A county may create a lake management district bond guaranty fund for each issue of lake management district bonds. The guaranty fund shall only exist for the life of the lake management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed.

(5) Lake management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

NEW SECTION. Sec. 27. A new section is added to chapter 35.21 RCW to read as follows:

Any city or town may establish lake management districts within its boundaries as provided in chapter 36. RCW (sections 1 through 26 of this act). When a city or town establishes a lake management district pursuant to chapter 36. RCW (sections 1 through 26 of this act), the term "county legislative authority" shall be deemed to mean the city or town governing body, the term "county" shall be deemed to mean the city or

town, and the term "county treasurer" shall be deemed to mean the city or town treasurer or other fiscal officer.

Sec. 28. Section 2, chapter 107, Laws of 1939 as amended by section 1, chapter 258, Laws of 1959 and RCW 90.24.010 are each amended to read as follows:

Ten or more owners of real property abutting on a meandered lake may petition the superior court of the county in which the lake is situated, for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein(~~(, for the benefit of the property abutting thereon and to provide for the periodic lowering of the lake level to facilitate the elimination of weed growth and other similar objectionable matters in the lake)~~). The court, after hearing, is authorized to make an order fixing the water level thereof (~~(except during that period when it is ordered to be lowered for weed control and other similar purposes)~~) and directing the (~~(supervisor)~~) department of ecology to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any meandered lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

Sec. 29. Section 5, chapter 107, Laws of 1939 as amended by section 3, chapter 258, Laws of 1959 and RCW 90.24.040 are each amended to read as follows:

At the hearing evidence shall be introduced in support of the petition and all interested parties may be heard for or against it. The court shall make findings and conclusions and enter an order granting or refusing the petition, and if the petition is granted, shall fix the water level to be maintained and direct the (~~(supervisor)~~) department of ecology to regulate and control the outflow of the lake so as to properly maintain the water level so far as practicable within maximum and minimum limits when the proper control devices are installed: PROVIDED, That (~~(the court may order periodic lowering of the lake level to facilitate weed control and other similar objectives: PROVIDED FURTHER, That)~~) the court shall have continuing jurisdiction after a petition is once granted and shall, upon subsequent petition filed and heard in accordance with the preceding sections, make such further findings and conclusions and enter such further orders as are necessary to accomplish fully the objectives sought in the initial petition: AND PROVIDED FURTHER, That shall the court find any such riparian owners abutting on a stream or river flowing from such lake be adversely affected in any way by the granting of such a petition, such petition shall be refused.

NEW SECTION. Sec. 30. Section 4, chapter 258, Laws of 1959 and RCW 90.24.065 are each repealed.

NEW SECTION. Sec. 31. Sections 28 through 30 of this act shall take effect January 1, 1986.

NEW SECTION. Sec. 32. Sections 1 through 26 of this act shall constitute a new chapter in Title 36 RCW.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 399

[Engrossed Second Substitute House Bill No. 174]

BEGINNING TEACHERS ASSISTANCE PILOT PROGRAM—COMMENDABLE EMPLOYEE SERVICE AND RECOGNITION AWARD PROGRAM

AN ACT Relating to educational excellence; adding a new section to chapter 28A.58 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. The superintendent of public instruction shall adopt rules to establish and operate a beginning teachers assistance pilot program to operate during the first year after this section takes effect for one hundred mentor teachers and during the second year after this section takes effect for up to one thousand mentor teachers. The results of the program shall be reported to the legislature not later than two and one-half years from the effective date of this section. The program shall provide for:

(1) Assistance by a mentor teacher who will provide a source of continuing and sustained support to a beginning teacher, both in and outside the classroom. Mentor teachers shall be selected so as to represent a reasonable distribution throughout all nine educational service districts;

(2) Stipends for mentor teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095: PROVIDED, That stipends shall not be subject to the continuing contract provisions of Title 28A RCW;

(3) Workshops for the training of mentor teachers;

(4) The use of substitutes to give the mentor teacher and beginning teacher opportunities to jointly observe and evaluate teaching situations and to give the mentor teacher opportunities to observe and assist the beginning teacher in the classroom; and

(5) A mentor teacher to be a superior teacher based on his or her evaluation and to hold a valid continuing certificate.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.58 RCW to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated

and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of RCW 28A.58.095 or chapter 41.32 RCW.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 1 of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, section 1 of this act shall be null and void. Section 1 of this act shall be of no effect unless such specific funding is so provided. If such funding is so provided, section 1 of this act shall take effect when the legislation providing the funding takes effect.

Passed the House April 27, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 400

[Substitute House Bill No. 187]

STATE HIGHWAYS—IMPROVEMENTS BY COUNTIES OR SERVICE DISTRICTS

AN ACT Relating to state-authorized improvements to state highways by counties and service districts; amending RCW 36.83.010 and 36.88.010; adding a new section to chapter 36.75 RCW; and adding a new section to chapter 47.05 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 36.75 RCW to read as follows:

A county pursuant to chapter 36.88 RCW, or a service district as provided for in chapter 36.83 RCW, may, with the approval of the state department of transportation, improve or fund the improvement of any state highway within its boundaries. The county may fund improvements under this section by any means authorized by law, but may not make any expenditure for the purposes of this section from a county road fund under chapter 36.82 RCW. Nothing in this section shall limit the authority of a county to fund cooperative improvement and maintenance agreements with the department of transportation, authorized by RCW 36.75.030 or 47.28.140.

Sec. 2. Section 1, chapter 130, Laws of 1983 and RCW 36.83.010 are each amended to read as follows:

The legislative authority of a county may establish one or more service districts within the county for the purpose of providing and funding capital and maintenance costs for any bridge or road improvement or for providing

and funding capital costs for any state highway improvement a county or a road district has the authority to provide. A service district may not include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. A service district is a quasi municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A service district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued. All projects constructed by a service district pursuant to the provisions of this chapter shall be competitively bid and contracted.

The county legislative authority shall be the governing body of a service district. The county treasurer shall act as the ex officio treasurer of the service district. The electors of a service district are all registered voters residing within the district.

Sec. 3. Section 36.88.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 60, Laws of 1965 and RCW 36.88.010 are each amended to read as follows:

All counties (~~shall~~) have the power to create county road improvement districts for the acquisition of rights of way and improvement of county roads, existing private roads that will become county roads as a result of this improvement district process and, with the approval of the state department of transportation, state highways; for the construction or improvement of necessary drainage facilities, bulkheads, retaining walls, and other appurtenances therefor, bridges, culverts, sidewalks, curbs and gutters, escalators or moving sidewalks; and for the draining or filling of drainage potholes or swamps(~~(; and said)~~). Such counties (~~shall~~) have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such acquisition of rights of way, construction, or improvement.

***NEW SECTION.** Sec. 4. A new section is added to chapter 47.05 RCW to read as follows:

In developing the six-year program and financial plan for highways, the department may not eliminate, delay, or reduce the scale of a project which otherwise would be included in the program in order to coerce or encourage a county or a service district acting under section 1 of this act to participate in funding a portion of an improvement. However, the department may delay a highway improvement at the request of a county or service district to enable

the county or district to develop local funding necessary to pay for additional highway improvements over and above those planned by the department so that the highway improvements may be done at the same time.

*Sec. 4 was partially vetoed, see message at end of chapter.

Passed the House April 22, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to a portion of Section 4, Substitute House Bill No. 187, entitled:

"AN ACT Relating to state-authorized improvements to state highways by counties and service districts;"

Language in Section 4 prohibits the Department of Transportation (DOT) from eliminating, delaying, or reducing the scale of a project that would otherwise be a part of the six-year highway plan in order to coerce a county or service district to participate in funding. Although I support the legislatures intent with this language in Section 4, I am concerned that it could place DOT in the difficult position of proving a lack of malice whenever the department eliminated, delayed or reduced the scale of a project for good cause. This would disrupt the systematic planning process and might invite litigation over routine decisions of the agency. For these reasons I have vetoed a portion of Section 4.

With the exception of a portion of Section 4, Substitute House Bill No. 187 is approved."

CHAPTER 401

[Substitute House Bill No. 46]

RESTRAINTS OF TRADE—UNFAIR AND DECEPTIVE BUSINESS PRACTICES—INTENT CLARIFIED

AN ACT Relating to antitrust and unfair and deceptive business practices; and amending RCW 19.86.920.

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

Sec. 1. Section 20, chapter 216, Laws of 1961 as last amended by section 4, chapter 288, Laws of 1983 and RCW 19.86.920 are each amended to read as follows:

The legislature hereby declares that the purpose of this act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts or practices in order to protect the public and foster fair and honest competition. It is the intent of the legislature that, in construing this act, the courts be guided by final decisions of the federal courts and final orders of the federal trade commission interpreting the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the

relevant market or effective area of competition shall not be limited by the boundaries of the state of Washington. To this end this act shall be liberally construed that its beneficial purposes may be served.

It is, however, the intent of the legislature that this act shall not be construed to prohibit acts or practices which are reasonable in relation to the development and preservation of business or which are not injurious to the public interest, nor be construed to authorize those acts or practices which unreasonably restrain trade or are unreasonable per se.

Passed the House April 26, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 402

[Substitute House Bill No. 68]

HUMAN REMAINS—STORAGE AND DISPOSAL

AN ACT Relating to the storage and disposal of human remains; amending RCW 18.39-.215, 18.39.175, 68.05.100, and 68.08.230; adding a new section to chapter 18.39 RCW; adding a new section to chapter 68.05 RCW; adding new sections to chapter 68.08 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature finds that certain practices in storing human remains and in performing cremations violate common notions of decency and generally held expectations. In enacting this legislation, the legislature is reaffirming that certain practices, which have never been acceptable, violate principles of human dignity.

NEW SECTION. Sec. 2. If embalming services are not desired nor required for the type of arrangements chosen by the authorized family member or representative and a refrigeration unit is unavailable for use, embalming services shall be provided without charge in instances where the body is to be held more than twenty-four hours.

NEW SECTION. Sec. 3. (1) A person authorized to dispose of human remains shall not cremate or cause to be cremated more than one body at a time unless written permission, after full and adequate disclosure regarding the manner of cremation, has been received from the person or persons under RCW 68.08.160 having the authority to order cremation.

(2) Violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 4. A new section is added to chapter 68.05 RCW to read as follows:

A permit or endorsement issued by the cemetery board or under chapter 18.39 RCW is required in order to operate a crematory or conduct a cremation. Conducting a cremation without a permit or endorsement is a

misdemeanor. Each such cremation is a separate violation. Crematories owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.

Sec. 5. Section 15, chapter 43, Laws of 1981 and RCW 18.39.215 are each amended to read as follows:

(1) No licensed embalmer shall embalm a deceased body without first having obtained authorization from a family member or representative of the deceased.

Notwithstanding the above prohibition a licensee may embalm without such authority when after due diligence no authorized person can be contacted and embalming is in accordance with legal or accepted standards of care in the community, or the licensee has good reason to believe that the family wishes embalming. If embalming is performed under these circumstances, the licensee shall not be deemed to be in violation of the provisions of this subsection.

The funeral director or embalmer shall inform the family member or representative of the deceased that embalming is not required by state law, except that embalming is required under certain conditions as determined by rule by the state board of health.

(2) Any person authorized to dispose of human remains shall refrigerate or embalm the body within twenty-four hours upon receipt of the body, unless disposition of the body has been made. However, subsection (1) of this section and RCW 68.08.108 shall be complied with before a body is embalmed. Upon written authorization of the proper state or local authority, the provisions of this subsection may be waived for a specified period of time.

Violation of this subsection is a gross misdemeanor.

Sec. 6. Section 9, chapter 93, Laws of 1977 ex. sess. as last amended by section 34, chapter 287, Laws of 1984 and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt, promulgate, and enforce reasonable rules. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the cemetery board; and

(5) To suspend or revoke any license, after proper hearing and notice to the licensee, if the licensee has committed any of the following:

(a) A crime involving moral turpitude and resulting in a conviction;

(b) Unprofessional conduct, which includes:

(i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

(ii) False or misleading advertising as a funeral director or embalmer;

(iii) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

(iv) Employment by the licensee of persons known as "cappers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;

(v) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(vi) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

(vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

(viii) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

(ix) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

(x) Violation of any of the provisions of this chapter or the rules in support thereof;

(xi) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

(xii) Fraud or misrepresentation in obtaining a license;

(xiii) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

(xiv) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which

promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

(xv) Knowingly concealing information concerning a violation of this chapter;

(6) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

NEW SECTION. Sec. 7. A new section is added to chapter 18.39 RCW to read as follows:

A permit or endorsement issued by the board or under chapter 68.05 RCW is required in order to operate a crematory or conduct a cremation. Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a separate violation. Crematories owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.

Sec. 8. Section 36, chapter 290, Laws of 1953 and RCW 68.05.100 are each amended to read as follows:

The board may establish necessary rules and regulations for the administration and enforcement of this title and the laws subject to its jurisdiction and prescribe the form of statements and reports provided for in this title: **PROVIDED, HOWEVER,** The board shall have no jurisdiction with regard to the provisions of chapter 68.48 RCW. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the state board of funeral directors and embalmers.

Sec. 9. Section 14, chapter 108, Laws of 1937 as amended by section 218, chapter 158, Laws of 1979 and RCW 68.08.230 are each amended to read as follows:

Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the incinerated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, and the relatives of, or persons interested in, the deceased person shall fail, neglect or refuse for such periods of time, respectively, to direct the disposition to be made of such body or remains, such body or remains may be disposed of by the person, firm, corporation or association having such lawful possession thereof, under and in accordance with ~~((such)) rules ((and regulations as may be made and promulgated by said director of licensing))~~ adopted by the cemetery board and the board of funeral directors and embalmers, not inconsistent with any statute of the

state of Washington or rule or regulation prescribed by the state board of health.

NEW SECTION. Sec. 10. Sections 2 and 3 of this act are added to chapter 68.08 RCW.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 403

[Second Substitute House Bill No. 141]

TENTH GRADE ACHIEVEMENT TESTS

AN ACT Relating to the tenth grade achievement test; amending RCW 28A.03.360; and creating a new section.

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

Sec. 1. Section 1, chapter 98, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 278, Laws of 1984 and RCW 28A.03.360 are each amended to read as follows:

(1) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the local school districts. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.

(2) The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.

(3) The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an assessment to be administered annually to all grade eight students. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school programs and courses for the students and to provide comparisons within the district, the state and, if applicable, the nation.

The assessment shall include but not be limited to tests in reading, mathematics, and language arts and a student interest inventory. The superintendent of public instruction shall make the results available to all local school districts which shall in turn make them available to students, parents, and teachers in a timely fashion.

(4) The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, a standardized achievement test to be given annually to all students in grade ten. The purposes of the test are to assist students in meeting district graduation requirements and in making decisions regarding potential career options and the test results shall allow schools and parents to ascertain the achievement levels of their students as compared with other students within the district, the state, and, if applicable, the nation. The results may also be used as an aid in the development of plans to build upon individual students' strengths and to address areas in which individual students' skills are not as strong. The test shall include but not be limited to examinations in reading, mathematics, and language arts and a student academic and career interest inventory and may include the collection of other academic achievement related information. Results of the test shall be compiled by the superintendent of public instruction who shall annually make the results available to all local school districts which shall in turn make the results available to students, parents, and teachers in a timely fashion. In addition to a compilation of school district test results, the test results for each school shall be reported as they relate to selected demographic variables.

(5) The superintendent of public instruction shall test approximately two thousand students distributed throughout the state in the eleventh grade once every two years. Choice of students shall be based on a statistical random sample of students from this grade level sufficient to generalize about all of the students at the grade level from the state's school districts. The purpose of the test is to allow the public, the legislature, and school district personnel to evaluate how Washington students in this grade compare to students in the same grade tested in other comparable national achievement surveys.

((5)) (6) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grades four ((and)), eight, and ten and shall report biennially to the legislature on the achievement levels of students in grade eleven.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, the amendment to RCW 28A.03.360 by section 1 of this act shall be null and void. This act shall be of no effect until such specific

funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect.

Passed the House April 25, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 404

[Substitute House Bill No. 272]

DEPENDENCY PROCEEDINGS—CHILDREN'S STATEMENTS REGARDING SEXUAL CONTACT

AN ACT Relating to admissibility of children's statements; and amending RCW 9A.44.120.

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

Sec. 1. Section 2, chapter 129, Laws of 1982 and RCW 9A.44.120 are each amended to read as follows:

A statement made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in dependency proceedings under Title 13 RCW and criminal proceedings in the courts of the state of Washington if:

(1) The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: PROVIDED, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement.

Passed the House March 13, 1985.

Passed the Senate April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 405

[Substitute House Bill No. 314]
 SUPPLEMENTAL BUDGET

AN ACT Relating to state agencies; amending section 8, chapter 76, Laws of 1983 1st ex. sess. as amended by section 107, chapter 285, Laws of 1984 (uncodified); amending section 10, chapter 76, Laws of 1983 1st ex. sess. as amended by section 109, chapter 285, Laws of 1984 (uncodified); amending section 11, chapter 76, Laws of 1983 1st ex. sess. as amended by section 110, chapter 285, Laws of 1984 (uncodified); amending section 22, chapter 76, Laws of 1983 1st ex. sess. as amended by section 117, chapter 285, Laws of 1984 (uncodified); amending section 24, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 106, chapter 14, Laws of 1985 (uncodified); amending section 27, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 107, chapter 14, Laws of 1985 (uncodified); amending section 29, chapter 76, Laws of 1983 1st ex. sess. as amended by section 121, chapter 285, Laws of 1984 (uncodified); amending section 31, chapter 76, Laws of 1983 1st ex. sess. as amended by section 123, chapter 285, Laws of 1984 (uncodified); amending section 201, chapter 14, Laws of 1985 (uncodified); amending section 203, chapter 14, Laws of 1985 (uncodified); amending section 66, chapter 76, Laws of 1983 1st ex. sess. as amended by section 215, chapter 285, Laws of 1984 (uncodified); amending section 72, chapter 76, Laws of 1983 1st ex. sess. as amended by section 220, chapter 285, Laws of 1984 (uncodified); amending section 73, chapter 76, Laws of 1983 1st ex. sess. as amended by section 221, chapter 285, Laws of 1984 (uncodified); amending section 74, chapter 76, Laws of 1983 1st ex. sess. as amended by section 222, chapter 285, Laws of 1984 (uncodified); amending section 76, chapter 76, Laws of 1983 1st ex. sess. as amended by section 224, chapter 285, Laws of 1984 (uncodified); amending section 83, chapter 76, Laws of 1983 1st ex. sess. as amended by section 304, chapter 285, Laws of 1984 (uncodified); amending section 86, chapter 76, Laws of 1983 1st ex. sess. as amended by section 305, chapter 285, Laws of 1984 (uncodified); amending section 87, chapter 76, Laws of 1983 1st ex. sess. as amended by section 306, chapter 285, Laws of 1984 (uncodified); amending section 89, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 301, chapter 14, Laws of 1985 (uncodified); amending section 96, chapter 76, Laws of 1983 1st ex. sess. as amended by section 501, chapter 285, Laws of 1984 (uncodified); amending section 103, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 502, chapter 14, Laws of 1985 (uncodified); amending section 107, chapter 76, Laws of 1983 1st ex. sess. as amended by section 508, chapter 285, Laws of 1984 (uncodified); amending section 110, chapter 76, Laws of 1983 1st ex. sess. as amended by section 510, chapter 285, Laws of 1984 (uncodified); amending section 111, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 511, chapter 285, Laws of 1984 (uncodified); amending section 13, chapter 21, Laws of 1983 1st ex. sess. (uncodified); amending section 133, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 134, chapter 76, Laws of 1983 1st ex. sess. as amended by section 601, chapter 285, Laws of 1984 (uncodified); amending section 139, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 141, chapter 76, Laws of 1983 1st ex. sess. as amended by section 602, chapter 14, Laws of 1985 (uncodified); amending RCW 9.46.100, 43.08.190, 43.19.610, and 81.53.281; adding a new section to chapter 76, Laws of 1983 1st ex. sess. (uncodified); creating new sections; and declaring an emergency.

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

PART I
 GENERAL GOVERNMENT

Sec. 101. Section 8, chapter 76, Laws of 1983 1st ex. sess. as amended by section 107, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation	\$	((7,075,000))
		<u>6,525,000</u>

General Fund—Judiciary Education Account

Appropriation	\$	1,378,000
Total Appropriation	\$	((8,453,000)) <u>7,903,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,853,000 of the general fund appropriation and \$1,378,000 of the judiciary education account appropriation are provided solely for the indigent appeals program.

Sec. 102. Section 10, chapter 76, Laws of 1983 1st ex. sess. as amended by section 109, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation	\$	((8,999,000)) <u>8,894,000</u>
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Sec. 103. Section 11, chapter 76, Laws of 1983 1st ex. sess. as amended by section 110, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	((21,800,000)) <u>21,590,000</u>
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General Fund—Judiciary Education Account

Appropriation	\$	1,310,000
Total Appropriation	\$	((23,110,000)) <u>22,900,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,654,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, \$330,000 is provided solely for criminal cost bills; \$430,000 is provided solely for mandatory arbitration costs; and \$135,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(2) \$610,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.

(3) \$195,000 of the judiciary education account appropriation is provided solely for staff support for the judiciary education program.

(4) \$225,000 of the judiciary education account appropriation is provided solely for fall judicial conferences.

(5) \$280,000 of the judiciary education account appropriation is provided solely for education and training for the supreme court, the court of appeals, the law library, and the administrator for the courts' office.

(6) \$75,000 of the general fund is provided solely for the limited practice board. The board shall report to the committees on judiciary of the

senate and house of representatives no later than January 15, 1985, regarding its activities during the biennium. The report shall include, but not be limited to: (a) Information regarding revenues received to date, including their sources and amounts; (b) expenditures to date, including their purposes and amounts; (c) the number of applications for certification; (d) the number of applicants certified; (e) the educational courses and programs accredited by the board; (f) the number and scope of complaints received, investigations initiated, grievance hearings held, and disciplinary actions taken; (g) the standardized forms approved by the board; (h) the regulations adopted by the board; and (i) anticipated board activities in the ensuing biennium.

(7) \$120,000 of the general fund appropriation is provided solely for allocation to the superior court for Thurston County to relieve the impact of litigation involving the state of Washington.

Sec. 104. Section 22, chapter 76, Laws of 1983 1st ex. sess. as amended by section 117, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	((12,353,000))
		<u>11,353,000</u>
General Fund Appropriation—Federal	\$	50,000
Medical Aid Fund Appropriation—State	\$	100,000
Data Processing Revolving Fund Appropriation	\$	1,368,000
Total Appropriation	\$	((13,871,000))
		<u>12,871,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$2,500,000, of which \$1,132,500 is from the state general fund and \$1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

(2) \$20,000 is provided solely for a feasibility study of an offender-based corrections information system to serve the combined information needs of the department of corrections, board of prison terms and parole, sentencing guidelines commission, corrections standard board, and the administrator for the courts, to be delivered to the legislature by December 1, 1984.

(3) \$775,000 of the general fund—state appropriation is provided solely for the development and implementation of the Washington state patrol criminal history information system: PROVIDED, That no funds may be expended until a joint oversight committee is created to review the design and implementation of the system. The joint oversight committee shall include but is not limited to, the director of financial management and the chairmen, or their designees, of the house and senate ways and means committees.

(4) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state of \$500 or less, pursuant to RCW 4.92.040.

(5) The office of financial management shall present to the legislature by December 1, 1984, a plan to have the state self-fund any or all portions of the insurance programs offered by the state. For purposes of this study, the reserves required by the self-funded programs shall be assumed to be held by the state treasurer in the originating funds until an obligation occurs. The state investment board shall act as the investor for the funds, and all of the earnings from these investments shall accrue directly to the originating funds.

(6) \$96,000 is provided for the purposes of studying coordination, the potential for merger between Eastern Washington and Washington State Universities in the manner of Substitute House Bill No. 1363 as amended by senate committee in the 1984 legislative session, and enhancement of enrollment for Washington State University. A Higher Education Coordination Study Committee is hereby created to conduct the study, consisting of:

((+)) (a) Two members from each caucus in the house of representatives, to be appointed by the speaker;

((2)) (b) Two members from each caucus in the senate, to be appointed by the president of the senate;

((3)) (c) Two representatives of the governor, to be appointed by the governor;

((4)) (d) One regent of Washington State University, to be appointed by its board of regents;

((5)) (e) One trustee from Eastern Washington University, to be appointed by its board of trustees;

((6)) (f) Two students, one from each of the universities, to be appointed by the president of the senate and the speaker from a list of three submitted by the governing body of the recognized student association;

((7)) (g) Two faculty members, one from each of the universities, to be appointed by the president of the senate and speaker from a list of three submitted by the faculty senate or its equivalent.

Members of the higher education review committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The office of

financial management shall contract for an analysis by the council for post-secondary education as provided in Substitute House Bill No. 1363 as amended by senate committee.

***Sec. 105. Section 24, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 106, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation	\$	((60,000))
		<u>15,000</u>
Department of Personnel Service Fund Approp-		
riation	\$	8,813,000
State Employees' Insurance Fund Appropriation	\$	1,542,000
Total Appropriation	\$	((10,415,000))
		<u>10,370,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 from the department of personnel service fund is provided solely for a comparative study, jointly funded with the department of retirement systems and the higher education personnel board, of part-time employee policy and benefits. This study shall be directed to other states and representative private colleges and universities and private sector service-related enterprises as to their practices and policies for shared work, phased retirement, health care benefits, retirement allowances, and other related issues. A report shall be made to the legislature not later than December 21, 1984, containing findings and recommendations.

(2) \$60,000 of the general fund appropriation is provided solely for the department of personnel to conduct a study for the purpose of reviewing and formulating ways to implement comparable worth in accordance with chapter 75, Laws of 1983 1st ex. sess. The department shall coordinate the study with the higher education personnel board and its study on comparable worth implementation. During the course of the study, the department shall report to the joint select committee on comparable worth on the study's progress. The department shall report back to the legislature no later than January 1, 1985, with potential implementation alternatives.

(3) \$60,000 of the department of personnel service fund appropriation is provided solely for legal services for comparable worth litigation.

***Sec. 105 was vetoed, see message at end of chapter.**

Sec. 106. Section 27, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 107, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	((43,573,000))
		<u>43,150,000</u>

General Fund—State Timber Tax Reserve

Account Appropriation	\$	2,851,000
Motor Vehicle Fund Appropriation	\$	115,000
Total Appropriation	\$	((46,539,000))
		<u>46,116,000</u>

The appropriations in this section are subject to the following conditions and limitations: If the state timber tax reserve account is abolished and a timber excise tax account is established, the appropriation from the state timber tax reserve account shall be made from the timber excise tax account to the extent that moneys in the state timber tax reserve account are insufficient for the appropriation.

Sec. 107. Section 29, chapter 76, Laws of 1983 1st ex. sess. as amended by section 121, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	((5,992,000))
		<u>5,901,000</u>
General Fund Appropriation—Private/Local	\$	58,000
General Fund—Motor Transport Account		
Appropriation	\$	6,858,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	16,180,000
Total Appropriation	\$	((29,088,000))
		<u>28,997,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The community college districts shall transfer to the motor transport account \$51,390 from the general local fund and \$157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used to expand the fleet.

Sec. 108. Section 31, chapter 76, Laws of 1983 1st ex. sess. as amended by section 123, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((971,000))
		<u>921,000</u>

PART II
HUMAN SERVICES

Sec. 201. Section 201, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

General Fund Appropriation—State	\$	((277,601,000))
		<u>277,572,000</u>
General Fund—Institutional Impact Account		
Appropriation	\$	865,000
General Fund Appropriation—Federal	\$	700,000
General Fund—Charitable, Educational Penal and Reformatory Institutions Account		
Appropriation	\$	1,053,000
Total Appropriation	\$	((280,219,000))
		<u>280,190,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,153,000 from the general fund appropriation is provided solely for the treatment alternatives to street crime programs in King, Pierce, Snohomish, Spokane, Clark, and Yakima counties.

(2) \$1,053,000 from the general fund charitable, educational penal and reformatory institutions account appropriation is provided solely for an environmental impact statement and design work for the McNeil Island ferry slip.

(3) It is the intent of the legislature that the appropriations in this section be spent as provided in this subsection. The department may spend money appropriated in this section in a manner other than as provided in this subsection only after notifying the ways and means committees of the senate and house of representatives of the planned deviation from this subsection. The amounts appropriated by this section and specified in this subsection represent the total spending authority for the department for the 1983–85 biennium and reflect the amounts previously appropriated to the department by the section repealed by section 202 of this act.

GENERAL FUND—
STATE TOTAL

COMMUNITY SERVICES

Treatment Alternatives to Street Crime	2,153,000	2,153,000
Community Diversion	236,000	236,000
Crime Victims and Witness Notification	175,000	175,000
Probation and Parole	25,216,000	25,216,000
Intensive Parole	3,985,000	3,985,000
Work Release Facilities	20,612,000	20,612,000

	GENERAL FUND— STATE	TOTAL
State Directors Office	873,000	873,000
Subtotal	53,250,000	53,250,000
INSTITUTIONAL SERVICES		
Correctional Facilities Operations	((205,571,000))	((206,271,000))
	<u>205,542,000</u>	<u>206,242,000</u>
McNeil Island Ferry Slip		1,053,000
Subtotal	((205,571,000))	((207,324,000))
	<u>205,542,000</u>	<u>207,295,000</u>
ADMINISTRATION		
Headquarters	13,850,000	13,850,000
One Time Institutional Impact Claims		865,000
Subtotal	13,850,000	14,715,000
INSTITUTIONAL INDUSTRIES		
State Subsidy	4,930,000	4,930,000
Subtotal	4,930,000	4,930,000
Total	\$((277,601,000))	\$((280,219,000))
	<u>277,572,000</u>	<u>280,190,000</u>

*Sec. 202. Section 203, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State	\$ 1,731,230,000
General Fund Appropriation—Federal	\$ ((1,250,585,000))
	<u>1,273,453,000</u>
General Fund Appropriation—Local	\$ ((5,394,000))
	<u>5,685,000</u>
General Fund Appropriation—State and Local Improvements Revolving Account— Water supply facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$ 20,000,000
General Fund Appropriation—State and Local Improvements Revolving Account—	

Water supply facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation \$ 21,826,000

General Fund—Institutional Impact Account

Appropriation	\$	75,000
Total Appropriation	\$	((3,029,110,000))
		<u>3,052,269,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$992,000 of the juvenile rehabilitation institutional services funds may be expended to erect fences at Green Hill and Maple Lane schools.

(2) The department shall, no later than June 1, 1985, adopt by rule medical criteria for general assistance eligibility to ensure that eligibility determinations are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) The department of social and health services shall continue the program of aid to families with dependent children for two-parent families through June 30, 1985.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$65,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$21	27	32	39	44	50	59	64

(5) \$289,000, of which \$261,000 is from the general fund—state appropriation, is provided solely to increase the safety and quality of care of children in level 2 and level 3 children's group homes.

~~((5))~~ (6) It is the intent of the legislature that the appropriations in this section be spent as provided in this subsection. The department may spend money appropriated in this section in a manner other than as provided in this subsection only after notifying the ways and means committees of the senate and house of representatives of the planned deviation from this subsection. The amounts appropriated by this section and specified in this subsection represent the total spending authority for the department for the 1983-85 biennium and reflect the amounts previously appropriated to the department by the sections repealed by section 204 of this act.

	GENERAL FUND—	
	STATE	TOTAL
JUVENILE REHABILITATION		
Community Services	((25,210,000))	((25,264,000))
	<u>24,310,000</u>	<u>24,364,000</u>
Institutional Services	39,871,000	40,659,000
Program Support	2,395,000	2,395,000
Subtotal	((67,476,000))	((68,318,000))
	<u>66,576,000</u>	<u>67,418,000</u>
MENTAL HEALTH		
Community Services	((82,670,000))	((114,317,000))
	<u>82,070,000</u>	<u>113,717,000</u>
Institutional Services	107,981,000	((112,311,000))
		<u>112,961,000</u>
Program Support	((2,845,000))	((3,443,000))
	<u>2,745,000</u>	<u>3,343,000</u>
Special Projects	0	38,000
Subtotal	((193,496,000))	((230,109,000))
	<u>192,796,000</u>	<u>230,059,000</u>
DEVELOPMENTAL DISABILITIES		
Community Services	((51,318,000))	((96,862,000))
	<u>51,786,000</u>	<u>98,120,000</u>
Institutional Services	((93,871,000))	((161,780,000))
	<u>91,571,000</u>	<u>161,880,000</u>
Program Support	3,857,000	((4,441,000))
		<u>4,596,000</u>
Special Projects	315,000	1,506,000
Subtotal	((149,361,000))	((264,589,000))
	<u>147,529,000</u>	<u>266,102,000</u>
LONG TERM CARE SERVICES		

	GENERAL FUND—	
	STATE	TOTAL
Nursing Homes	((162,484,000))	((322,831,000))
	<u>161,684,000</u>	<u>323,831,000</u>
Senior Citizens Services Act	14,112,000	14,112,000
Chore Services	((18,977,000))	((46,695,000))
	<u>21,357,000</u>	<u>48,575,000</u>
Community Options Program	((5,000,000))	((10,000,000))
	<u>4,700,000</u>	<u>9,400,000</u>
Older Americans Act	0	((20,303,000))
		<u>22,305,000</u>
Adult Day Health	322,000	633,000
Nursing Home Discharge	31,000	31,000
Congregate Care	((7,054,000))	((7,054,000))
	<u>6,754,000</u>	<u>6,754,000</u>
Adult Family Homes	2,663,000	2,663,000
Administration	((5,930,000))	((10,714,000))
	<u>5,730,000</u>	<u>10,514,000</u>
Subtotal	((216,573,000))	((435,036,000))
	<u>217,353,000</u>	<u>438,818,000</u>
INCOME ASSISTANCE		
Refugee Assistance	0	((18,133,000))
		<u>12,033,000</u>
Aid to Families with Dependent Children—Regular	((235,435,000))	((494,292,000))
	<u>238,372,000</u>	<u>503,301,000</u>
Aid to Families with Dependent Children—Employable	((23,199,000))	((46,398,000))
	<u>22,744,000</u>	<u>46,104,000</u>
Supplemental Security Income Payments	((39,721,000))	((39,721,000))
	<u>39,313,000</u>	<u>39,701,000</u>
General Assistance—Unemployable	((65,227,000))	((65,683,000))
	<u>65,575,000</u>	<u>66,017,000</u>
General Assistance—Pregnant Women	((3,425,000))	((3,425,000))
	<u>3,403,000</u>	<u>3,403,000</u>
Consolidated Emergency Assistance	((4,424,000))	((8,848,000))
	<u>3,883,000</u>	<u>7,800,000</u>
Burial Assistance	((2,768,000))	((2,768,000))
	<u>3,009,000</u>	<u>3,009,000</u>
Employment and Training Services	990,000	1,871,000
Work Incentive Program	279,000	2,788,000

	GENERAL FUND— STATE	TOTAL
Subtotal	((375,468,000))	((683,927,000))
	<u>377,568,000</u>	<u>686,027,000</u>
COMMUNITY SOCIAL SERVICES		
Domestic Violence Program	1,128,000	1,128,000
Foster Care Payments	35,557,000	40,917,000
Child Care Payments	11,047,000	13,805,000
Adoption Support Services	4,309,000	5,388,000
Family Reconciliation Services	1,925,000	2,970,000
Interim Care	8,553,000	9,749,000
Alcoholism Grants	11,299,000	((14,927,000))
		<u>16,818,000</u>
Detoxification	5,749,000	6,268,000
Substance Abuse Grants	3,892,000	9,072,000
Congregate Care	8,554,000	8,554,000
Refugee Services	0	((3,800,000))
		<u>9,000,000</u>
Subtotal	92,013,000	((116,578,000))
		<u>123,669,000</u>
MEDICAL ASSISTANCE	((384,991,000))	((643,017,000))
	<u>385,843,000</u>	<u>648,017,000</u>
PUBLIC HEALTH	((38,588,000))	((139,191,000))
	<u>38,488,000</u>	<u>143,334,000</u>
VOCATIONAL REHABILITATION	11,228,000	39,630,000
ADMINISTRATION & SUPPORT	((55,318,000))	((93,153,000))
	<u>55,118,000</u>	<u>93,013,000</u>
COMMUNITY SERVICES ADMIN.	135,117,000	((278,867,000))
		<u>279,487,000</u>
REVENUE COLLECTIONS	11,601,000	36,695,000
Total	\$1,731,230,000	\$((3,029,110,000))
		<u>3,052,269,000</u>

*Sec. 202 was partially vetoed, see message at end of chapter.

Sec. 203. Section 66, chapter 76, Laws of 1983 1st ex. sess. as amended by section 215, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS		
General Fund Appropriation—State	\$	((15,902,000))
		<u>15,441,000</u>
General Fund Appropriation—Federal	\$	2,237,000

General Fund Appropriation—Local	\$	3,336,000
Total Appropriation	\$	((21,475,000))
		<u>21,014,000</u>

The appropriations in this section are subject to the following conditions and limitations: Not more than \$400,000 of the general fund—state appropriation is provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment training and placement, discharge review, advocacy and representation, education, and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

Sec. 204. Section 72, chapter 76, Laws of 1983 1st ex. sess. as amended by section 220, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	((2,966,000))
		<u>2,813,000</u>

Sec. 205. Section 73, chapter 76, Laws of 1983 1st ex. sess. as amended by section 221, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State	\$	((356,000))
		<u>349,000</u>

General Fund—Hospital Commission Account Appropriation	\$	1,086,000
Total Appropriation	\$	((1,442,000))
		<u>1,435,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission is directed to perform aggressive rate review of individual hospital services to ensure control of rising hospital costs and efficient and economic delivery of hospital health care services.

(2) Not later than December 1, 1984, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

Sec. 206. Section 74, chapter 76, Laws of 1983 1st ex. sess. as amended by section 222, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	((2,650,000))
		<u>2,593,000</u>

General Fund Appropriation—Federal	\$	133,049,000
General Fund Appropriation—Local	\$	17,159,000
Administrative Contingency Fund		
Appropriation—Federal	\$	6,638,000
Unemployment Compensation Administration		
Fund Appropriation	\$	92,543,000
Total Appropriation	\$	((252,039,000))
		<u>251,982,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$786,000 is provided solely for the ex-offender work orientation program to serve a minimum of 1,094 ex-offenders in the community, and provide work orientation to a minimum of 500 offenders pending release. Services to offenders in addition to those provided under the appropriations in this section may be provided upon reimbursement by the department of corrections at the rate of \$605 per participant.

(2) \$313,000 is provided solely for the career awareness program to provide services to 371 ex-offenders. Services may be provided to additional ex-offenders upon reimbursement by the department of corrections at the rate of \$844 per participant.

(3) The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.

(4) \$600,000 from the general fund—state appropriation shall be used solely for contracting with other agencies for carrying out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

Sec. 207. Section 76, chapter 76, Laws of 1983 1st ex. sess. as amended by section 224, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State	\$	((770,000))
		<u>754,000</u>
General Fund—Local Jail Improvement and Construction Account Appropriation	\$	113,124,000
Total Appropriation	\$	((113,894,000))
		<u>113,878,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation is provided solely for a one-time grant to the King County department of public safety for a text management system to be used by the Green River task force homicide investigation. The text management system shall be made available for use by law enforcement agencies of the state through interagency agreements.

PART III
NATURAL RESOURCES

Sec. 301. Section 83, chapter 76, Laws of 1983 1st ex. sess. as amended by section 304, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	((28,826,000))
		<u>28,704,000</u>
General Fund Appropriation—Private/Local	\$	566,000
General Fund—Trust Land Purchase Account Appropriation	\$	7,694,000
General Fund—Winter Recreation Parking Account Appropriation	\$	156,000
General Fund—Snowmobile Account Appropriation	\$	681,000
General Fund—Outdoor Recreation Account Appropriation	\$	152,000
Motor Vehicle Fund Appropriation	\$	800,000
Total Appropriation	\$	((38,875,000))
		<u>38,753,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

(2) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than

\$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(3) \$962,000 of the general fund—state appropriation is provided solely for reimbursement to the tort claim revolving fund.

(4) \$79,000 of the general fund—state appropriation is provided solely for the second year funding of the boating safety program.

Sec. 302. Section 86, chapter 76, Laws of 1983 1st ex. sess. as amended by section 305, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((7,707,000))
		<u>7,592,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$2,287,000 may be expended for the tourism program in fiscal year 1985. \$750,000 of this amount is provided solely for the establishment of a private-sector state matching program. State funds may only be released on a dollar-for-dollar matching basis with private industry. The department is responsible for the development and administration of the program.

(2) Not more than \$573,000 may be expended for the administration program in fiscal year 1985.

(3) \$538,000 is provided solely for the foreign trade program in fiscal year 1985.

(4) \$1,031,000 is provided solely for the industrial development program in fiscal year 1985.

(5) \$150,000 is provided solely for the small business program in fiscal year 1985.

(6) All personal service contracts for fiscal year 1985 that, in the aggregate, are over \$10,000 shall be approved by the director of financial management and submitted to the chairmen of the house and senate ways and means committees prior to the approval.

(7) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$270,000 to be used within the foreign trade program for uses authorized under RCW 43.31.832.

(8) \$40,000 is provided solely for a grant for the development of a project which seeks to stimulate public support for and understanding of this state's increasing international trade activity.

(9) \$40,000 is provided solely for the department to contract with the department of ecology for provision of professional assistance to firms confronting federal, state, and local requirements related to the acquisition of necessary permits and environmental approvals.

(10) The 1984 amendments to this section are contingent on the enactment of Senate Bill No. 3238.

Sec. 303. Section 87, chapter 76, Laws of 1983 1st ex. sess. as amended by section 306, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	((38,635,000))
		<u>38,535,000</u>
General Fund Appropriation—Federal	\$	6,580,000
General Fund Appropriation—Private/Local	\$	2,083,000
Total Appropriation	\$	((47,298,000))
		<u>47,198,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$285,000 of the general fund appropriation, of which \$191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.

(2) \$109,000 of the general fund—state appropriation shall be expended for the enhancement of the shellfish program.

(3) \$495,000 of the general fund—state appropriation shall be expended for additional salmon production.

(4) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) \$140,000 of the general fund—state appropriation is provided solely for razor clam research.

(6) \$75,000 of the general fund—state appropriation is provided solely for a pilot enforcement project on Hood Canal. No more than two enforcement officers and all necessary support costs including equipment shall be dedicated to law enforcement on Hood Canal.

Sec. 304. Section 89, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 301, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((27,395,000))
		<u>26,933,000</u>
General Fund Appropriation—Federal	\$	451,000
General Fund—ORV (Off-Road Vehicle)		
Account Appropriation	\$	2,311,000
General Fund—Forest Development Account		
Appropriation	\$	10,373,000
General Fund—Landowner Contingency		
Forest Fire Suppression Account Approp-		
riation	\$	1,539,000
General Fund—Survey and Maps Account		
Appropriation	\$	671,000
General Fund—Resource Management Cost		
Account Appropriation	\$	60,692,000
General Fund—Geothermal Account Approp-		
riation	\$	76,000
Total Appropriation	\$	((103,508,000))
		<u>103,046,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,100,000 of the general fund—state appropriation is provided solely to carry out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(2) \$50,000 of the general fund—state appropriation is provided solely to conduct a study of the continuous transfer of material and products across state lands.

(3) \$475,000 of the general fund—state appropriation shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

(4) Not more than \$843,000 of the general fund—state appropriation shall be used to fund ten additional honor camp teams.

(5) \$196,000 of the general fund—state appropriation is provided solely for costs incurred by Skamania county in *Skamania v. State*, 102 Wn.2d 127 (1984).

(6) \$62,000 of the general fund—state appropriation is provided solely for costs incurred by the department in *Skamania v. State*, 102 Wn.2d 127 (1984).

(7) \$50,000 of the resource management cost account appropriation is provided solely for a feasibility study of trust acquisition and leasing of winter recreation sites.

PART IV
EDUCATION

Sec. 401. Section 96, chapter 76, Laws of 1983 1st ex. sess. as amended by section 501, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
(INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	((15,989,000))
		<u>15,489,000</u>
General Fund Appropriation—Federal	\$	6,540,000
General Fund—Traffic Safety Education Ac-		
count Appropriation	\$	460,000
Total Appropriation	\$	((22,989,000))
		<u>22,489,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) Not more than \$244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

(3) \$30,000 (~~((dollars))~~) of the general fund—state appropriation is provided for additional meetings and travel by the state board of education.

(4) \$819,000 is provided solely for the implementation of House Bill No. 1246 during the 1984–85 school year. The funds shall be allocated as follows:

- (a) A maximum of \$179,000 for Model Curriculum Development.
- (b) A maximum of \$150,000 for a Life Skills Test Model.
- (c) A maximum of \$300,000 for a Student Retention Pilot Project.
- (d) A maximum of \$150,000 for 8th grade test development.
- (e) A maximum of \$40,000 for an 11th grade test sample.

~~((6))~~ (5) \$20,000 is provided solely for an exemplary study to be conducted by at least the Rosalia, Tekoa, Oakesdale, Garfield and St. John school districts to examine means by which these and other small school districts may utilize cooperative and multi-district efforts to provide programs for educational excellence in small districts.

Sec. 402. Section 103, chapter 76, Laws of 1983 1st ex. sess. as last amended by section 502, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ ~~((77,328,000))~~
76,686,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds provided by this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only and may be expended by school districts for any state-funded activity.

(3) A maximum of \$26,311,000 shall be distributed for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$22 per month per full time equivalent staff unit in the 1983-84 school year and such amount shall be maintained in the 1984-85 school year.

(4) A maximum of \$4,286,000 shall be distributed in the 1984-85 fiscal year for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$8 per month per full time equivalent staff unit.

(5) (a) A maximum of \$10,185,000 is provided, effective January 1, 1985, for incremental fringe benefits in section 98(2) of this act and 7.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff as defined in section 98(1) of this act. With respect to the remaining state-supported classified staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 7.0% salary increase using the pertinent program state-wide average salary for such staff.

(b) The salary increase authorized by subsection (5)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(c) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984, regarding the proposed allocation methodology as required by subsection (5)(d) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(d) The superintendent of public instruction shall, during the 1984-85 fiscal year, allocate \$400,000 of the funds allocated by subsection (5)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(e) Pursuant to RCW 84.52.0531(3), any school district having an average classified salary as shown on LEAP Document 5 of less than \$16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of \$16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(f) A district shall not be in violation of RCW 28A.58.095 as a result of reporting revised staff mix data for the 1983-84 school year in accordance with the revised S-275 staff mix reporting instructions promulgated by the superintendent of public instruction. For 1984-85, the superintendent of public instruction shall modify LEAP Document 5 to assure that the average certificated salary for a district shall neither increase nor decrease for apportionment purposes as a result of this subsection (5)(f).

(6) (a) A maximum of ~~\$(36,540,000))~~ 35,904,000 is provided effective January 1, 1985, for incremental fringe benefits in section 98(2) of this act and 7.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times the district's 1983-84 staff mix factor (as defined in section 99(3) of this act) for state-supported basic education staff as defined in section 98(1) of this act. With respect to the remaining state-supported certificated staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 7.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(b) The salary increase authorized by subsection (6)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(7) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Increments granted by school districts to certificated staff in the year in which the increments are given by a district shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments pursuant to LEAP Document 1.

(c) Salary increases provided by this section shall be applied to the respective district base salaries for certificated staff and the respective district

average salaries for classified staff, each as specified in LEAP Document 5 as revised in accordance with this act.

(d) During the 1984-85 school year, districts may grant increases in insurance benefits to achieve a rate of \$179.00 per month per full time equivalent staff unit.

(e) For the 1984-85 school year, for the purpose of insurance benefit increases for classified employees, a full time equivalent employee is an employee contracted to work 1,440 hours per year or more.

(8) Part-time classified insurance benefits as authorized in subsection (7)(e) of this section shall be allocated by multiplying the number of state-supported full time equivalent staff units, as defined in section 98(1), chapter 76, Laws of 1983 1st ex. sess., excluding therefrom educational service districts and transportation program staff, times \$304.61: PROVIDED, That ~~((funds for this subsection are provided in the 1985-87 omnibus appropriation act.))~~, with respect to the transportation program, the superintendent of public instruction may increase the 1984-85 standard student mile rate by a maximum of 35.2 cents: PROVIDED FURTHER, That funds for this subsection are provided in the 1985-87 omnibus appropriations act.

Sec. 403. Section 107, chapter 76, Laws of 1983 1st ex. sess. as amended by section 508, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State	\$	((279,215,000))
		<u>278,715,000</u>
General Fund Appropriation—Federal	\$	27,641,000
Total Appropriation	\$	((306,856,000))
		<u>306,356,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$129,914,000 of the general fund—state appropriation may be expended in fiscal year 1983-84.

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school year 1983-84 and LEAP Document 6 revised as of March 5, 1984, for 1984-85.

(3) The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

(4) For allocation of funds for the 1984-85 school year, the superintendent of public instruction shall exclude specific learning disabilities as one of the categories for classification as multiple handicapped.

(5) In the 1984-85 fiscal year the superintendent may transfer funds from this section to section 511 of this 1984 act to the extent that specific learning disabled category E enrollment is less than 6,532 students. Any such transfer shall be at a rate of \$300 per student.

Sec. 404. Section 110, chapter 76, Laws of 1983 1st ex. sess. as amended by section 510, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE SPECIAL NEEDS PROGRAM

General Fund Appropriation—State \$ ~~((28,629,000))~~
28,385,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) A maximum of \$23,605,000 may be expended in fiscal year 1983-84.
- (2) Of the appropriation provided by this section, a maximum of \$13,728,000 shall be distributed as follows for the 1983-84 school year:
 - (a) 30% on the basis of full time equivalent enrollment;
 - (b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;
 - (c) 12% on the basis of minority enrollment in the prior school year;
 - (d) 12% on the basis of gifted enrollment in the prior school year;
 - (e) 12% on the basis of racial isolation enrollment in the prior school year;
 - (f) 6% on the basis of limited English speaking enrollment in the prior school year; and
 - (g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter II of the education consolidation and improvement act in effect for the 1982-83 school year.

(3) A maximum of ~~\$(12,495,000)~~ 12,359,000 may be distributed for the remaining months of the 1982-83 school year.

(4) For the 1984-85 fiscal year, the superintendent shall distribute a minimum of ~~\$(4,855,000)~~ 4,747,000 as follows:

(a) The sum of \$400,000 is provided for teacher training for drug and alcohol abuse education and prevention in grades K through 12;

(b) A maximum of ~~\$(1,700,000)~~ 1,601,000 shall be expended for gifted programs to be distributed at a maximum rate of \$290 per student for one percent of each district's total enrollment for the 1984-85 school year.

(c) A maximum of \$2,746,000 may be expended for the remaining months of the 1983-84 school year.

(5) The funds allocated by subsection (2) of this section may be expended by school districts for provision of special instructional programs, including but not limited to: Drug and alcohol abuse prevention; remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs.

(6) The superintendent of public instruction shall contract \$257,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) The superintendent shall contract \$40,000 for services from the Cispus program.

(8) Salary and benefits increases are included in the funds allocated by this section.

Sec. 405. Section 111, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((20,857,000))
		<u>20,057,000</u>
General Fund Appropriation—Federal	\$	5,450,000
Total Appropriation	\$	((26,307,000))
		<u>25,507,000</u>

The appropriations in this section are subject to the following condition or limitation: Not more than \$3,355,783 shall be expended for support of basic education programs for juveniles confined in county detention centers.

Sec. 406. Section 511, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE REMEDIATION ASSISTANCE PROGRAM

General Fund Appropriation	\$	((10,575,000))
		<u>10,485,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$~~((7,804,800))~~ 7,715,000 shall be distributed by the superintendent to districts for the 1984-85 school year at a rate of \$300 per eligible student as defined in RCW 28A.41.404.

(2) For a discretionary seventh through ninth grade remediation program, a maximum of \$2,770,000 shall be distributed by the superintendent of public instruction at a uniform rate per district per eligible student as

calculated in this subsection. In making the calculation, the superintendent shall multiply the percentage of students in a district taking the fourth grade state test who scored in the lowest quartile the previous year as compared to the national norm by the number of students currently enrolled in the district in grades 7 through 9, less those students who scored in the lowest quartile and who are served pursuant to chapter 28A.13 RCW (excluding communication disordered students) in grades 2 through 9. Local districts may use these funds to serve any of the students in grades 7 through 9 who are in the bottom quartile on a nationally normed standardized test and who are not receiving like services in programs established in chapter 28A.13 RCW.

(3) This appropriation includes funds for salary and incremental benefit increases for remediation assistance staff.

(4) The superintendent may transfer funds from the remediation assistance program to the handicapped program for specific learning disabled category "E" enrollment to the extent it exceeds 6,532 students.

(5) This appropriation is provided solely for the 1984-85 fiscal year.

NEW SECTION. Sec. 407. A new section is added to chapter 76, Laws of 1983 1st ex. sess. to read as follows:

The state college and universities and the community college system shall not be held in violation of the minimum expenditure per student requirements of the biennial appropriations act to the extent any failure to meet such requirements is the result of allotment reductions approved by the office of financial management or the result of financial or other circumstances beyond the control of the institution, up to two percent of the minimum expenditure per student requirement.

The office of financial management shall take all reasonable steps to ensure that reductions in instruction budgets are taken only after other fiscal remedies are exhausted.

Sec. 408. Section 13, chapter 21, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the general fund to the commission on vocational education for the biennium ending June 30, 1985, the sum of ~~((three million five hundred))~~ two million seven hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of ~~((this act))~~ chapter 21, Laws of 1983 1st ex. sess. However, of this appropriation, not more than two hundred fifty thousand dollars may be expended for the state's occupational information system, and not more than two hundred fifty thousand dollars may be expended for the state's career information system. The amount spent for administrative expenses incurred by the commission on vocational education for the jobs skills program shall not exceed five percent of all funds expended for the jobs skills program. Notwithstanding the reduction in the appropriation by this 1985 act, the commission is authorized to enter into contracts for the jobs skills program

provided by chapter 21, Laws of 1983 1st ex. sess. Such contracts in excess of the revised appropriation amount shall be payable after June 30, 1985.

PART V

SPECIAL APPROPRIATIONS

Sec. 501. Section 133, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State	\$	((2,000,000))
		<u>1,700,000</u>

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

Sec. 502. Section 134, chapter 76, Laws of 1983 1st ex. sess. as amended by section 601, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund \$ 17,187,000

(2) There is appropriated for the community college system from the General Fund \$ 9,760,000

(3) There is appropriated for the department of corrections from the General Fund \$ 5,841,000

(4) There is appropriated for the department of social and health services from the:

General Fund—State	\$	((12,220,000))
		<u>12,210,000</u>

General Fund—Federal	\$	7,419,000
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(5) There is appropriated for other state agencies from the:

General Fund—State	\$	((8,341,000))
		<u>7,516,000</u>

General Fund—Federal	\$	1,842,000
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(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase

Revolving Fund	\$	21,652,000
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(7) The appropriations in this section shall be expended to implement:

(a) Salary increases effective not later than January 1, 1985, to implement such portion of the 1982 salary survey (catch-up results) as possible, rounded to the next range if the application results in a fractional range, for higher education classified employees, state personnel board classified and exempt employees, commissioned officers of the Washington state patrol,

faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education (excluding student employees not under the jurisdiction of the state or higher education personnel boards);

(b) Merit/market increases effective not later than January 1, 1985, and not to exceed (~~(\$3,140,000 (of which \$3,128,000 is from the general fund))~~) an average of 3.1% for faculty and administrative exempt employees of the four-year institutions of higher education(~~(: PROVIDED, That excluding the regional university and college faculty resource equalization moneys under sections 121 through 123 of this act, no research university, regional university, or state college may grant from any fund source whatsoever any salary increases greater than that provided in this section))~~). The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than February 15, 1985;

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from \$137.00 per month to \$159.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$159.00 per eligible employee effective July 1, 1983 through June 30, 1984.

(d) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1984, from \$159.00 per month to \$167.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$179.00 per eligible employee effective July 1, 1984.

(e) The state employees insurance board's authority and practice of expending funds in the state employees insurance revolving fund generated by dividends or refunds is recognized, and the average contribution per eligible employee in subsections (c) and (d) of this section shall not be construed as a restriction on such expenditures: PROVIDED, That any moneys

resulting from a dividend or refund shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this 1984 act and in no case may the maximum premium paid be more than \$179.00 per month per eligible employee. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this 1984 act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended.

(8) The community colleges may grant merit/market increases effective not later than January 1, 1985, and not to exceed \$2,038,000 of general fund moneys for faculty and administrative exempt employees: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than February 15, 1985.

(9) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

Sec. 503. Section 139, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ ((905,000))
901,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1985, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Criminal Justice Training		
Account	\$	49,590
General Fund—Off-Road Vehicle Account	\$	141
General Fund—Snowmobile Account	\$	2,027
General fund—Institutional Impact Account	\$	13,400
General Fund—Hospital Commission Account	\$	134

General Fund—State Timber Tax Reserve Account	\$	168
General Fund—Professional Engineers' Account	\$	6,063
General Fund—Real Estate Commission Account	\$	1,028
General Fund—Capital Building Construction Account	\$	1,046
General Fund—Motor Transport Account	\$	74,404
General Fund—Resource Management Cost Account	\$	1,728
General Fund—Litter Control Account	\$	18
General Fund—Traffic Safety Education Account	\$	379
General Fund—L.I.R. Waste Disposal Account	\$	11,079
General Fund—State Building Construction Account	\$	2,860
General Fund—Outdoor Recreation Account	\$	7,876
General Fund L.I.R. Water Supply Facilities Account	\$	1,715
General Fund—L.I.R. Account—Public Recreation Facilities	\$	3,173
Electrical License Fund	\$	4,489
State Game Fund	\$	((15,414))
		<u>11,414</u>
Highway Safety Fund	\$	20,897
Motor Vehicle Fund	\$	55,381
Public Service Revolving Fund	\$	5,488
State Treasurer's Service Fund	\$	25,108
Legal Services Revolving Fund	\$	822
General Administration Facilities and Services Revolving Fund	\$	615
Liquor Revolving Fund	\$	15,589
Accident Fund	\$	11,904
Medical Aid Fund	\$	16,629
Plumbing Certificate Fund	\$	147
Washington Library Network Computer System Revolving Fund	\$	23
Pressure System Safety Fund	\$	13
Total Appropriation	\$	((349,348))
		<u>345,348</u>

Sec. 504. Section 141, chapter 76, Laws of 1983 1st ex. sess. as amended by section 602, chapter 14, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	3,852,000
General Fund Appropriation for refund of deferred property tax	\$	515,500
General Fund Appropriation for public utility district excise tax distribution	\$	((18,415,000))
		<u>16,363,000</u>
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,627,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	37,628,000
General Fund Appropriation for local mass transit assistance	\$	((118,738,000))
		<u>117,380,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	1,364,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	653,749
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	20,624,310
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	204,721,141
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	51,000,000
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties	\$	15,920,000
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties	\$	14,750,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	20,169,962
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	6,779,819
Total Appropriation	\$	((516,758,481))
		<u>513,348,481</u>

Sec. 505. Section 10, chapter 218, Laws of 1973 1st ex. sess. as amended by section 5, chapter 326, Laws of 1977 ex. sess. and RCW 9.46-.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The office of financial management may direct the state treasurer to loan to the general fund an amount not to exceed \$1,400,000 from the gambling revolving fund for the 1983-85 fiscal biennium.

Sec. 506. Section 2, chapter 27, Laws of 1973 and RCW 43.08.190 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed two million dollars from the state treasurer's service fund for the 1983-85 fiscal biennium.

Sec. 507. Section 12, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.610 are each amended to read as follows:

There is hereby established in the general fund of the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or his duly authorized representative and as may be provided by law.

The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed \$1,500,000 from the motor transport account for the 1983-85 fiscal biennium.

NEW SECTION. Sec. 508. The office of financial management may direct the state treasurer to transfer to the general fund an amount not to

exceed \$1,300,000 from the public facilities construction loan and grant revolving account for the 1983-85 fiscal biennium.

Sec. 509. Section 3, chapter 134, Laws of 1969 as last amended by section 3, chapter 94, Laws of 1982 and RCW 81.53.281 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund," to which shall be transferred all moneys appropriated for the purpose of carrying out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are not involved, the railroad shall, upon completion of the installation of any such signal or other protective device and related work, present its claim for reimbursement for the cost of installation and related work from said fund of the amount allocated thereto by the commission. The annual cost of maintenance shall be presented and paid in a like manner. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work. The commission is hereby authorized to recover administrative costs from said fund in an amount not to exceed three percent of the direct appropriation provided for any biennium, and in the event administrative costs exceed three percent of the appropriation, the excess shall be chargeable to regulatory fees paid by railroads pursuant to RCW 81.24.010.

Within ninety days of the end of each fiscal year, the commission shall report to the legislative transportation committee, and the senate and house committees on transportation, the status of the grade crossing protective fund, including revenue sources, fund balances, and expenditures.

The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed \$1,200,000 from the grade crossing protective fund for the 1983-85 fiscal biennium.

NEW SECTION. Sec. 510. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 511. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House April 28, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 105 and Section 202(2), Substitute House Bill No. 314, entitled:

"AN ACT Relating to state agencies;"

This legislation is the second supplemental appropriations bill. It reduces appropriations over twelve million dollars and authorizes transfers to the General Fund in excess of seven million dollars.

Section 105 reduces the Department of Personnel's general fund appropriation by \$45,000. These monies were part of the appropriation made in 1984 to allow the Department to conduct a comparable worth study and are necessary to complete the study. Thus, the reduction in Section 105 is inappropriate.

It should be noted that the Department has placed into reserve status \$45,000 from two other General Fund-State appropriations made under Chapter 15, Laws of 1983, 1st Extraordinary Session and Chapter 162, Laws of 1984. These monies will revert to the General Fund-State at the end of this biennium and will help to reduce any possible shortfall.

Section 202(2) requires that the Department of Social and Health Services adopt rules no later than June 1, 1985, relating to criteria for eligibility for the general assistance-medical program. This section would necessitate the adoption of such rules on an emergency basis without public hearing.

While the Department is prepared to propose rules by June 1, 1985, it is my opinion that there is no emergency requiring immediate adoption. Rather, the Department should be permitted to hold appropriate public hearings and train staff on the implementation of such new rules before their effective date.

With the exceptions of Section 105 and Section 202(2), which I have vetoed, Substitute House Bill No. 314 is approved."

CHAPTER 406

[House Bill No. 318]

INTERSTATE HIGHWAY IMPROVEMENTS—BOND ISSUANCE PERIOD LENGTHENED

AN ACT Relating to highway construction; and amending RCW 47.10.790 and 47.10.801.

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

Sec. 1. Section 1, chapter 180, Laws of 1979 ex. sess. as last amended by section 3, chapter 19, Laws of 1982 and RCW 47.10.790 are each amended to read as follows:

(1) In order to provide funds for the location, design, right of way, and construction of selected interstate highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission, a total of one hundred million dollars of general obligation bonds of the state of Washington to pay the state's share of costs for completion of state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular federal interstate funding and until December 31, (~~(+1985)~~) 1989, to temporarily pay the regular federal share of construction of completion projects on state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular interstate funding in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: **PROVIDED**, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.801 shall not exceed one hundred twenty million dollars: **PROVIDED FURTHER**, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122.

(2) The transportation commission, in consultation with the legislative transportation committee, may at any time find and determine that any amount of the bonds authorized in subsection (1) of this section, and not then sold, are no longer required to be issued and sold for the purposes described in subsection (1) of this section.

(3) Any bonds authorized by subsection (1) of this section that the transportation commission determines are no longer required for the purpose of paying the cost of the designated interstate highway improvements described therein shall be issued and sold, upon the request of the Washington state transportation commission, to provide funds for the location, design, right of way, and construction of major transportation improvements throughout the state that are identified as category C improvements in RCW 47.05.030.

Sec. 2. Section 1, chapter 316, Laws of 1981 as amended by section 1, chapter 19, Laws of 1982 and RCW 47.10.801 are each amended to read as follows:

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2) and (3) of this section, upon the request of the Washington state transportation commission a total of four hundred fifty million dollars of general obligation

bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, ((1985)) 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10-.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements in RCW 47.05.030.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission, in consultation with the legislative transportation committee, determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

Passed the House March 1, 1985.

Passed the Senate April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 407

[House Bill No. 593]

ADMINISTRATIVE REVOCATION OF DRIVER'S' LICENSES

AN ACT Relating to the administrative revocation of drivers' licenses; amending RCW 46.04.480, 46.20.285, 46.20.308, 46.20.311, and 46.20.391; repealing RCW 46.20.393, 46.20-.600, 46.20.610, 46.20.620, 46.20.630, 46.20.640, 46.20.650, 46.20.660, 46.20.670, 46.20.680, 46.20.690, 46.20.700, and 46.68.062; decodifying RCW 46.68.055; declaring an emergency; and providing effective dates.

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

Sec. 1. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 14, chapter 165, Laws of 1983 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, or 46.61.515(~~(, or 46.20.610)~~) and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 2. Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 324, chapter 258, Laws of 1984 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years(~~(A revocation imposed under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to RCW 46.20.610 or 46.61.515(3) arising out of the same arrest)~~);

- (4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 3. Section 11, chapter 260, Laws of 1981 as last amended by section 2, chapter 165, Laws of 1983 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506,

to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) ~~((that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates a concentration of alcohol in his or her blood of 0.10 percent or more, and~~ (c)) that his or her refusal to take the test may be used against him or her in a subsequent criminal trial.

(3) Except as provided in this subsection and subsection (4) of this section, the chemical test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his or her breath, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence

of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that refusal would result in the revocation of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. Within ten days after receiving such notice the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation of his privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county in which he or she resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 4. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 325, chapter 258, Laws of 1984 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a

finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 (~~or was imposed under RCW 46.20.610(1) (a) or (b)~~), the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was (~~denied~~) revoked under RCW (~~46.20.610~~) 46.20.308(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

Sec. 5. Section 1, chapter 5, Laws of 1973 as last amended by section 24, chapter 165, Laws of 1983 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter (~~(whose driving privilege has been suspended or revoked under RCW 46.20.610(1)(b)(i) or)~~) who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 (~~(or pursuant to RCW 46.20.610(1)(b)(i))~~). A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction (~~(or administrative action)~~), the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction (~~(or administrative action)~~), the applicant has not been convicted (~~(more than once)~~) of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522 (~~(, or had a license administratively suspended or revoked under RCW 46.20.610)~~); and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has (~~(had a driver's license administratively suspended or revoked under RCW 46.20.610 or has)~~) been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction (~~(or administrative action)~~), and continues with the same force and effect as any suspension or revocation under this title.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 25, chapter 165, Laws of 1983 and RCW 46.20.393;
- (2) Section 3, chapter 165, Laws of 1983 and RCW 46.20.600;
- (3) Section 4, chapter 165, Laws of 1983 and RCW 46.20.610;
- (4) Section 5, chapter 165, Laws of 1983 and RCW 46.20.620;
- (5) Section 6, chapter 165, Laws of 1983 and RCW 46.20.630;
- (6) Section 7, chapter 165, Laws of 1983 and RCW 46.20.640;
- (7) Section 8, chapter 165, Laws of 1983 and RCW 46.20.650;
- (8) Section 9, chapter 165, Laws of 1983 and RCW 46.20.660;
- (9) Section 10, chapter 165, Laws of 1983 and RCW 46.20.670;
- (10) Section 11, chapter 165, Laws of 1983, section 326, chapter 258, Laws of 1984 and RCW 46.20.680;
- (11) Section 12, chapter 165, Laws of 1983 and RCW 46.20.690;
- (12) Section 22, chapter 165, Laws of 1983 and RCW 46.20.700; and
- (13) Section 20, chapter 165, Laws of 1983 and RCW 46.68.062.

NEW SECTION. Sec. 7. RCW 46.68.055 is decodified.

NEW SECTION. Sec. 8. Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985. The remainder of the act shall take effect January 1, 1986.

Passed the House April 26, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 408

[Substitute House Bill No. 1190]

JOINT CENTER FOR EDUCATION—THE EVERGREEN STATE COLLEGE AND LOWER COLUMBIA COMMUNITY COLLEGE AUTHORIZED TO PARTICIPATE

AN ACT Relating to the joint center for education; and amending RCW 28B.30.510.

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

Sec. 1. Section 13, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.30.510 are each amended to read as follows:

The board of regents of Washington State University and the board of trustees of The Evergreen State College, in cooperation with the boards of trustees of Clark Community College ~~(-is)~~ and Lower Columbia Community College are hereby authorized to ~~((establish))~~ operate a Southwest Washington joint center for education to ~~((provide))~~ coordinate undergraduate, graduate, and continuing education in high-technology fields ~~((to the~~

citizens of the Southwest Washington area)) and other programs, all as approved by the council for postsecondary education or its successor agency. The Southwest Washington joint center for education shall be administered by Washington State University with the advice of the high-technology coordinating board in areas dealing with high technology. Washington State University shall make the facilities of the Southwest Washington joint center for education available to other institutions of higher education when specific program needs so require.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 409

[Substitute House Bill No. 1170]

HAZARDOUS CHEMICALS IN THE WORKPLACE

AN ACT Relating to hazardous substances; amending RCW 49.70.120; and adding new sections to chapter 49.70 RCW.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of labor and industries.

(2) "Employee" means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this chapter whether by way of manual labor or otherwise. However, for the purposes of this chapter, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock.

(3) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations.

NEW SECTION. Sec. 2. (1) The department shall prepare and make available to employers or the public, upon request, a translation in any of the five most common foreign languages used in the workplace, of a written

hazard communication program, a material safety data sheet, or written materials prepared by the department to inform employees of their rights relating to hazard communication standards under this chapter and chapter 49.17 RCW.

(2) An employer employing employees who have trouble communicating in English shall make reasonable efforts to post any notices in the employees' native languages as provided by the department.

NEW SECTION. Sec. 3. (1) An employer shall provide employees engaged in agricultural production of crops or livestock or agricultural services with information and training on hazardous chemicals in their workplace at the time of their initial assignment, and whenever a new hazard is introduced into their work area, such instruction shall be tailored to the types of hazards to which the employees will be exposed. Seasonal and temporary employees who are not exposed to hazardous chemicals in their work area need not be trained.

(2) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are accessible to agricultural employees upon request.

(3) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

NEW SECTION. Sec. 4. (1) The department shall adopt rules in accordance with chapter 34.04 RCW establishing criteria for evaluating the validity of trade secret claims and procedures for issuing a trade secret exemption. Manufacturers or importers that make a trade secret claim to the department must notify direct purchasers if a trade secret claim has been made on a product being offered for sale.

(2) If a trade secret claim exists, a manufacturer, importer, or employer may require a written statement of need or confidentiality agreement before the specific chemical identity of a hazardous substance is released. However, if a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous substance is necessary for emergency or first aid treatment, the manufacturer, importer, or employer shall immediately disclose the specific chemical identity to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, as defined by rule, as soon as circumstances permit.

(3) Any challenge to the denial of a trade secret claim shall be heard by an administrative law judge in accordance with chapter 34.04 RCW.

Sec. 5. Section 17, chapter 289, Laws of 1984 and RCW 49.70.120 are each amended to read as follows:

(1) The director shall establish in the department a right-to-know advisory council, which shall consist of ~~((fifteen))~~ sixteen members appointed

by the director. Each of these members shall be appointed for a term of three years, provided that of the members of the council first appointed by the director, five shall serve for terms of one year, five shall serve for terms of two years, and five shall serve for terms of three years. Of these members, one shall be appointed from persons having training and experience in industrial hygiene recommended by recognized labor unions; one from persons recommended by recognized agricultural organizations; one from persons recommended by recognized migrant labor organizations; one from persons recommended by recognized environmental organizations; one from persons recommended by recognized public interest organizations; one from persons recommended by recognized organizations of chemical industries; one from persons recommended by recognized community organizations; one from persons recommended by recognized organizations of petroleum industries; one from persons recommended by recognized organizations of fire fighters; one from persons recommended by recognized business or trade organizations; one from persons recommended by recognized organizations of small business; one from persons holding an M.D. degree recommended by recognized public health organizations; two persons from professional accident and safety organizations; one person from the technology-based industries; and one from persons with training and experience in environmental epidemiology and toxicology recommended by recognized research or academic organizations. In the event that no recommendations for a particular category of membership are made to the director three months after June 7, 1984, in the case of the initial appointments, or within sixty days of the date of the expiration of the term of office of any member or the occurrence of any vacancy in the case of subsequent appointments, the director shall appoint as a member for that category of membership a person whom the director believes will be representative thereof.

(2) A majority of the membership of the council constitutes a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the members of the council present and voting.

(3) The council shall meet regularly as it may determine, and shall also meet at the call of the department.

(4) The council shall appoint a (~~chairman~~) chair and other officers as may be necessary from among its members. The council may, within the limits of any funds appropriated or otherwise made available to it for this purpose, appoint such staff or hire such experts as it may require.

(5) Members of the council shall serve without compensation, but the council may, within the limits of funds appropriated or otherwise made available to it for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act are each added to chapter 49.70 RCW.

Passed the House April 22, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 410

[Engrossed Substitute House Bill No. 865]

HAZARDOUS SUBSTANCE INFORMATION AND EDUCATION OFFICE— HAZARDOUS HOUSEHOLD SUBSTANCES

AN ACT Relating to hazardous substance information; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. Sec. 1. There is hereby created the hazardous substance information and education office. Through this office the department shall:

(1) Facilitate access to existing information on hazardous substances within a community;

(2) Request and obtain information about hazardous substances at specified locations and facilities from agencies that regulate those locations and facilities. The department shall review, approve, and provide confidentiality as provided by statute. Upon request of the department, each agency shall provide the information within forty-five days;

(3) At the request of citizens or public health or public safety organizations, compile existing information about hazardous substance use at specified locations and facilities. This information shall include but not be limited to:

(a) Point and nonpoint air and water emissions;

(b) Extremely hazardous, moderate risks wastes and dangerous wastes as defined in chapter 70.105 RCW produced, used, stored, transported from, or disposed of by any facility;

(c) A list of the hazardous substances present at a given site and data on their acute and chronic health and environmental effects;

(d) Data on governmental pesticide use at a given site;

(e) Data on commercial pesticide use at a given site if such data is only given to individuals who are chemically sensitive; and

(f) Compliance history of any facility.

(4) Provide education to the public on the proper production, use, storage, and disposal of hazardous substances, including but not limited to:

(a) A technical resource center on hazardous substance management for industry and the public;

(b) Programs, in cooperation with local government, to educate generators of moderate risk waste, and provide information regarding the potential hazards to human health and the environment resulting from improper use and disposal of the waste and proper methods of handling, reducing, recycling, and disposing of the waste;

(c) Public information and education relating to the safe handling and disposal of hazardous household substances; and

(d) Guidelines to aid counties in developing and implementing a hazardous household substances program.

Requests for information from the hazardous substance information and education office may be made by letter or by a toll-free telephone line, if one is established by the department. Requests shall be responded to in accordance with chapter 42.17 RCW.

This section shall not require any agency to compile information that is not required by existing laws or regulations.

NEW SECTION. Sec. 2. Unless the context clearly indicates otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Agency" means any state agency or local government entity.

(2) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed by the department.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department.

(5) "Hazardous substances" or "hazardous materials" means those substances or materials identified as such under regulations adopted pursuant to the federal hazardous materials transportation act, the toxic substances control act, the resource recovery and conservation act, the comprehensive environmental response compensation and liability act, the federal insecticide, fungicide, and rodenticide act, the occupational safety and health act hazardous communications standards, and the state hazardous waste act.

(6) "Moderate risk waste" means any waste that exhibits any of the properties of dangerous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation and any household wastes that are generated from the disposal of substances identified by the department as hazardous household substances.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 4. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the department of ecology for the purposes of this act.

NEW SECTION. Sec. 5. Funds in the worker and community right to know fund established under RCW 49.70.170 may be spent by the department of ecology to implement section 1 (1) through (3) of this act following legislative appropriation. Disbursements from the fund shall be on authorization of the director of the department of ecology.

Passed the House April 22, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 411

[Substitute House Bill No. 1195]

FLEXIBLE-TIME WORK SCHEDULES IN PUBLIC EMPLOYMENT

AN ACT Relating to public employment; and adding a new section to chapter 41.04 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

(1) The legislature finds that flexible-time work schedules, which provide varying times for employees to arrive at and depart from work, tend to alleviate traffic congestion during peak rush hour periods and thereby reduce hazardous traffic conditions; provide more efficient use of highways and other transit facilities; and decrease fuel consumption. In addition, the legislature finds that flexible-time work schedules provide families in which both parents work outside of the home with the flexibility necessary to provide for day care; provide employees with flexibility allowing them to spend more time with their families; improve employee morale and, in-so-doing, improve productivity. Therefore, due to the clear advantages to both agencies and employees, the legislature finds that flexible-time work schedules should be utilized by agencies to the maximum extent possible.

(2) As used in this section, "flexible-time work schedule" means a daily work schedule which contains a core time of required hours during which an employee subject to the schedule is required to be present for work and designated hours before or after the core time during which an employee, with the approval of his or her agency, may elect a time of arrival to work and departure from work.

(3) Each agency shall prepare a flexible-time work schedule or schedules and shall offer the schedule or schedules to employees as an option to the traditional eight o'clock a.m. to five o'clock p.m. working day. However, an agency shall not be required to prepare or offer a flexible-time work schedule or schedules if the agency head determines that the implementation of such a schedule would serve as an impediment to the provision of

services to the public or would in any other way impede the agency in accomplishing its mission.

(4) Any employee wishing to use a flexible-time work schedule prepared under subsection (3) of this section must first obtain the permission of the agency head or the agency head's designee. However, if there is an employee organization certified as an exclusive bargaining representative for a bargaining unit affected by the flexible-time work schedule, the agency shall first negotiate with the certified employee organization.

(5) Nothing in this section affects official hours during which state offices are required to be open for the transaction of business, as prescribed in RCW 42.04.060.

Passed the House March 13, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 412

[Substitute House Bill No. 890]

AGRICULTURAL PRODUCTS—LIENS

AN ACT Relating to agricultural liens; amending RCW 20.01.010, 60.22.010, 62A.9-203, 62A.9-307, 62A.9-310, and 62A.9-104; adding a new chapter to Title 16 RCW; adding a new chapter to Title 60 RCW; repealing RCW 20.01.620, 20.01.630, 20.01.640, 20.01.650, 20.01.660, and 20.01.670; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. As used in this chapter, the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Agricultural product," "conditioner," "consignor," "person," "processor," and "producer" have the meanings defined in RCW 20.01.010.

(2) "Preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market.

NEW SECTION. Sec. 2. Starting on the date a producer delivers any agricultural product to a processor or conditioner, the producer has a first priority statutory lien, referred to as a "processor lien." This processor lien shall continue until twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value of the products delivered. The processor lien attaches to the agricultural products delivered, to the processor's or conditioner's inventory, and to the processor's or conditioner's accounts receivable. However, no processor lien may attach to agricultural products delivered by a producer, or on the producer's behalf, to a processor which is organized and operated on a cooperative basis and of which the producer is

a member, nor may such lien attach to such processor's inventory or accounts receivable.

NEW SECTION. Sec. 3. Starting on the date a producer delivers grain, hay, or straw to a preparer, the producer has a first priority statutory lien, referred to as a "preparer lien." This preparer lien shall continue twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value of the products delivered. The preparer lien attaches to the agricultural products delivered by the producer to the preparer, and to the preparer's accounts receivable.

NEW SECTION. Sec. 4. (1) A producer claiming a processor or preparer lien may file a statement evidencing the lien with the department of licensing after payment from the processor, conditioner, or preparer to the producer is due and remains unpaid. For purposes of this subsection and section 5 of this act, payment is due on the date specified in the contract, or if not specified, then within thirty days from time of delivery.

(2) The statement shall be in writing, verified by the producer, and shall contain in substance the following information:

(a) A true statement of the amount demanded after deducting all credits and offsets;

(b) The name of the processor, conditioner, or preparer who received the agricultural product to be charged with the lien;

(c) A description sufficient to identify the agricultural product to be charged with the lien;

(d) A statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien; and

(e) The date on which payment was due for the agricultural product to be charged with the lien.

NEW SECTION. Sec. 5. (1) (a) If a statement is filed pursuant to section 4 of this act within twenty days of the date upon which payment from the processor, conditioner, or preparer to the producer is due and remains unpaid, the processor or preparer lien evidenced by the statement continues its priority over all other liens or security interests upon agricultural products, inventory, and accounts receivable, except as provided in (b) of this subsection. Such priority is without regard to whether the other liens or security interests attached before or after the date on which the processor or preparer lien attached.

(b) The processor or preparer lien shall be subordinate to liens for taxes or labor perfected before filing of the processor or preparer lien.

(2) If the statement provided for in section 4 of this act is not filed within twenty days of the date payment is due and remains unpaid, the processor or preparer lien shall thereupon become subordinate to:

(a) A lien that has attached to the agricultural product, inventory, or accounts receivable before the date on which the processor or preparer lien attaches; and

(b) A perfected security interest in the agricultural product, inventory, or accounts receivable.

NEW SECTION. Sec. 6. (1) The processor lien shall terminate six months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment or filing, unless a suit to foreclose the lien has been filed before that time as provided in section 7 of this act.

(2) If a statement has been filed as provided in section 4 of this act and the producer has received payment for the obligation secured by the lien, the producer shall promptly file with the department of licensing a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner, or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

NEW SECTION. Sec. 7. (1) The processor or preparer liens may be foreclosed and enforced by civil action in superior court.

(2) In all suits to enforce processor or preparer liens, the court shall, upon entering judgment, allow to the prevailing party as a part of the costs, all moneys paid for the filing and recording of the lien and reasonable attorney fees.

Sec. 8. Section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 305, Laws of 1983 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in ~~((this chapter under the provisions of RCW 20.01.620))~~ section 2 of this 1985 act, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or

purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year. Any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of the retailer's gross business.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual

contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Boom loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.

(18) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(19) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(20) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

Sec. 9. Section 1, chapter 264, Laws of 1961 and RCW 60.22.010 are each amended to read as follows:

(1) Any person who furnishes commercial fertilizer, and/or pesticide, and/or weed killer to another for use on the lands owned, contracted to be purchased, used or rented by him, may have a lien upon all the crops on which the fertilizer, and/or pesticide, and/or weed killer are used to secure the payment of the purchase price thereof: PROVIDED, That if the commercial fertilizer, and/or pesticide, and/or weed killer is furnished to any tenant farmer, the lien shall apply only to the tenant farmer's interest in the crops unless written consent of the owner of the premises is obtained(~~:(~~ ~~PROVIDED FURTHER, That such lien shall be subordinate to any crop lien or crop mortgage which has been filed for record prior to the furnishing of such materials or products)~~). This lien shall take first priority over any other security interest in crops for which no new value was provided if such materials or services were given to enable the debtor to produce crops during the production season.

(2) If the crop, or any part thereof, is sold subsequent to the filing of the lien, or possession delivered to an agent, broker, cooperative agency or other person to be sold or otherwise disposed of and its identity lost, or the crop commingled with other property so that it cannot be segregated, and if the purchaser, agent, broker, cooperative agency or other person is notified

of the filing of the lien by being served with a certified copy thereof, the lien shall attach to the proceeds of the sale of the crop or part thereof remaining in the possession of the purchaser, agent, broker, cooperative agency or other person at the time of the notice and to any proceeds of such sale that may thereafter come into the possession of any of such persons and the lien shall be as effective against such proceeds as against the crop itself.

Sec. 10. Section 9-310, chapter 157, Laws of 1965 ex. sess. as amended by section 76, chapter 305, Laws of 1983 and RCW 62A.9-310 are each amended to read as follows:

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien created pursuant to chapter ~~((20-04))~~ 60.— RCW (sections 1 through 7 of this 1985 act) or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

(3) A commercial fertilizer, pesticide, or weed killer lien takes priority over any perfected or unperfected security interest for which no new value was provided if materials or services were given to enable the debtor to produce the crops during the production season.

Sec. 11. Section 9-104, chapter 157, Laws of 1965 ex. sess. as last amended by section 75, chapter 305, Laws of 1983 and RCW 62A.9-104 are each amended to read as follows:

This Article does not apply

(a) to a security interest subject to any statute of the United States to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials or to a lien created under chapter ~~((20-04))~~ 60.— (sections 1 through 7 of this 1985 act) or 22.09 RCW except as provided in RCW 62A.9-310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to a transfer by a government or governmental subdivision or agency; or

(f) to a sale of accounts or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts or chattel paper

which is for the purpose of collection only, or a transfer of a right to payment under a contract to an assignee who is also to do the performance under the contract or a transfer of a single account to an assignee in whole or partial satisfaction of a preexisting indebtedness; or

(g) to a transfer of an interest or claim in or under any policy of insurance, except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312); or

(h) to a right represented by a judgment (other than a judgment taken on a right to payment which was collateral); or

(i) to any right of set-off; or

(j) except to the extent that provision is made for fixtures in RCW 62A.9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any claim arising out of tort; or

(l) to a transfer of an interest in any deposit account (subsection (1) of RCW 62A.9-105), except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312).

Sec. 12. Section 9-203, chapter 157, Laws of 1965 ex. sess. as last amended by section 1, chapter 186, Laws of 1982 and RCW 62A.9-203 are each amended to read as follows:

(1) Subject to the provisions of RCW 62A.4-208 on the security interest of a collecting bank and RCW 62A.9-113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless

(a) the collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

(b) value has been given; and

(c) the debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by RCW 62A.9-306.

(4) A transaction, although subject to this Article, is also subject to chapters 31.04, 31.08, 31.12, 31.16, 31.20, and 31.24 RCW, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

Sec. 13. Section 9-307, chapter 157, Laws of 1965 ex. sess. as amended by section 20, chapter 41, Laws of 1981 and RCW 62A.9-307 are each amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of RCW 62A.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

(4) Notwithstanding subsection (1) of this section, any person registered under the Federal Packers and Stockyard Act, 7 U.S.C. 181, who sells livestock for another for a fee or commission or who purchases livestock or livestock byproducts with the intent to resell takes free of a security interest created by the seller, even though the security interest is perfected, when such person is without knowledge of the security interest. For the purposes of this subsection, a person has "knowledge" if:

(a) Notice is furnished by the seller as provided in RCW 16.57.240; or

(b) A statement of the security interest is filed pursuant to chapter 16.— RCW (sections 14 through 20 of this 1985 act).

NEW SECTION. Sec. 14. For the purposes of this chapter:

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

(2) "Director" means the director of the department or a duly authorized representative.

(3) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

NEW SECTION. Sec. 15. Any secured party who obtains or maintains a security interest in livestock situated in this state may file copies of an effective financing statement with the department. The provisions of chapter 62A.9 RCW apply to the filing of statements under this section as that chapter relates to the form, content, duration, and times for filing of the statements.

NEW SECTION. Sec. 16. A secured party who has filed a statement of security interest in livestock with the department shall, upon the termination of the security interest, promptly file a notice of termination with the department. If, after termination of the security interest, the secured party fails to file a statement of discharge within ten days following a request to do so, the secured party shall be liable to the debtor in the sum of one hundred dollars plus actual damages caused by the failure.

NEW SECTION. Sec. 17. A statement filed under section 15 of this act shall be accompanied by a filing fee from the secured party in an amount established by the director in accordance with chapter 34.04 RCW. The fee may differ by the type of statement and an additional fee may be required for each separate name or trade name under which the statement is filed or indexed.

NEW SECTION. Sec. 18. Upon receiving a statement and filing fee, the department shall index the statement according to the name and trade name, if any, of the debtor. The department shall regularly publish a listing of the filings of effective financing statements and statements of assignment. The department shall furnish the listings on a subscription basis.

NEW SECTION. Sec. 19. Neither the director nor any employee of the department is personally liable to any secured party, debtor, public livestock market operator, livestock dealer, or any other person for the administration of this chapter.

NEW SECTION. Sec. 20. The livestock security interest fund is hereby established in the custody of the state treasurer. The department shall deposit in the fund all moneys received from livestock security interest filing fees. Moneys in the fund shall be spent only for carrying out the purpose and provisions of this chapter. The fund is subject to the allotment procedure provided under chapter 43.88 RCW and an appropriation is required for disbursements.

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

- (1) Section 9, chapter 305, Laws of 1983 and RCW 20.01.620;
- (2) Section 10, chapter 305, Laws of 1983 and RCW 20.01.630;
- (3) Section 11, chapter 305, Laws of 1983 and RCW 20.01.640;
- (4) Section 12, chapter 305, Laws of 1983 and RCW 20.01.650;
- (5) Section 13, chapter 305, Laws of 1983 and RCW 20.01.660; and
- (6) Section 14, chapter 305, Laws of 1983 and RCW 20.01.670.

NEW SECTION. Sec. 22. Sections 1 through 7 of this act shall constitute a new chapter in Title 60 RCW.

NEW SECTION. Sec. 23. Sections 14 through 20 of this act shall constitute a new chapter in Title 16 RCW.

NEW SECTION. Sec. 24. Sections 13 through 20 of this act shall take effect on October 1, 1985, and shall apply to any then existing or future security interests.

Passed the House April 26, 1985.

Passed the Senate April 23, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 413

[Substitute House Bill No. 1060]

FOOD FISH, SHELLFISH AND GAME FISH—ENHANCED FOOD FISH— TAXATION

AN ACT Relating to the taxation of food fish and shellfish; amending RCW 82.27.020, 82.27.030, and 82.27.040; reenacting and amending RCW 82.27.010; and repealing RCW 82.27.080.

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

Sec. 1. Section 1, chapter 98, Laws of 1980 as amended by section 5, chapter 284, Laws of 1983 and by section 180, chapter 46, Laws of 1983 1st ex. sess. and RCW 82.27.010 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) (~~"Food fish and shellfish" has the meaning ascribed to it by RCW 75.08.011 and includes byproducts and also parts of food fish and shellfish, whether fresh, frozen, canned, or otherwise:)~~ "Enhanced food fish" includes all species of food fish, shellfish, and anadromous game fish, including byproducts and parts thereof, originating within the territorial and adjacent waters of Washington and salmon originating from within the territorial and adjacent waters of Oregon, Washington, and British Columbia, and all troll-caught Chinook salmon originating from within the territorial and adjacent waters of southeast Alaska. As used in this subsection, "adjacent" waters of Oregon, Washington, and Alaska are those comprising the United States fish conservation zone; "adjacent" waters of British Columbia are those comprising the Canadian two hundred mile exclusive economic zone; and "southeast Alaska" means that portion of Alaska south and east of Cape Suckling to the Canadian border. For purposes of this chapter, point of origination is established by a document which identifies the product and state or province in which it originates, including, but not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

(2) "Commercial" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of enhanced food fish(~~(, shellfish, and anadromous game fish)~~) by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the enhanced food fish(~~(, shellfish, or anadromous game fish)~~).

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

(5) "Landed" means the act of physically placing enhanced food fish (a) on a tender in the territorial waters of Washington; or (b) on any land within or without the state of Washington including wharves, piers, or any such extensions therefrom.

Sec. 2. Section 2, chapter 98, Laws of 1980 as last amended by section 17, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.27.020 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of enhanced food fish(~~(, shellfish, and anadromous game fish)~~) as provided in this chapter. The tax is levied upon and shall be collected from the owner of the enhanced food fish(~~(, shellfish, or anadromous game fish)~~) whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner (~~(after the food fish, shellfish, or anadromous game fish have been landed)~~). Processing and handling of enhanced food fish(~~(, shellfish, and anadromous game fish)~~) by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of enhanced food fish(~~(, shellfish, and anadromous game fish)~~) and liable to this tax may deduct from the price paid to the person from which the enhanced food fish(~~(, shellfish)~~) (except oysters)(~~(, or anadromous game fish)~~) are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the (~~(price paid by the first person in possession)~~) value of the enhanced food fish(~~(, shellfish, or anadromous game fish)~~) at the point of landing. (~~(If the food fish, shellfish, or anadromous game fish are acquired other than by purchase or are purchased under conditions where the purchase price does not represent the value of the food fish, shellfish, or anadromous game fish or these products are transferred outside the state without sale, the measure of the tax shall be determined as nearly as possible according to the selling price of similar products of like quality and character under rules adopted by the department of revenue.)~~)

(4) The tax shall be equal to the measure of the tax multiplied by the rates for enhanced food fish(~~(, shellfish, and anadromous game fish)~~) as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.

(b) Pink and sockeye salmon: Three percent.

(c) Other food fish and shellfish, except oysters: Two percent.

(d) Oysters: Seven one-hundredths of one percent.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 3. Section 3, chapter 98, Laws of 1980 and RCW 82.27.030 are each amended to read as follows:

The tax imposed by RCW 82.27.020 shall not apply to: (1) Enhanced food fish ((or shellfish previously landed)) originating outside the state which ((is shipped into)) enters the state as (a) frozen enhanced food fish ((or frozen shellfish)) or (b) enhanced food fish ((or shellfish)) packaged for retail sales; (2) ((fresh net caught food fish to the extent provided under an interstate agreement entered into under RCW 82.27.080, and (3))) the growing, processing, or dealing with food fish which are raised from eggs or fry and which are under the physical control of the grower at all times until being sold or harvested; and (3) food fish, shellfish, anadromous game fish, and byproducts or parts of food fish shipped from outside the state which enter the state, except as provided in RCW 82.27.010, provided the taxpayer must have documentation showing shipping origination of fish exempt under this subsection to qualify for exemption. Such documentation includes, but is not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

Sec. 4. Section 4, chapter 98, Laws of 1980 and RCW 82.27.040 are each amended to read as follows:

A credit shall be allowed against the tax imposed by RCW 82.27.020 upon enhanced food fish ((or shellfish)) with respect to any tax ((legally imposed and)) previously paid ((to another state by the taxpayer upon the same food fish or shellfish purchased in the other state)) on that same enhanced food fish to any other legally established taxing authority. To qualify for a credit, the owner of the enhanced food fish must have documentation showing a tax was paid in another jurisdiction.

NEW SECTION. Sec. 5. Section 13, chapter 98, Laws of 1980 and RCW 82.27.080 are each repealed.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 414

[Substitute House Bill No. 1003]

EXCISE TAXES—ADMINISTRATION

AN ACT Relating to excise tax administration; amending RCW 82.32.340, 82.32.290, 82.48.090, 82.04.180, 82.32.140, 42.17.310, 82.32.330, and 82.04.330; adding new sections to chapter 82.32 RCW; and prescribing penalties.

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

Sec. 1. Section 82.32.340, chapter 15, Laws of 1961 as last amended by section 3, chapter 95, Laws of 1979 1st ex. sess. and RCW 82.32.340 are each amended to read as follows:

(1) Any tax or penalty which the department of revenue deems to be uncollectible((;)) may be transferred from accounts receivable, subject to approval by the director of financial management, to a suspense account and cease to be accounted an asset. Any item transferred shall continue to be a debt due the state from the taxpayer and may at any time within twelve years from the filing of a warrant covering such amount with the clerk of the superior court be transferred back to accounts receivable for the purpose of collection. The department of revenue may charge off as finally uncollectible any tax or penalty which it deems uncollectible at any time after twelve years from the date that the last tax return for the delinquent taxpayer was or should have been filed if the department of revenue and the attorney general are satisfied that there are no available and lawful means by which such tax or penalty may thereafter be collected.

After any tax or penalty has been charged off as finally uncollectible under the provisions of this section, the department of revenue may destroy any or all files and records pertaining to the liability of any taxpayer for such tax or penalty.

The department of revenue, subject to the approval of the state records committee, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer for such taxable year, who has fully paid all taxes, penalties and interest for such taxable year, or any preceding taxable year for which such taxes, penalties and interest have been fully paid. In the event that such files and records are reproduced on film pursuant to RCW 40.20.020 for use in accordance with RCW 40.20.030, the original files and records may be destroyed immediately after reproduction and such reproductions may be destroyed at the expiration of the above five-year period, subject to the approval of the state records committee.

(2) Notwithstanding subsection (1) of this section and subject to the approval of the office of financial management, the department may charge off any tax within its jurisdiction to collect that is owed by a taxpayer, including any penalty or interest thereon, up to a maximum of one hundred

dollars if the department ascertains that the cost of collecting that tax would be greater than the total amount which is owed or likely in the near future to be owed by the taxpayer.

Sec. 2. Section 82.32.290, chapter 15, Laws of 1961 as amended by section 89, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.290 are each amended to read as follows:

(1) (a) It shall be unlawful:

(i) For any person to engage in business without having obtained a certificate of registration as provided ((herein; or to engage in business after his certificate of registration has been revoked by order of the department of revenue; or)) in this chapter;

(ii) For the president, vice-president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business without having obtained a certificate of registration as provided in this chapter;

(iii) For any person to tear down or remove any order or notice posted by the department; ((or to make any false or fraudulent return or false statement in any return, with intent to defraud the state or evade the payment of any tax or part thereof; or))

(iv) For any person to aid or abet another in any attempt to evade the payment of ((such)) any tax or any part thereof; ((or for the president, vice president, secretary, treasurer, or other officer of any company to make or permit to be made for any company any false return, or any false statement in any return, with intent to evade payment of any tax hereunder, or for the president, vice president, secretary, treasurer, or other officer of any company to carry on the business of any company which has not obtained a certificate of registration or whose certificate of registration has been revoked by order of the department; or))

(v) For any purchaser to fraudulently sign a resale certificate without intent to resell the property purchased; or

(vi) For any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the department or its duly authorized agent; or to fail or refuse to permit the inspection or appraisal of any property by the department or its duly authorized agent; or to refuse to offer testimony or produce any record as required.

(b) Any person violating any of the provisions of this subsection (1) shall be guilty of a gross misdemeanor in accordance with chapter 9A.20 RCW.

(2)(a) It shall be unlawful:

(i) For any person to engage in business after revocation of a certificate of registration;

(ii) For the president, vice-president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business after revocation of a certificate of registration; or

(iii) For any person to make any false or fraudulent return or false statement in any return, with intent to defraud the state or evade the payment of any tax or part thereof.

(b) Any person violating any of the provisions of this subsection (2) shall be guilty of a class C felony in accordance with chapter 9A.20 RCW.

(3) In addition to the foregoing penalties, any person who knowingly swears to or verifies any false or fraudulent return, or any return containing any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of perjury in the second degree; and any company for which a false return, or a return containing a false statement, as aforesaid, is made, shall be punished, upon conviction thereof, by a fine of not more than one thousand dollars. All penalties or punishments provided in this section shall be in addition to all other penalties provided by law.

NEW SECTION. Sec. 3. A new section is added to chapter 82.32 RCW to read as follows:

(1) When there is probable cause to believe that there is property within this state, not otherwise exempt from process or execution, in the possession or control of any taxpayer against whom a tax warrant has been filed which remains unsatisfied, any judge of the superior court or district court in the county in which such property is located may, upon the request of the sheriff or agent of the department authorized to collect taxes, issue a warrant directed to such officers commanding the search for and seizure of the property described in the request for warrant.

(2) Application for, issuance, and execution and return of the warrant authorized by this section and for return of any property seized shall be in accordance with the criminal rules of the superior court and the justice court.

(3) The sheriff or agent of the department shall levy execution upon property seized pursuant to this section as provided in RCW 82.32.220 and 82.32.230.

(4) Nothing in this section shall require the application for and issuance of any warrant not otherwise required by law.

NEW SECTION. Sec. 4. A new section is added to chapter 82.32 RCW to read as follows:

(1) The department may retain, by written contract, collection agencies licensed under chapter 19.16 RCW or licensed under the laws of another state or the District of Columbia for the purpose of collecting from sources outside the state of Washington taxes including interest and penalties thereon imposed under this title and RCW 28A.47.440 and 84.33.041.

(2) Only accounts represented by tax warrants filed in the superior court of a county in the state as provided by RCW 82.32.210 may be assigned to a collection agency, and no such assignment may be made unless the department has previously notified or has attempted to notify the taxpayer of his or her right to petition for correction of assessment within the

time provided and in accordance with the procedures set forth in chapter 82.32 RCW.

(3) Collection agencies assigned accounts for collection under this section shall have only those remedies and powers that would be available to them as assignees of private creditors. However, nothing in this section limits the right to enforce the liability for taxes lawfully imposed under the laws of this state in the courts of another state or the District of Columbia as provided by the laws of such jurisdictions and RCW 4.24.140 and 4.24.150.

(4) The account of the taxpayer shall be credited with the amounts collected by a collection agency before reduction for reasonable collection costs, including attorneys fees, that the department is authorized to negotiate on a contingent fee or other basis.

Sec. 5. Section 82.48.090, chapter 15, Laws of 1961 as amended by section 96, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.48.090 are each amended to read as follows:

In case a claim is made by any person that he has paid an erroneously excessive amount of excise tax under this chapter, he may apply to the department of ~~((revenue))~~ licensing for a refund of the claimed excessive amount. The department shall review such application, and if it determines that an excess amount of tax has actually been paid by the taxpayer, such excess amount shall be refunded to the taxpayer by means of a voucher approved by the department of ~~((revenue))~~ licensing and by the issuance of a state warrant drawn upon and payable from such funds as the legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is filed with the department of ~~((revenue))~~ licensing within ninety days after the claimed excessive excise tax was paid and the amount of the overpayment exceeds five dollars.

Sec. 6. Section 82.04.180, chapter 15, Laws of 1961 and RCW 82.04.180 are each amended to read as follows:

"Successor" means any person ~~((who, through direct or mesne conveyance, purchases or succeeds to the))~~ to whom a taxpayer quitting, selling out, exchanging, or disposing of a business(, or portion thereof, or the whole or any part of the stock of goods, wares,)) sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, a major part of the materials, supplies, merchandise, ((or)) inventory, fixtures, or ((any interest therein of a taxpayer quitting, selling out, exchanging, or otherwise disposing of his business)) equipment of the taxpayer. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

Sec. 7. Section 82.32.140, chapter 15, Laws of 1961 as amended by section 82, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.140 are each amended to read as follows:

Whenever any taxpayer quits business, or sells out, exchanges, or otherwise disposes of his business or his stock of goods, any tax payable hereunder shall become immediately due and payable, and such taxpayer shall, within ten days thereafter, make a return and pay the tax due; and any person who becomes a successor (~~(to such business)~~) shall become liable for the full amount of the tax and withhold from the purchase price a sum sufficient to pay any tax due from the taxpayer until such time as the taxpayer shall produce a receipt from the department of revenue showing payment in full of any tax due or a certificate that no tax is due and, if such tax is not paid by the taxpayer within ten days from the date of such sale, exchange, or disposal, the (~~(purchaser or)~~) successor shall become liable for the payment of the full amount of tax, and the payment thereof by such (~~(purchaser or)~~) successor shall, to the extent thereof, be deemed a payment upon the purchase price, and if such payment is greater in amount than the purchase price the amount of the difference shall become a debt due such (~~(purchaser or)~~) successor from the taxpayer.

No successor shall be liable for any tax due from the person from whom he has acquired a business or stock of goods if he gives written notice to the department of revenue of such acquisition and no assessment is issued by the department of revenue within six months of receipt of such notice against the former operator of the business and a copy thereof mailed to such successor.

Sec. 8. Section 31, chapter 1, Laws of 1973 as last amended by section 21, chapter 143, Laws of 1984 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or (~~(would)~~) result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any

profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 9. Section 82.32.330, chapter 15, Laws of 1961 as last amended by section 12, chapter 138, Laws of 1984 and RCW 82.32.330 are each amended to read as follows:

Except as hereinafter provided it shall be unlawful for the department of revenue or any member, deputy, clerk, agent, employee, or representative thereof or any other person to make known or reveal any facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof. The foregoing, however, shall not be construed to prohibit the department of revenue or a member or employee thereof from: (1) Giving such facts or information in evidence in any court action involving tax imposed hereunder or involving a violation of the provisions hereof or involving another state department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3) publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof; (4) giving such facts or information, for official purposes only, to the governor or attorney general, or to any state department, agency, board, commission, council, or any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions; (5) permitting its records to be audited and examined by the proper state officer, his agents and employees; (6) giving any such facts or information to the proper officer of the internal revenue service of the United States or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States or of such

other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or (7) giving any such facts or information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, or the army or navy departments of the United States, or any authorized representative thereof, for official purposes.

Any person acquiring knowledge of such facts or information in the course of his employment with the department of revenue and any person acquiring knowledge of such facts and information as provided under (4), (5), (6) and (7) above, who reveals or makes known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine of not exceeding one thousand dollars and, if the offender or person guilty of such violation is an officer or employee of the state, he shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

Sec. 10. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon ~~((his))~~ the person's own lands or upon land in which ~~((he))~~ the person has a present right of possession, any agricultural or horticultural produce or crop, ~~((including the))~~ or of raising ((for sale of)) upon the person's own lands or upon land in which the person has a present right of possession, any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with ~~((his))~~ the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 415

[Substitute House Bill No. 843]

LIVESTOCK

AN ACT Relating to livestock; amending RCW 16.36.030, 16.36.060, 16.36.090, 16.36.096, 16.49.440, 16.49.510, 16.49.610, 16.57.240, 16.65.080, 16.65.320, 16.08.010, 16.13.010, 16.13.020, 16.13.070, 16.20.020, 16.24.065, 16.28.165, 16.60.010, 16.60.011, 16.04.025, 16.04.050, and 16.60.015; adding new sections to chapter 16.49 RCW; creating a new section; repealing RCW 16.49A.490, 16.49A.500, 16.49A.510, 16.36.095, 16.40.010, 16.40.060, 16.40.110, 16.40.120, and 16.40.130; and prescribing penalties.

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

Sec. 1. Section 3, chapter 165, Laws of 1927 as last amended by section 9, chapter 154, Laws of 1979 and RCW 16.36.030 are each amended to read as follows:

It shall be unlawful for the owner or owners of any animal quarantined, or their agents or employees, to fail to place the quarantined animals within the certain described and designated enclosure or area within this state, to break such quarantine or to move, or allow to be moved, any such animal from within the quarantined area, or across the quarantined line, as established, or to sell, exchange or in any other way part with the products of such animals, without first obtaining a permit in writing from the director of agriculture, or his duly authorized representative. Any owner or owners of any quarantined animal or any agent of such owner or owners, who fails to comply with or violates any such quarantine or who negligently allows any such quarantined animal to escape from quarantine, and any other person who removes any quarantined animal from such quarantine shall be guilty of a gross misdemeanor.

Sec. 2. Section 6, chapter 165, Laws of 1927 as last amended by section 12, chapter 154, Laws of 1979 and RCW 16.36.060 are each amended to read as follows:

It shall be unlawful for any person to wilfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or them, when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter, and it shall be unlawful for any person to wilfully fail to comply with or violate any rule, regulation or order promulgated by the director of agriculture or his duly authorized representatives under the provisions of this chapter. The director of agriculture shall have the authority under such rules and regulations as shall be promulgated by him to enter at any reasonable time the premises of any livestock owner to make tests on any animals for diseased conditions, and it shall be unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his duly authorized representative.

Sec. 3. Section 9, chapter 165, Laws of 1927 as last amended by section 13, chapter 154, Laws of 1979 and RCW 16.36.090 are each amended to read as follows:

Whenever in the opinion of the director of agriculture, upon the report of the ~~((supervisor or a duly appointed and qualified veterinarian of the division of animal industry))~~ state veterinarian, the public welfare demands the destruction of any animal found to be affected with any infectious, contagious, communicable or dangerous disease, or held under quarantine for brucellosis when the owner of the animal fails or refuses to follow a herd plan established by the state veterinarian, he shall be authorized to, by written order, direct such animal or animals to be destroyed by or under the direction of the ~~((supervisor or a duly appointed and qualified veterinarian of the division of animal industry))~~ state veterinarian.

Sec. 4. Section 1, chapter 8, Laws of 1963 ex. sess. and RCW 16.36-.096 are each amended to read as follows:

The director of agriculture, in order to protect the public health and welfare, may enter into cooperative programs with the federal government or agencies thereof for the prevention or eradication of any contagious, infectious, or communicable disease which is affecting or which may affect the health of the animal population of this state.

The director of agriculture ~~((, upon entering into such cooperative programs for the prevention or eradication of such a disease;))~~ may also order the slaughter or destruction of any animal affected with or exposed to such a disease and pay indemnities to the owner of such animal. ~~((The payment of indemnities provided for in this section shall be applicable only to animals condemned or slaughtered pursuant to the provisions of this section and shall not be applicable when the director of agriculture orders the condemnation and slaughter of any animal under any other provision of this chapter or any other law of the state;))~~ The director of agriculture may pay an indemnity in an amount not to exceed fifty percent of the appraised or salvage value of the animal ordered slaughtered or destroyed and ~~((such))~~ the actual amount shall ~~((not exceed one hundred dollars, less any salvage value accruing to the owner of the animal slaughtered or destroyed. PROVIDED, That the provisions of this section shall be applicable only when the cooperating agency agrees to pay an amount equal to the amount the director of agriculture has ordered paid to such owner or any amount in excess of such amount up to at least fifty percent of the difference between the appraised value of the animal ordered destroyed or slaughtered and any amount received by the owner of such animal as salvage))~~ be established by the director of agriculture by rule: PROVIDED, HOWEVER, The amount of indemnities paid for cattle under this chapter shall not be less than twenty-five dollars for any grade beef breed female, fifty dollars for any purebred registered beef breed bull or female, one hundred dollars for any

grade dairy breed female or one hundred fifty dollars for any purebred registered dairy breed bull or female.

In ordering the slaughter or destruction of any animals pursuant to this section, the provisions for payment of indemnity shall not apply to animals (1) belonging to the federal government or any of its agencies, this state or political subdivision thereof, or any municipal corporation; and (2) to any animals which have been brought into this state and have been in this state for a period of less than six months before being ordered slaughtered or destroyed by the director of agriculture.

Sec. 5. Section 44, chapter 204, Laws of 1959 and RCW 16.49.440 are each amended to read as follows:

~~((Any person slaughtering meat food animals as a custom farm slaughterer in this state shall apply to the director in writing for a custom slaughterer's license and such application shall be accompanied by a twenty-five dollar annual license fee and such license shall expire on December 31st of any year. Such))~~ It shall be unlawful for any person, firm, or corporation to act as a custom farm slaughterer without first obtaining a license from the director of agriculture. The license shall be an annual license and shall expire on June 30th of each year. A separate license shall be required for each mobile unit. Application for a license shall be a form prescribed by the director of agriculture and accompanied by a twenty-five dollar annual license fee. The application shall include the full name and address of the applicant. If the applicant is a partnership or corporation, the application shall include the full name and address of each partner or officer. The application shall further state the principal business address of the applicant in the state or elsewhere and the name of a resident of this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director of agriculture. The license shall be issued by the director upon his satisfaction that ((such)) the applicant's equipment is properly constructed, has the proper sanitary and mechanical equipment and is maintained in a sanitary manner as required under this chapter and/or rules ((and regulations)) adopted hereunder. The director of agriculture shall also provide for the periodic inspection of equipment used by licensees to assure compliance with the provisions of this chapter and the rules adopted hereunder.

Sec. 6. Section 51, chapter 204, Laws of 1959 and RCW 16.49.510 are each amended to read as follows:

The violation of any provision of this chapter and/or rules and regulations adopted hereunder shall constitute a gross misdemeanor.

Sec. 7. Section 3, chapter 98, Laws of 1971 ex. sess. and RCW 16.49-.610 are each amended to read as follows:

Inspected and uninspected meat may be prepared by any regularly licensed custom meat facility under the following conditions:

(1) Inspected meat and the meat and meat food products prepared therefrom shall be separated at all times from uninspected meat and the meat food products prepared therefrom, by a sufficient distance to prevent inspected meat from coming into contact with uninspected meat.

(2) Preparation of inspected meat and uninspected meat shall be done at different times.

(3) No sales of inspected meat, nor the meat food products derived therefrom shall be made to any person other than a household user.

(4) Uninspected meat shall be prepared for the sole use of the owner of said uninspected meat, who shall be a household user.

(5) Inspected meat may be purchased by a custom meat facility for preparation and sale to a household user only.

(6) Inspected meat (~~(which has been prepared by a custom meat facility)~~) and the meat and meat food products prepared therefrom shall not be sold in less than one full quarter or one side of a meat food animal.

(7) Uninspected meat, as well as the packages and containers containing any meat or meat food products prepared therefrom shall be plainly marked and labeled "not for sale" or equivalent language.

(8) Any custom meat facility shall comply with sanitation rules and regulations promulgated by the director of agriculture.

Sec. 8. Section 24, chapter 54, Laws of 1959 as amended by section 18, chapter 296, Laws of 1981 and RCW 16.57.240 are each amended to read as follows:

Any person purchasing, selling, holding for sale, trading, bartering, transferring title, slaughtering, handling, or transporting cattle shall keep a record on forms prescribed by the director. Such forms shall show the number, specie, brand or other method of identification of such cattle and any other necessary information required by the director. Such records shall be made in triplicate; the original shall be (~~forwarded to the director forthwith~~) kept for a period of three years and shall be furnished to the director upon demand, one copy shall accompany the cattle to their destination and one copy shall be kept by the person handling the transaction for a period of at least twelve months following the transaction and shall be subject to inspection at any time by the director or any peace officer or member of the state patrol: PROVIDED, That in the following instances only, cattle may be moved or transported within this state without being accompanied by a certificate of permit or an official brand inspection certificate or bill of sale:

(1) When such cattle are moved or transported upon lands under the exclusive control of the person moving or transporting such cattle;

(2) When such cattle are being moved or transported for temporary grazing or feeding purposes and have the registered brand of the person having or transporting such cattle.

Sec. 9. Section 8, chapter 107, Laws of 1959 as last amended by section 2, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.080 are each amended to read as follows:

(1) The director is authorized to deny, suspend, or revoke a license in the manner prescribed herein, when there are findings by the director that any licensee (a) has been guilty of fraud or misrepresentation as to titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has attempted payment to a consignor by a check the licensee knows not to be backed by sufficient funds to cover such check; (c) has violated any of the provisions of this chapter or rules and regulations adopted hereunder; ~~((c))~~ (d) has violated any laws of the state that require health or brand inspection of livestock; ~~((d))~~ (e) has violated any condition of the bond, as provided in this chapter. However, the director may deny a license if the applicant refuses to accept the sales day or days allocated to him under the provisions of this chapter.

(2) In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard in regard to such revocation, suspension or denial of a license. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless some other place be agreed upon by the parties, and the defendant may be represented by counsel.

(3) The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe.

(4) The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, together with a record of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Sec. 10. Section 32, chapter 107, Laws of 1959 and RCW 16.65.320 are each amended to read as follows:

For the purpose of enforcing the provisions of this chapter, the director ~~((is authorized to receive verified complaints from))~~ on the director's own motion or upon the verified complaint of any vendor or consignor against any licensee, or agent, or any person assuming or attempting to act as such, ~~((and upon receipt of such verified complaint))~~ shall have full authority to

make any and all necessary investigations (~~(relative to such complaint)~~). The director is empowered to administer oaths of verification of such complaints.

NEW SECTION. Sec. 11. A new section is added to chapter 16.49 RCW to read as follows:

If the application for the renewal of any license provided for under this chapter is not filed prior to July 1st in any year, an additional fee of twenty-five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued; PROVIDED, That the additional fee shall not be charged if the applicant furnishes an affidavit certifying that the applicant has not carried on the activity for which the applicant was licensed under this chapter subsequent to the expiration of the applicant's license.

NEW SECTION. Sec. 12. A new section is added to chapter 16.49 RCW to read as follows:

The director of agriculture may, subsequent to a hearing under chapter 34.04 RCW, deny, suspend, or revoke any license required under this chapter if it is determined that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules and regulations adopted hereunder, or any lawful order of the department of agriculture;

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make the records available when requested under this chapter; or

(3) Refused the director of agriculture access to any facilities or parts of the facilities subject to this chapter.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 49, chapter 145, Laws of 1969 ex. sess., section 1, chapter 18, Laws of 1974 ex. sess. and RCW 16.49A.490;

(2) Section 50, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A-.500;

(3) Section 51, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A-.510;

(4) Section 2, chapter 160, Laws of 1957, section 14, chapter 154, Laws of 1979, section 23, chapter 3, Laws of 1983 and RCW 16.36.095;

(5) Section 11, chapter 165, Laws of 1927, section 1, chapter 210, Laws of 1929, section 9, chapter 172, Laws of 1947, section 1, chapter 161, Laws of 1959, section 15, chapter 154, Laws of 1979 and RCW 16.40.010;

(6) Section 12, chapter 165, Laws of 1927, section 1, chapter 146, Laws of 1937, section 1, chapter 196, Laws of 1939, section 10, chapter

172, Laws of 1947, section 16, chapter 154, Laws of 1979, section 9, chapter 238, Laws of 1979 ex. sess. and RCW 16.40.060;

(7) Section 2, chapter 146, Laws of 1937 and RCW 16.40.110;

(8) Section 15, chapter 165, Laws of 1927, section 2, chapter 177, Laws of 1933, section 11, chapter 172, Laws of 1947 and RCW 16.40.120; and

(9) Section 6, chapter 22, Laws of 1957 and RCW 16.40.130.

Sec. 14. Section 5, chapter 198, Laws of 1929 and RCW 16.08.010 are each amended to read as follows:

The owner or keeper of any dog shall be liable to the owner of any animal killed or injured by such dog for the amount of damages sustained and costs of collection, to be recovered in a civil action(~~(- PROVIDED, That in case the owner or keeper of such dog or dogs is unknown or the damages can not be collected, the person suffering damages may present a claim for such damages to a justice of the peace of the county in which he resides within not more than forty days after any such animal or animals are killed or injured and make affidavit, stating the number of such animals killed or injured, the amount of the damages and the name of the owner of the dog or dogs, if known. The damages shall be proven by not less than two witnesses who shall be freeholders of the county. Justices of the peace are hereby required to administer oaths in such cases and shall issue and file with the county treasurer a certificate stating the amount of damages sustained. Such damages allowed in no event shall exceed the following amounts:~~

~~UNREGISTERED ANIMALS OR UNACCREDITED POULTRY:~~

	Per Head
For sheep or goats killed or injured	\$ 12.50
For cattle killed or injured	50.00
For horses or mules killed or injured	75.00
For turkeys killed or injured	4.00
For other poultry killed or injured	1.50
For swine killed or injured	12.50
For rabbits killed or injured	1.50

~~REGISTERED ANIMALS OR ACCREDITED POULTRY:~~

	Per Head
For sheep or goats killed or injured	\$ 25.00
For cattle killed or injured	100.00
For horses or mules killed or injured	150.00
For turkeys killed or injured	8.00
For other poultry killed or injured	3.00
For swine killed or injured	25.00
For rabbits killed or injured	3.00

~~Upon the filing with the county treasurer of the certificate of the justice of the peace fixing the damages as above provided, the treasurer shall pay to the claimant out of the county dog license tax fund the amount of damages sustained as certified by the justice of the peace).~~

Sec. 15. Section 1, chapter 31, Laws of 1951 as amended by section 13, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.010 are each amended to read as follows:

It shall be unlawful for the owner of any horses, mules, donkeys, or cattle of any age to permit such animals to run at large and not under the care of a herder(~~(- PROVIDED, That))~~ in any territory which has been designated as a stock restricted area under chapter 16.24 RCW. Such animals may only run at large upon lands belonging to the state or to the United States when the owner thereof has in writing been granted grazing privileges(~~(, and has filed a copy of such permit or certificate with the director of agriculture. PROVIDED FURTHER, That))~~. Cattle of any age may run at large in a range area as provided in chapter 16.24 RCW without a herder except upon any land which has been enclosed by a lawful fence as set forth in chapter 16.60 RCW.

Sec. 16. Section 2, chapter 31, Laws of 1951 as last amended by section 6, chapter 154, Laws of 1979 and RCW 16.13.020 are each amended to read as follows:

Any horses, mules, donkeys, or cattle of any age running at large or trespassing in violation of RCW 16.13.010 as now or hereafter amended are declared to be a public nuisance, and shall be impounded by the sheriff of the county where found(~~(- PROVIDED, That))~~. The nearest brand inspector shall also have authority to impound class I estrays as defined in RCW 16.13.025.

Sec. 17. Section 7, chapter 31, Laws of 1951 and RCW 16.13.070 are each amended to read as follows:

~~((Sales of animals impounded under this chapter shall be governed by the provisions of Title 20 RCW.))~~ The proceeds of the sale of animals impounded under this chapter, after deducting the costs of sale, shall be impounded in the estray fund of the department of agriculture, and if no valid claim is made within one year from the date of sale, the director of the department of agriculture shall transfer the proceeds of sale to the brand fund of the department to be used for the enforcement of this chapter.

Sec. 18. Section 1, chapter 111, Laws of 1917 and RCW 16.20.020 are each amended to read as follows:

It shall be unlawful for any person, firm, association or corporation to turn upon or allow to run (~~(upon the open range))~~ at large on any range area in this state any bull other than a registered (~~(purebred))~~ bull of a recognized beef breed.

NEW SECTION. Sec. 19. RCW 16.20.020 and 16.20.030 shall not apply to counties lying west of the summit of the Cascade mountains.

Sec. 20. Section 6, chapter 40, Laws of 1937 and RCW 16.24.065 are each amended to read as follows:

No person owning or in control of any livestock shall wilfully or negligently allow such livestock to run at large in any stock restricted area, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right-of-way of any public highway of two or more lanes lying within a stock restricted area when not in the charge of some person.

Sec. 21. Section 1, chapter 12, Laws of 1891 and RCW 16.28.165 are each amended to read as follows:

~~((That))~~ No person shall ~~((be permitted to lead, drive, or in any manner))~~ remove any ~~((horse, mare, colt, jack, jenny, mule, or any head of neat cattle, or hog, sheep, goat, or any number of these animals, the same being the property of another person,))~~ livestock belonging to another from the range on which they are permitted to run ((in common)) at large, without the prior consent of the owner thereof ((first had and obtained: PROVIDED;)). The owner of any ~~((such animals, as aforesaid, finding the same running on the herd grounds or on common range with other animals of the same, may be permitted to drive))~~ livestock may move his or her own ((animal or animals)) livestock, together with such other ((animals as he cannot conveniently separate)) livestock as cannot be separated from his or her own, to the nearest ((and most convenient)) corral, or other ((place for separating his own from other animals, if he in such case, immediately with all convenient speed, drive all such animals not belonging to himself back to the herd ground or range from which he brought such animals)) facility in order to separate his or her own livestock, if the other livestock are returned to the same location from which they were moved within twenty-four hours.

Sec. 22. Section 1, page 323, Laws of 1869 as last amended by section 2488, Code of 1881 and RCW 16.60.010 are each amended to read as follows:

~~((The following shall be considered lawful fences in this state: Post and rail or plank fences, five feet high, made of sound posts five inches in diameter, set substantially in the ground, not more than ten feet apart, with four planks not less than one inch thick and six inches wide, securely fastened by nails or otherwise, said planks not more than nine inches apart. Posts and rail fences, with posts not more than ten feet apart and rails not less than four inches wide (five of them) made in all other respects the same as the first described in this section. Worm fences made in the usual way, of sound, substantial rails or poles, five feet high, including riders with stakes firmly set in the ground and spaces no greater than in post and plank or rail~~

~~fences, except the two lower spaces which shall not be more than four inches, and the top spaces between riders, not to be more than sixteen inches. Ditch and pole, or board or rail fence, shall be made of a ditch not less than four feet wide on top and three feet deep, embankment thrown up on the inside of the ditch, with substantial posts set in the embankment not more than ten feet apart, and a plank, pole, or rail securely fastened to said posts, at least seven feet high from the bottom of the ditch.)) A lawful fence shall be of at least four barbed, horizontal, well-stretched wires, spaced so that the top wire is forty-eight inches, plus or minus four inches, above the ground and the other wires at intervals below the top wire of twelve, twenty-two, and thirty-two inches. These wires shall be securely fastened to substantial posts set firmly in the ground as nearly equidistant as possible, but not more than twenty-four feet apart. If the posts are set more than sixteen feet apart, the wires shall be supported by stays placed no more than eight feet from each other or from the posts.~~

Sec. 23. Section 2, page 324, Laws of 1869 as last amended by section 2489, Code of 1881 and RCW 16.60.011 are each amended to read as follows:

All other fences as strong and as well calculated (~~to protect inclosures as either of those~~) as the fence described in RCW 16.60.010 shall be lawful fences.

Sec. 24. Section 3, chapter 31, Laws of 1893 as amended by section 2, chapter 56, Laws of 1925 ex. sess. and RCW 16.04.025 are each amended to read as follows:

If the owner or the person having in charge or possession such animals is unknown to the person sustaining the damage, (~~the notice provided in RCW 16.04.020 shall be given by posting three notices, in three public places in the neighborhood where the animals are restrained~~) the person retaining such animals shall, within twenty-four hours, notify the county sheriff or the nearest state brand inspector as to the number, description, and location of the animals. The county sheriff or brand inspector shall examine the animals by brand, tattoo, or other identifying characteristics and attempt to ascertain ownership. If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector or county sheriff shall furnish this information and other pertinent information to the person holding the animals who in turn shall send the notice required in RCW 16.04.020 to the animals' owner of record by certified mail.

If the county sheriff or the brand inspector determines that there is no apparent damage to the property of the person retaining the animals, or if the person sustaining the damage contacts the county sheriff or brand inspector to have the animals removed from his or her property, such animals shall be removed in accordance with chapter 16.13 RCW. Such removal

shall not prejudice the property owner's ability to recover damages through civil suit.

***Sec. 25. Section 7, chapter 31, Laws of 1893 and RCW 16.04.050 are each amended to read as follows:**

If the owner or keeper of such offending animals is unknown to plaintiff at the commencement of the action, or if on the trial it appears that the defendant is not the proper party, defendant, and the proper party is unknown, service of the summons or notice shall be made by publication, by publishing a copy of the summons or notice, with a notice attached, stating the object of the action and giving a description of the animals seized, at least once a week for two consecutive weeks in a ((weekly)) newspaper ((published nearest to the residence of)) of general circulation in the county in which the plaintiff((, if there be one published in the county, and if not, by posting said summons or notice with said notice attached in three public places in the county, in either case)) resides. The most recent notice shall be published not less than ten days previous to the day of trial.

*Sec. 25 was vetoed, see message at end of chapter.

Sec. 26. Section 3, page 324, Laws of 1869 as last amended by section 2490, Code of 1881 and RCW 16.60.015 are each amended to read as follows:

Any person making and maintaining in good repair around his or her enclosure or enclosures, any fence such as is described in RCW 16.60.010 and 16.60.011, may recover in a suit for trespass before the nearest court having competent jurisdiction, from the owner or owners of any animal or animals which shall break through such fence, in full for all damages sustained on account of such trespass, together with the costs of suits; and the animal or animals, so trespassing, may be taken and held as security for the payment of such damages and costs: PROVIDED, That such person shall provide notice as required under RCW 16.04.020 and 16.04.025: PROVID- ED FURTHER, That such person shall have such fences examined and the damages assessed by three reliable, disinterested parties and practical farmers, within five days next after the trespass has been committed: AND, PROVIDED FURTHER, That if, before trial, the owner of such trespassing animal or animals, shall have tendered the person injured any costs which may have accrued, and also the amount in lieu of damages which shall equal or exceed the amount of damages afterwards awarded by the court or jury, and the person injured shall refuse the same and cause the trial to proceed, such person shall pay all costs and receive only the damag- es awarded.

Passed the House April 26, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 843, entitled:

"AN ACT Relating to livestock;"

Section 25 of this bill amends a notice that was also amended in Section 8 of Senate Bill No. 3800. The latter is preferable because it is part of a statewide standardization of notice provisions.

With the exception of Section 25, which is vetoed, the remainder of Substitute House Bill No. 843 is approved."

CHAPTER 416

[Substitute House Bill No. 891]

METROPOLITAN PARK DISTRICTS

AN ACT Relating to metropolitan park districts; and amending RCW 35.61.010, 35.61.060, 35.61.090, 35.61.250, 35.61.290, and 35.61.300.

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

Sec. 1. Section 35.61.010, chapter 7, Laws of 1965 and RCW 35.61.010 are each amended to read as follows:

Cities of ~~((the first class))~~ five thousand or more population and such contiguous property the residents of which may decide in favor thereof in the manner set forth in this chapter may create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards: PROVIDED, That no municipal corporation of the fourth class shall be included within such metropolitan park district, and any such fourth class municipal corporation heretofore included within such district is hereby automatically withdrawn.

Sec. 2. Section 35.61.060, chapter 7, Laws of 1965 and RCW 35.61.060 are each amended to read as follows:

The election of metropolitan park commissioners shall be held in conjunction with and in the manner provided by the laws of the state for cities ~~((of the first class within which said metropolitan park district may be situated))~~ and towns. Nominations for the metropolitan park commissioners shall be by petition of one hundred qualified electors of the park district to be filed ~~((in the office of the city clerk for the first election and with the secretary of the metropolitan park district for all succeeding elections: Nominations))~~ with the auditor and must be filed and certified as provided by statute for cities and districts.

Sec. 3. Section 35.61.090, chapter 7, Laws of 1965 and RCW 35.61.090 are each amended to read as follows:

The manner of holding any general or special election in a metropolitan park district shall be in accordance with the general election laws of this state ~~((and charter provisions of the city within which said park district lies))~~ insofar as they are not inconsistent with the provisions of this chapter.

Sec. 4. Section 35.61.250, chapter 7, Laws of 1965 and RCW 35.61-.250 are each amended to read as follows:

The territory adjoining (~~and in the same county with~~) a metropolitan park district may be annexed to and become a part thereof upon petition and an election held pursuant thereto. The petition shall define the territory proposed to be annexed and must be signed by twenty-five registered voters, resident within the territory proposed to be annexed, unless the territory is within the limits of another city when it must be signed by twenty percent of the registered voters residing within the territory proposed to be annexed. The petition must be addressed to the board of park commissioners requesting that the question be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of the park district.

Sec. 5. Section 35.61.290, chapter 7, Laws of 1965 and RCW 35.61-.290 are each amended to read as follows:

(1) Any city within or comprising any metropolitan park district may turn over to the park district any lands which it may own, or any street, avenue, or public place within the city for playground, park or parkway purposes, and thereafter its control and management shall vest in the board of park commissioners: PROVIDED, That the police regulations of such city shall apply to all such premises.

At any time that any such metropolitan park district is unable, through lack of sufficient funds, to provide for the continuous operation, maintenance and improvement of the parks and playgrounds and other properties or facilities owned by it or under its control, and the legislative body of any city within or comprising such metropolitan park district shall determine that an emergency exists requiring the financial aid of such city to be extended in order to provide for such continuous operation, maintenance and/or improvement of parks, playgrounds facilities, other properties, and programs of such park district within its limits, such city may grant or loan to such metropolitan park district such of its available funds, or such funds which it may lawfully procure and make available, as it shall find necessary to provide for such continuous operation and maintenance and, pursuant thereto, any such city and the board of park commissioners of such district are authorized and empowered to enter into an agreement embodying such terms and conditions of any such grant or loan as may be mutually agreed upon.

The board of metropolitan park commissioners may accept public streets of the city and grounds for public purposes when donated for park, playground, boulevard and park purposes.

(2) Counties may turn over to the park district any park and recreation lands and equipment that they own, and the board of metropolitan park commissioners may accept such lands and equipment.

Sec. 6. Section 35.61.300, chapter 7, Laws of 1965 and RCW 35.61-.300 are each amended to read as follows:

When any metropolitan park district shall be formed pursuant to this chapter and shall assume control of the parks, parkways, boulevards, and park property of the city in which said park district is created, or the metropolitan park district accepts county park and recreation lands, such park district shall assume all existing indebtedness, bonded or otherwise, against such park property, and shall arrange by taxation or issuing bonds, as herein provided, for the payment of such indebtedness, and shall relieve such city or county from such payment. Said park district is hereby given authority to issue refunding bonds when necessary in order to enable it to comply with this section.

Passed the House April 22, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 417

[Substitute House Bill No. 814]

SHELLFISH PROTECTION DISTRICTS

AN ACT Relating to water quality; and adding a new chapter to Title 90 RCW.

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

NEW SECTION. Sec. 1. In recognition of the fact that tidelands historically used for shellfish farming are threatened by nonpoint pollution sources that have been identified as resulting from agricultural grazing practices, failing septic drainfield systems, and stormwater runoff; in recognition of the fact that some of the historical and productive shellfish areas within the state already have been contaminated by these pollution sources and as a result may not be used for shellfish farming; and in recognition of the fact that shellfish harvesting both commercially and for home consumption is a way of life in many areas of the state, particularly in the Hood Canal, southern Puget Sound, and Willapa Bay regions, and has been so since before the days of statehood; the legislature hereby encourages all counties having tidelands used for the growing or harvesting of shellfish within their boundaries to immediately establish shellfish protection districts and programs designed to prevent any further degradation and contamination of shellfish growing areas.

NEW SECTION. Sec. 2. For purposes of this chapter, "shellfish tidelands" means all saltwater tidelands on which shellfish are grown or harvested for human consumption.

NEW SECTION. Sec. 3. The legislative authority of each county having shellfish tidelands within its boundaries is authorized to establish a

shellfish protection district to include areas in which nonpoint pollution threatens the continuation of shellfish farming or harvesting. The legislative authority shall constitute the governing body of the district and shall adopt a shellfish protection program to be effective within the district. This program may include any elements deemed appropriate to deal with the pollution threat, including, but not limited to, requiring the elimination or decrease of contaminants in stormwater runoff, monitoring programs to make sure that septic drainfield systems are adequately maintained and working properly and that animal grazing practices are appropriate, and educational programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution.

NEW SECTION. Sec. 4. The county legislative authority may create a shellfish protection district on its own motion or by submitting the question to the voters of the proposed district and obtaining the approval of a majority of those voting. The boundaries of the district shall be determined by the legislative authority. The legislative authority may create more than one district. A district may include any area within the county, whether incorporated or unincorporated. The legislative authority may abolish a shellfish protection district on its own motion or by submitting the question to the voters of the district and obtaining the approval of a majority of those voting.

NEW SECTION. Sec. 5. County legislative authorities are encouraged to coordinate their plans and programs to protect shellfish tidelands, especially in respect to shellfish farming areas located within the boundaries of more than one county.

NEW SECTION. Sec. 6. Whenever a governmental entity makes a decision which addresses a matter in which there is a conflict between (1) on the one hand, a proposed development, proposed change in land use controls, or proposed change in the provision of utility services; and (2) on the other hand, the long-term use of an area for the growing or harvesting of shellfish, which area is within the boundaries of a shellfish protection district, then the governmental entity making the decision must observe the requirements of chapter 43.21C RCW and county ordinances or resolutions integrating the state environmental policy act of 1971 into the various programs under county jurisdiction.

NEW SECTION. Sec. 7. The county legislative authority establishing a shellfish protection district may finance the protection program through (1) its tax revenues, (2) inspection fees and similar fees or charges specified in its protection program, or (3) federal, state, or private grants.

NEW SECTION. Sec. 8. This chapter shall not be considered as diminishing or affecting the authority of a county to adopt and enforce programs or controls, within all or a portion of the county, to deal with nonpoint pollution.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 90 RCW.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 418

[Engrossed Second Substitute House Bill No. 1078]

PRESCHOOL STATE EDUCATION AND ASSISTANCE PROGRAM—EARLY CHILDHOOD ASSISTANCE ACT

AN ACT Relating to early childhood education and assistance; creating new sections; and providing an expiration date.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to establish a preschool state education and assistance program. This special assistance program is a voluntary enrichment program to help prepare some children to enter the common school system and shall be offered only as funds are available. This program is not a part of the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory committee" means the advisory committee under section 5 of this act.

(2) "At risk" means a child at least four years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal head start program.

(3) "Department" means the department of community development.

(4) "Eligible child" means an at-risk child as defined in this section who is not a participant in a federal or state program providing like educational services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the preschool program.

(5) "Approved preschool programs" means those state-supported education and special assistance programs which are recognized by the department of community development as meeting the minimum program rules

adopted by the department to qualify under this chapter and are designated as eligible for funding by the department under sections 7 and 9 of this act.

NEW SECTION. Sec. 3. The department of community development shall administer a state-supported preschool education and assistance program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system. Eligible children shall be admitted to approved preschool programs to the extent that the legislature provides funds.

NEW SECTION. Sec. 4. Approved preschool programs shall receive state-funded support through the department. School districts, and existing head start grantees in cooperation with school districts, are eligible to participate as providers of the state preschool program. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the state program. Funds appropriated for the state program shall be used to establish new or expanded preschool programs, and shall not be used to supplant federally supported head start programs. Persons applying to conduct the preschool program shall identify targeted groups to be served, program components, the qualifications of instructional and special staff, facilities and equipment support, and transportation and personal care arrangements.

NEW SECTION. Sec. 5. The department shall establish an advisory committee composed of interested parents and representatives from the state board of education, the office of the superintendent of public instruction, the division of children and family services within the department of social and health services, early childhood education and development staff preparation programs, the head start programs, school districts, and such other organizations as deemed necessary by the department to assist with the establishment of the preschool program.

NEW SECTION. Sec. 6. The department shall adopt rules under chapter 34.04 RCW for the establishment of the preschool program, not later than six months after the effective date of this act. Federal head start program criteria, to the extent practicable, shall be considered as guidelines for the state preschool early childhood assistance program.

The department in developing rules for the preschool program shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and other preschool programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the preschool programs to provide for parental involvement at a level not less than that provided under the federal head start program criteria.

NEW SECTION. Sec. 7. The department shall review applications received within nine months after the effective date of this act, and designate

those programs eligible to commence operation within two months of such date.

NEW SECTION. Sec. 8. The governor shall report to the legislature before the convening of the regular session of the legislature which commences after at least a year from the effective date of this act, on the merits of continuing and expanding the preschool program or instituting other means of providing early childhood development assistance. The office of the superintendent of public instruction shall assist the governor in the preparation of the report and shall be consulted on all issues addressed in said report. This report shall consider the experiences of federal and state preschool programs and address the preschool education recommendations submitted to the legislature during 1985.

If the governor recommends the continuation of a state-funded preschool program, then the governor's report shall include specific recommendations on at least the following issues:

(1) The desired relationships of a state-funded preschool education and assistance program with the common school system;

(2) The types of children and their needs that the program should serve;

(3) The appropriate level of state support for implementing a comprehensive preschool education and assistance program for all eligible children, including related programs to prepare instructors and provide facilities, equipment, and transportation;

(4) The state administrative structure necessary to implement the program; and

(5) The establishment of a system to examine and monitor the effectiveness of preschool educational and assistance services for disadvantaged children to measure, among other elements, if possible, how the children completing this program compare to the average level of performance of all state students in their grade level, and to those at-risk students who do not have access to this program. The evaluation system shall examine how the percentage of these children needing access to special education or remedial programs compares to the overall percentage of children needing such services and compares to the percentage of at-risk students who do not have access to this program needing such services.

NEW SECTION. Sec. 9. For the duration of this act, the department may award state support under sections 1 through 7 of this act to increase the numbers of eligible children assisted by the federal or state-supported preschool programs in this state by up to five thousand additional children. Priority shall be given to groups in those geographical areas which include a high percentage of families qualifying under the federal "at risk" criteria. The overall program funding level shall be based on an average grant of no

more than two thousand seven hundred dollars per child to cover all program costs: **PROVIDED**, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules.

NEW SECTION. Sec. 10. The department from funds appropriated for the administration of the program under this act shall reimburse the expenses of the advisory committee.

NEW SECTION. Sec. 11. The department may solicit gifts, grants, conveyances, bequests and devises for the use or benefit of the preschool state education and assistance program established by this act. The department shall actively solicit support from business and industry and from the federal government for the preschool state education and assistance program.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect.

NEW SECTION. Sec. 13. This act shall be known as the early childhood assistance act of 1985.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 1 through 11 of this act shall expire two years after the effective date of this act.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 419

[Substitute House Bill No. 805]

TEACHERS—TRAINING IN CHILD ABUSE ISSUES—PUBLIC AND PRIVATE SCHOOLS CURRICULUM

AN ACT Relating to teacher education; amending RCW 28A.02.201 and 28A.05.010; adding a new section to chapter 28A.04 RCW; adding a new section to chapter 28A.71 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28A.04 RCW to read as follows:

The legislature finds that learning is more difficult for many children because they are the victims of child abuse. Educators are often in a position to identify and assist these children in coping with their unfortunate circumstances. Educators should be trained to deal with this responsibility. The legislature, therefore, encourages the state board of education to include in its program standards for professional preparation programs instruction in child abuse issues.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.71 RCW to read as follows:

The superintendent of public instruction, the educational service districts, and local school districts are encouraged to devise programs of in-service training for public school certificated and classified personnel who come into contact with students in grades kindergarten through twelve for the purpose of providing instruction on how to effectively teach children the skills to resist and report attempts to abuse them.

Sec. 3. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 16, Laws of 1985 and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.58.754.

(2) The school day shall be the same as that required in RCW 28A-.01.010 and 28A.58.754, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in RCW 28A.58-.754 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health with special reference to the prevention of child abuse, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 4. Section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71, Laws of 1969 and RCW 28A.05.010 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system and the prevention of child abuse, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures.

NEW SECTION. Sec. 5. If specific funding for the purpose of the amendment to RCW 28A.05.010 by section 4 of this act referencing this act by bill number, is not provided by the legislature by July 1, 1985, the

amendments to RCW 28A.02.201 by section 3 of this act and to RCW 28A.05.010 by section 4 of this act shall be null and void.

NEW SECTION. Sec. 6. The legislature recognizes that its intent to require that specific subject matter be taught in the common schools of this state must be accompanied by a commitment to provide the funding to train teachers in every school in that particular curriculum. Therefore, if sections 3 and 4 of this act are not implemented during 1985 as required in section 5 of this act, the legislature directs the superintendent of public instruction to conduct a study of available staff trained in the prevention of child abuse curriculum in all two hundred ninety-nine school districts and one thousand six hundred ninety-eight school buildings in the state and to report back to the legislature prior to the 1986 session as to the means and cost associated with providing adequate training to meet staff needs in this area.

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

Passed the House April 27, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 420

[Engrossed Second Substitute House Bill No. 849]

TEACHER EVALUATION

AN ACT Relating to teacher evaluation; amending RCW 28A.67.065; adding new sections to chapter 28A.67 RCW; creating new sections; and providing an effective date.

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

NEW SECTION. Sec. 1. The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being

granted official certification by the state board of education. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity.

NEW SECTION, Sec. 2. The state board of education shall conduct a comprehensive study of teacher preparation issues, in cooperation with institutions of higher education offering teacher preparation programs, the council for postsecondary education or its successor agency, and other groups or organizations having an interest in teacher preparation issues, and report its findings and recommendations to the legislature by January 1 in the year following the effective date of this act. The report shall include any proposed legislation and costs required to implement any recommendations and shall also include a list of any recommendations that can be implemented without legislative action. The study shall include but not be limited to:

(1) Development of a recommended plan for an undergraduate five-year teacher preparation program that provides for one full year of full time student teaching experience or equivalent supervised field experience and which includes alternatives for compensating students for the period they are engaged in student teaching;

(2) Examining explicit criteria for entrance into and exit from teacher preparation programs including, as precertification requirements, testing and assessments of competency in:

(a) Various subjects with an analysis of how many tests would be needed for current or revised endorsement areas and a determination of cost on use of state-developed tests or use of existing tests;

(b) Pedagogy, including the ability to encourage students to learn and relate to others in a mutually respectful manner; or

(c) Requiring the institutions of higher education offering teacher preparation programs to certify to the state board of education, under state board rules adopted pursuant to chapter 34.04 RCW, that graduates from

the respective teacher preparation programs are qualified in their major field of academic study;

(3) A review of issues relating to endorsements on certificates including consideration of the feasibility of modifying the criteria and requirements for granting endorsements to recognize:

(a) Successful teaching experience in a field in which the teacher does not hold an endorsement, as evidenced by successful evaluations and other relevant factors as determined by the state board of education;

(b) Credit for work completed through an in-service training program approved under RCW 28A.71.210;

(c) Successful completion of courses offered through educational service districts, community colleges, private business, and other cooperative arrangements or through the innovative use of communications technologies;

(d) Successful completion of subject area tests as may be validated and approved by the state board of education; or

(e) Other factors as determined by the state board of education;

(4) A review of breadth and depth of subject matter and program requirements including a determination of what curriculum, inclusive of current generic competencies, is essential to prepare candidates for initial certification;

(5) An examination of ways to strengthen the role of program units;

(6) Developing means to better evaluate and assist student teachers including development of a model for team evaluation of student teachers and including training of persons responsible for supervising student teachers;

(7) Reviewing continuing education requirements for teachers and the relationship of requirements for continuing education to in-service training requirements and the salary schedule developed by the legislative evaluation and accountability program committee;

(8) Reviewing assignment policies for teachers;

(9) Reviewing policies for granting certificates to persons from out-of-state;

(10) Developing strategies to attract more students to teacher preparation programs and to generally promote awareness of and interest in teaching as a career alternative and to enhance the image of teaching;

(11) Looking at ways to assist higher education institutions offering teacher preparation programs to conduct follow-up studies of their graduates to assess the strengths and weaknesses of the respective teacher preparation programs; and

(12) An evaluation of recent, current, and anticipated activities by institutions offering teacher preparation programs and the state board of education to respectively improve individual programs and the state-wide system for teacher preparation.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.67 RCW to read as follows:

School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers to have training in evaluation procedures. The superintendent of public instruction shall provide technical assistance to the local school districts and to the educational service districts in providing training to evaluators.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.67 RCW to read as follows:

No administrator, principal, or other supervisory personnel may evaluate a teacher without having received training in evaluation procedures.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.67 RCW to read as follows:

After an evaluation conducted pursuant to RCW 28A.67.065, the school district may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement.

Sec. 6. Section 22, chapter 34, Laws of 1969 ex. sess. as last amended by section 3, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.065 are each amended to read as follows:

(1) The superintendent of public instruction shall(~~(, or or before January 1, 1977,)~~) establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter. (~~(Such criteria shall be subject to review by November 1, 1976, by four members of the legislature, one from each caucus of each house, including the chairpersons of the respective education committees.)~~)

Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

Except as provided in subsection (5) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated

personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

Every employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of stated specific areas of deficiencies along with a suggested specific and reasonable program for improvement on or before February 1st of each year. A probationary period shall be established beginning on or before February 1st and ending no later than May 1st. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement shall be specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.58.450 or 28A.67.070, as now or hereafter amended.

The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW 28A.58.450, as now or hereafter amended.

(2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training

in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her professional performance.

(4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.67.070, as now or hereafter amended, or the discharge of such evaluator under RCW 28A.58.450, as now or hereafter amended.

(5) After an employee has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. However, the evaluation process set forth in subsection (1) of this section shall be followed at least once every three years and an employee or evaluator may request that the evaluation process set forth in subsection (1) of this section be conducted in any given school year. The short form evaluation process may not be used as a basis for determining that an employee's work is unsatisfactory under subsection (1) of this section nor as probable cause for the nonrenewal of an employee's contract under RCW 28A.67.070.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.67 RCW to read as follows:

(1) The superintendent of public instruction shall develop and test in local districts minimum standards based on available research to be used by local districts in evaluations conducted pursuant to RCW 28A.67.065. The superintendent of public instruction shall compensate any district participating in such tests for the actual expenses incurred by the district. The minimum standards for evaluation shall include: (a) A statement of the purpose of evaluations; (b) the frequency of evaluations, with recognition of the need for more frequent evaluations for beginning teachers; (c) the conduct of the evaluation; (d) the procedure to be used in making the evaluation; and (e) the use of the results of the evaluation.

In developing the minimum standards, the superintendent of public instruction shall consider a variety of proposals, such as proposals providing for peer review and evaluation, input by parents, input by students in appropriate circumstances, instructional assistance teams, and outside professional evaluation.

The superintendent of public instruction shall adopt the minimum standards not later than July 1, 1986. This subsection shall not preclude a local district from adopting local procedures or alternative programs which exceed the minimum standards.

(2) The superintendent of public instruction shall develop or purchase and test in local districts model evaluation programs, including standardized evaluation instruments, which meet the minimum standards established pursuant to subsection (1) of this section and the minimum criteria established pursuant to RCW 28A.67.065. Such programs shall include specific indicators of performance or detailed work expectations against which performance can be measured. The superintendent of public instruction shall compensate any district participating in such tests for the actual expenses incurred by the district. Not later than July 1, 1988, the superintendent of public instruction shall select from one to five model evaluation programs which may be used by local districts in conducting evaluations pursuant to RCW 28A.67.065. Local school districts shall establish an evaluation program by selecting one of the models approved by the superintendent of public instruction or by adopting an evaluation program pursuant to the bargaining process set forth in chapters 41.56 and 41.59 RCW. Local school districts may adopt an evaluation program which contains criteria and standards in excess of the minimum criteria and standards established by the superintendent of public instruction.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.67 RCW to read as follows:

The superintendent of public instruction shall provide technical assistance to local districts for implementation of the minimum standards and model evaluation programs selected under section 7 of this act.

NEW SECTION. Sec. 9. The superintendent of public instruction shall report to the legislature not later than January 1, in the year following the effective date of this act on any additional legislation or other action necessary to implement this act.

NEW SECTION. Sec. 10. Section 4 of this act shall take effect September 1, 1986.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, sections 1 through 5 and 7 through 10 of this act shall be null and void. This act shall be of no effect unless such specific funding is so

provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 27, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 421

[Substitute House Bill No. 877]

ADOPTION

AN ACT Relating to adoption; amending RCW 26.33.080, 26.33.090, 26.33.100, 26.33.110, 26.33.160, and 26.33.310; and declaring an emergency.

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

Sec. 1. Section 8, chapter 155, Laws of 1984 and RCW 26.33.080 are each amended to read as follows:

(1) A parent, an alleged father, the department, or an agency may file with the court a petition to relinquish a child to the department or an agency. The parent's or alleged father's written consent to adoption shall accompany the petition. The written consent of the department or the agency to assume custody shall be filed with the petition.

(2) A parent, alleged father, or prospective adoptive parent may file with the court a petition to relinquish a child to the prospective adoptive parent. The parent's or alleged father's written consent to adoption shall accompany the petition. The written consent of the prospective adoptive parent to assume custody shall be filed with the petition. The identity of the prospective adoptive parent need not be disclosed to the petitioner.

(3) A petition for relinquishment, together with the written consent to adoption, may be filed before the child's birth.

Sec. 2. Section 9, chapter 155, Laws of 1984 and RCW 26.33.090 are each amended to read as follows:

(1) The court shall set a time and place for a hearing on the petition for relinquishment. The hearing may not be held sooner than forty-eight hours after the child's birth or the signing of all necessary consents to adoption, whichever is later. The court may enter a temporary order giving custody of the child to the prospective adoptive parent, if a preplacement report has been filed, or to the department or agency to whom the child will be relinquished pending the court's hearing on the petition.

(2) Notice of the hearing shall be served on any relinquishing parent (~~(; any)~~) or alleged father, and the department (~~(;)~~) or agency (~~(; or prospective adoptive parent)~~) in the manner prescribed by RCW 26.33.310.

(3) The court may require the parent to appear personally and enter his or her consent to adoption on the record. The court shall determine that any written consent has been validly executed. If the court determines it is in the best interests of the child, the court shall approve the petition for relinquishment.

(4) If the court approves the petition, it shall award custody of the child to the department, agency, or prospective adoptive parent, who shall be appointed legal guardian. The legal guardian shall be financially responsible for support of the child until further order of the court. The court shall also enter an order pursuant to RCW 26.33.130 terminating the parent-child relationship of the parent and the child.

(5) An order of relinquishment to an agency or the department shall include an order authorizing the agency to place the child with a prospective adoptive parent.

Sec. 3. Section 10, chapter 155, Laws of 1984 and RCW 26.33.100 are each amended to read as follows:

(1) A petition for termination of the parent-child relationship of a parent or alleged father who has not executed a written consent to adoption may be filed by:

(a) The department or an agency; (~~(or)~~)

(b) The prospective adoptive parent to whom a child has been or may be relinquished if the prospective adoptive parent has filed or consented to a petition for relinquishment; or

(c) The prospective adoptive parent if he or she seeks to adopt the child of his or her spouse.

(2) The petition for termination of the parent-child relationship shall contain a statement of facts identifying the petitioner, the parents, the legal guardian, a guardian ad litem for a party, any alleged father, and the child. The petition shall state the facts forming the basis for the petition and shall be signed under penalty of perjury or be verified.

(3) The petition may be filed before the child's birth.

Sec. 4. Section 11, chapter 155, Laws of 1984 and RCW 26.33.110 are each amended to read as follows:

(1) The court shall set a time and place for a hearing on the petition for termination of the parent-child relationship, which shall not be held sooner than forty-eight hours after the child's birth.

(2) Notice of the hearing shall be served on the petitioner, the (~~(parents, any)~~) nonconsenting parent or alleged father, the legal guardian of a party, and the guardian ad litem of a party, in the manner prescribed by RCW 26.33.310.

(3) The notice of the petition shall:

(a) State the date and place of birth. If the petition is filed prior to birth, the notice shall state the approximate date and location of conception of the child and the expected date of birth, and shall identify the mother;

(b) Inform the nonconsenting parent or alleged father that: (i) He or she has a right to be represented by counsel and that counsel will be appointed for an indigent person who requests counsel; and (ii) failure to respond to the termination action within twenty days of service will result in the termination of his or her parent-child relationship with respect to the child;

(c) Inform an alleged father that failure to file a claim of paternity under chapter 26.26 RCW or to respond to the petition, within twenty days of the date of service of the petition is grounds to terminate his parent-child relationship with respect to the child.

Sec. 5. Section 16, chapter 155, Laws of 1984 and RCW 26.33.160 are each amended to read as follows:

(1) Except as otherwise provided in RCW 26.33.170, consent to an adoption shall be required of the following if applicable:

(a) The adoptee, if fourteen years of age or older;

(b) The parents and any alleged father of an adoptee under eighteen years of age;

(c) An agency or the department to whom the adoptee has been relinquished pursuant to RCW 26.33.080; and

(d) The legal guardian of the adoptee.

(2) Consent to adoption is revocable by the consenting party at any time before the consent is approved by the court. The revocation may be made in either of the following ways:

(a) Written revocation may be delivered or mailed to the clerk of the court before approval; or

(b) Written revocation may be delivered or mailed to the clerk of the court after approval, but only if it is delivered or mailed within forty-eight hours after a prior notice of revocation that was given within forty-eight hours after the birth of the child. The prior notice of revocation shall be given to the agency or person who sought the consent and may be either oral or written.

(3) Except as provided in subsection (2)(b) of this section and in this subsection, a consent to adoption may not be revoked after it has been approved by the court. Within one year after approval, a consent may be revoked for fraud or duress practiced by the person, department, or agency requesting the consent, or for lack of mental competency on the part of the person giving the consent at the time the consent was given. A written consent to adoption may not be revoked more than one year after it is approved by the court.

(4) The written consent to adoption shall be signed under penalty of perjury and shall state that:

(a) It is given subject to approval of the court;
 (b) It has no force or effect until approved by the court;
 (c) The consent will not be presented to the court until forty-eight hours after it is signed or forty-eight hours after the birth of the child, whichever occurs later;

(d) It is revocable by the consenting party at any time ((prior to)) before its approval by the court(;

(e) A consenting party who seeks to revoke the consent must notify the agency or person who obtained the consent verbally or in writing within forty-eight hours of signing the consent, and, if the initial notice is oral, the party seeking to revoke must mail written notification of revocation to the clerk of the court no less than forty-eight hours after the oral notice was given)). It may be revoked in either of the following ways:

(i) Written revocation may be delivered or mailed to the clerk of the court before approval of the consent by the court; or

(ii) Written revocation may be delivered or mailed to the clerk of the court after approval, but only if it is delivered or mailed within forty-eight hours after a prior notice of revocation that was given within forty-eight hours after the birth of the child. The prior notice of revocation shall be given to the agency or person who sought the consent and may be either oral or written;

((f)) (c) The address of the clerk of court where the consent will be presented is included; and

((g)) (f) After it has been approved by the court, the consent is not revocable except for fraud or duress practiced by the person, department, or agency requesting the consent or for lack of mental competency on the part of the person giving the consent at the time the consent was ((executed by the person signing the consent)) given. A written consent to adoption ((shall)) may not be revoked more than one year after it is approved by the court.

((3)) (5) A written consent to adoption which meets all the requirements of this chapter but which does not name or otherwise identify the adopting parent ((shall be)) is valid if it contains a statement that it is voluntarily executed without disclosure of the name or other identification of the adopting parent.

Sec. 6. Section 31, chapter 155, Laws of 1984 and RCW 26.33.310 are each amended to read as follows:

(1) Petitions governed by this chapter shall be served in the same manner as a complaint in a civil action under the superior court civil rules. Subsequent notice, papers, and pleadings may be served in the manner provided in superior court civil rules.

(2) If personal service on the parent or any ((identified)) alleged father, either within or without this state, cannot be given, notice shall be given: (a) By registered mail, mailed at least twenty days before the hearing

to the person's last known address; and (b) by publication at least once a week for three consecutive weeks with the first publication date at least twenty-five days before the hearing. Publication shall be in a legal newspaper in the city or town of the last known address within the United States and its territories of the parent or alleged father, whether within or without this state, or, if no address is known or the last known address is not within the United States and its territories, in the city or town where the proceeding has been commenced.

(3) Notice and appearance may be waived by the department, an agency, a parent, or an alleged father before the court or in a writing signed under penalty of perjury. The waiver shall contain the current address of the department, agency, parent, or alleged father. The face of the waiver for a hearing on termination of the parent-child relationship shall contain language explaining the meaning and consequences of the waiver and the meaning and consequences of termination of the parent-child relationship. A person or agency who has executed a waiver shall not be required to appear.

(4) If a person entitled to notice is known to the petitioner to be unable to read or understand English, all notices, if practicable, shall be given in that person's native language or through an interpreter.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 23, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 422

[Second Substitute House Bill No. 1056]

SCHOOL-BASED MANAGEMENT

AN ACT Relating to school-based management; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28A.58 RCW to read as follows:

(1) The legislature believes that teachers, principals and other school administrators, parents, students, school district personnel, school board members, and members of the community, utilizing the results of continuing research on effective education, can best identify the educational goals,

needs, and conditions of the community and develop and implement a basic education program that will provide excellence.

(2) To meet the goals set forth in this section, it is the intent and purpose of the legislature to encourage improvement of Washington's public school system by returning more control over the operation of local education programs to local districts through a program of pilot projects in school-based management.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.03 RCW to read as follows:

To carry out the school-based management pilot projects of section 3 of this act, the superintendent of public instruction shall:

(1) Grant funds to local school districts that apply for funding on a grant proposal or other basis, to establish pilot projects in school-based management: PROVIDED, That in at least one project every building in a district shall use school-based management;

(2) Develop guidelines, in consultation with school districts, for school-based management programs;

(3) Assist districts and schools, upon request, to design, implement, or evaluate school improvement programs authorized by section 3 of this act;

(4) Submit a report to the legislature not later than two and one-half years after the effective date of this act, on the results of the pilot projects, any other similar programs being used in local districts, and any recommendations;

(5) These school-based management pilot projects are not part of the program of basic education which the state must fund under Article IX of the state Constitution.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.58 RCW to read as follows:

(1) Each pilot project school that participates in the school-based management program authorized by section 2 of this act shall be required to establish a school site council. The council shall be minimally composed of the school principal, teachers, other school personnel, parents of pupils attending the school, nonparent community members from the school's service area, and, in secondary schools, pupils. Existing school-wide advisory groups or school support groups may be used as the school site council if such groups conform to the general membership requirements of this section.

(2) The exact size of the council and the term and method of selection and replacement of council members shall be specified in the school improvement plan developed pursuant to subsection (3) of this section.

(3) Each school site council shall be required to develop an annual school improvement plan containing improvement objectives as established by the council under guidelines developed by the superintendent of public instruction.

(4) The board of directors of each school district in which a school is participating in the school-based management program authorized by section 2 of this act shall review and approve or disapprove planning applications and school improvement plans consistent with, but not limited to, rules and regulations adopted by the superintendent of public instruction. No school improvement plan may be approved unless it was developed and recommended by a school site council. The board of directors shall notify the school site council in writing of specific reasons for not approving the school improvement plan. Modifications to the plan shall be developed and recommended by the council and approved or disapproved by the board of directors.

NEW SECTION. Sec. 4. This act shall expire two years after the effective date of this act.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect.

Passed the House April 27, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 423

[Second Substitute House Bill No. 1065]

SCHOOL TEACHERS—IN-SERVICE TRAINING

AN ACT Relating to in-service training; and creating new sections.

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

NEW SECTION. Sec. 1. The climate for learning within our schools is an important ingredient in a child's education. It is essential that teachers have the knowledge and skills to effectively manage the classroom environment to maximize the use of time for educational purposes.

NEW SECTION. Sec. 2. (1) The superintendent of public instruction, in consultation with school districts, shall develop and administer an in-service training program designed to provide to two individuals per public school building during the two years after the effective date of this act, up to three days of training in techniques to identify and improve current levels of academic efficiency and of effective classroom management: **PROVIDED,** That for school buildings with enrollment of two hundred fifty full time equivalent students or fewer, one person shall be selected to receive the in-service training: **PROVIDED FURTHER,** That the in-service program

created under this section shall be separate from any other in-service training program the legislature may establish or fund. School districts shall use existing models relating to techniques for enhancing classroom management and academic efficiency to provide the in-service training.

(2) Individuals eligible to attend are teachers, administrators, and teachers' aides. Each school is free to determine the makeup of its team. School building administrators are encouraged to use the individuals who receive the training as trainers to present an in-service training session for other school staff.

(3) The in-service training program authorized by subsection (1) of this section shall not be part of the program of basic education required under Article IX of the state Constitution.

This section shall expire two years after the effective date of this act.

NEW SECTION. Sec. 3. The superintendent of public instruction shall report to the legislature not later than two and one-half years from the effective date of this act, on the results of the in-service program created under section 2 of this act.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect unless such specific funding is so provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect.

Passed the House April 27, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 424

[Substitute House Bill No. 1107]

VEHICLE LICENSES—PREREQUISITES TO ISSUANCE

AN ACT Relating to prerequisites for the issuance of vehicle licenses; amending RCW 46.12.020; prescribing penalties; and providing an effective date.

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

Sec. 1. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 7, chapter 25, Laws of 1975 and RCW 46.12.020 are each amended to read as follows:

(1) No vehicle license number plates or certificate of license registration, whether original issues or duplicates, ~~((shall))~~ may be issued or furnished by the department unless the applicant ~~((therefor shall))~~, at the same time, makes satisfactory application for a certificate of ownership or

((shall)) presents satisfactory evidence that such a certificate of ownership covering ((such)) the vehicle has been previously issued.

(2) Except as otherwise provided in this section, no renewal or duplicate vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations.

(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, 46.20.416, 46.20.420, or 46.65.090; and

(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:

(i) The reason for the applicant's lack of a driver's license;

(ii) The need the applicant has for registering a vehicle; and

(iii) That the applicant will not knowingly allow a person without a driver's license to drive any vehicle registered in the applicant's name.

(5) It is unlawful for any person in whose name a vehicle is registered knowingly to allow another person to drive the vehicle knowing that the other person is not authorized to do so under the laws of this state.

(6) A violation of subsection (5) of this section, or a knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor.

(7) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle.

NEW SECTION. Sec. 2. This act shall take effect on July 1, 1986.

Passed the House April 26, 1985.

Passed the Senate April 26, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 425

[Substitute House Bill No. 1116]
AQUIFER PROTECTION AREAS

AN ACT Relating to the protection of subterranean water; and adding a new chapter to Title 36 RCW.

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

NEW SECTION. Sec. 1. The protection of subterranean water from pollution or degradation is of great concern. The purpose of this chapter is to allow the creation of aquifer protection areas to finance the protection, preservation, and rehabilitation of subterranean water, and to reduce special assessments imposed upon households to finance facilities for such purposes. Pollution and degradation of subterranean drinking water supplies pose immediate threats to the safety and welfare of the citizens of this state.

NEW SECTION. Sec. 2. The county legislative authority of a county may create one or more aquifer protection areas for the purpose of funding the protection, preservation, and rehabilitation of subterranean water.

When a county legislative authority proposes to create an aquifer protection area it shall conduct a public hearing on the proposal. Notice of the public hearing shall be published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed aquifer protection area. The public hearing may be continued to other times, dates, and places announced at the public hearing, without publication of the notice. At the public hearing, the county legislative authority shall hear objections and comments from anyone interested in the proposed aquifer protection area.

After the public hearing, the county legislative authority may adopt a resolution causing a ballot proposition to be submitted to the registered voters residing within the proposed aquifer protection area to authorize the creation of the aquifer protection area, if the county legislative authority finds that the creation of the aquifer protection area would be in the public interest. The resolution shall: (1) Describe the boundaries of the proposed aquifer protection area; (2) find that its creation is in the public interest; (3) state the maximum level of fees for the withdrawal of water, or on-site sewage disposal, occurring in the aquifer protection area, or both; and (4) describe the uses for the fees.

An aquifer protection area shall be created by ordinances of the county if the voters residing in the proposed aquifer protection area approve the ballot proposition by a simple majority vote. The ballot proposition shall be in substantially the following form:

"Shall the ___ (insert the name) aquifer protection area be created and authorized to impose monthly fees on ___ (insert "the

withdrawal of water" or "on-site sewage disposal") of not to exceed ____ (insert a dollar amount) per household unit for up to ____ (insert a number of years) to finance ____ (insert the type of activities proposed to be financed)?

Yes ____
No ____"

If both types of monthly fees are proposed to be imposed, maximum rates for each shall be included in the ballot proposition.

An aquifer protection area may not include territory located within a city or town without the approval of the city or town governing body, nor may it include territory located in the unincorporated area of another county without the approval of the county legislative authority of that county.

NEW SECTION. Sec. 3. Aquifer protection areas are authorized to impose fees on the withdrawal of subterranean water and on on-site sewage disposal. The fees shall be expressed as a dollar amount per household unit. Fees imposed for the withdrawal of water, or on-site sewage disposal, other than by households shall be expressed and imposed in equivalents of household units. If both types of fees are imposed, the rate imposed on on-site sewage disposal shall not exceed the rate imposed for the withdrawal of water.

No fees shall be imposed in excess of the amount authorized by the voters of the aquifer protection area. Fees shall only be used for the activity or activities authorized by the voters of the aquifer protection area. Ballot propositions may be submitted to the voters of an aquifer protection area to authorize a higher maximum level of such fees or to authorize additional activities for which the fees may be used. Such a ballot proposition shall be substantially in the form of that portion of the proposition to authorize the creation of an aquifer protection district that relates to fees or activities, as provided in section 2 of this act. Approval of the ballot proposition by simple majority vote shall authorize the higher maximum level of fees or additional activities for which the fees may be used.

A county may contract with existing public utilities to collect the fees, or collect the fees itself.

NEW SECTION. Sec. 4. Aquifer protection areas may impose fees to fund:

(1) The preparation of a comprehensive plan to protect, preserve, and rehabilitate subterranean water. This plan may be prepared as a portion of a county sewerage and/or water general plan pursuant to RCW 36.94.030;

(2) The construction of facilities for: (a) The removal of water-borne pollution; (b) water quality improvement; (c) sanitary sewage collection, disposal, and treatment; and (d) storm water or surface water drainage collection, disposal, and treatment; and

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

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

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

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

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

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 426

[Engrossed Senate Bill No. 4302]

LIE DETECTORS—USE IN EMPLOYMENT UNLAWFUL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate April 24, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 427

[Engrossed House Bill No. 758]

PUBLIC UTILITY METER TAMPERING OR CIRCUMVENTION

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

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

***NEW SECTION.** Sec. 1. A new section is added to chapter 80.28 RCW to read as follows:

(1) A utility may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts to:

(a) Divert, or cause to be diverted, utility services by any means whatsoever;

(b) Make, or cause to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility;

(c) Prevent any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means;

(d) Tamper with any property owned or used by the utility to provide utility services; or

(e) Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the utility.

(2) In any civil action brought under this section, the utility may recover from the defendant as damages three times the amount of actual damages, if any, plus the cost of the suit and reasonable attorney's fees, plus the costs incurred on account of the bypassing, tampering, or unauthorized reconnection, including but not limited to costs and expenses for investigation, disconnection, reconnection, service calls, and expert witnesses.

(3) *There is a rebuttable presumption that there is a violation of this section if, on premises controlled by the customer or by the person using or receiving the direct benefit of utility service, there is either, or both, of the following:*

(a) *Any instrument, apparatus, or device primarily designed to be used to obtain utility service without paying the full lawful charge therefor, or*

(b) *Any meter that has been altered, tampered with, or bypassed so as to cause no measurement or inaccurate measurement of utility services.*

(4) Any damages recovered under this section in excess of the actual damages sustained by the utility may be taken into account by the utilities and transportation commission or other applicable rate-making agency in establishing utility rates.

(5) As used in this section:

(a) "Customer" means the person in whose name a utility service is provided;

(b) "Divert" means to change the intended course or path of electricity, gas, or water without the authorization or consent of the utility;

(c) "Person" means any individual, partnership, firm, association, or corporation or government agency;

(d) "Reconnection" means the commencement of utility service to a customer or other person after service has been lawfully disconnected by the utility;

(e) "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing the normal or customary function;

(f) "Utility" means any electrical company, gas company, or water company as those terms are defined in RCW 80.04.010, and includes any electrical, gas, or water system operated by any public agency; and

(g) "Utility service" means the provision of electricity, gas, water, or any other service or commodity furnished by the utility for compensation.

*Sec. 1 was partially vetoed, see message at end of chapter.

Sec. 2. Section 80.28.080, chapter 14, Laws of 1961 as amended by section 116, chapter 154, Laws of 1973 1st ex. sess. and RCW 80.28.080 are each amended to read as follows:

No gas company, electrical company or water company shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such service as specified in its schedule filed and in effect at the time, nor shall any such company directly or indirectly refund or remit in any manner or by any device any portion of the rates or charges so specified, or furnish its product at free or reduced rates except to its employees and their families, and its officers, attorneys, and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: **PROVIDED**, That the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company; and the term "families," as used in this paragraph, shall include the families of those persons named in this proviso, the families of persons killed or dying in the service, also the families of persons killed, and the surviving spouse prior to remarriage, and the minor children during minority of persons who died while in the service of any of the companies named in this paragraph: ~~((AND))~~ **PROVIDED(;;)** **FURTHER**, That water companies may furnish free or at reduced rates water for the use of the state, or for any project in which the state is interested: AND PROVIDED FURTHER, That gas companies, electrical companies, and water companies may charge the defendant for treble damages awarded in lawsuits successfully litigated under section 1 of this 1985 act.

No gas company, electrical company or water company shall extend to any person or corporation any form of contract or agreement or any rule or

regulation or any privilege or facility except such as are regularly and uniformly extended to all persons and corporations under like circumstances.

Passed the House March 21, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one section, Engrossed House Bill No. 758 entitled:

"AN ACT Related to public utilities."

This bill would provide that a utility customer is presumed liable for the costs and damages incurred by a utility if there is evidence of meter tampering or circumvention to avoid payment for utility services. Utilities would be able to recover triple damage in any civil action sought under this provision.

Section 1(3) creates a rebuttable presumption of a violation. Such statutory presumptions run counter to general law and should be reserved for use only where significant public harm is involved.

With the exception of Section 1(3), Engrossed House Bill No. 758 is approved."

CHAPTER 428

[Engrossed Substitute Senate Bill No. 3450]

FIREARMS REGULATION—STATE PREEMPTION OF LOCAL LAWS

AN ACT Relating to state preemption of local firearms laws; amending RCW 9.41.290, 9.41.070, and 9.41.090; adding new sections to chapter 9.41 RCW; and prescribing penalties.

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

Sec. 1. Section 12, chapter 232, Laws of 1983 and RCW 9.41.290 are each amended to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with this chapter. Such local ordinances shall have the same or lesser penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a firearm:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (iii) held for extradition or as a material witness, or (iv) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any firearm in the possession of a person licensed under RCW 9.41.070; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(4) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(5) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(6) Subsection (1)(b) of this section does not apply to a judge or court employee or to any person licensed under RCW 9.41.070 who, before entering the restricted area, directly and promptly proceeds to the court administrator or the administrator's designee and obtains written permission to possess the firearm.

(7) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(8) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(9) Any person violating subsection (1) of this section is guilty of a misdemeanor.

Sec. 3. Section 7, chapter 172, Laws of 1935 as last amended by section 3, chapter 232, Laws of 1983 and RCW 9.41.070 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such citizen's constitutional right to bear arms shall not be denied to him, unless he:

(a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years. The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(2) The fee for the original issuance of a four-year license shall be twenty dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

- (a) Four dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed; and
- (c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(3) The fee for the renewal of such license shall be twelve dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

- (a) Four dollars shall be paid to the state general fund; and
- (b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(4) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late

renewal penalty of ten dollars in addition to the renewal fee specified in subsection (3) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state game fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(5) Notwithstanding the requirements of subsections (1) through (4) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(6) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. ((The prevailing party is entitled to reasonable costs, including attorneys' fees:)) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

Sec. 4. Section 9, chapter 172, Laws of 1935 as last amended by section 4, chapter 232, Laws of 1983 and RCW 9.41.090 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no commercial seller shall deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the commercial seller has recorded the purchaser's name, license number, and issuing agency, such record to be made in ~~((duplicate))~~ triplicate and processed as provided in subsection (4) of this section; or

(b) The seller is notified in writing by the chief of police of the municipality or the sheriff of the county that the purchaser meets the requirements of RCW 9.41.040 and that the application to purchase is granted; or

(c) Five consecutive days including Saturday, Sunday and holidays have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (4) of this section, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the seller shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the seller so that the hold may be released if the warrant was for a crime other than a crime of violence.

(3) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for a crime of violence, or (e) an arrest for a crime of violence if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(4) At the time of applying for the purchase of a pistol, the purchaser shall sign in (~~duplicate~~) triplicate and deliver to the seller an application containing his or her full name, address, (~~occupation;~~) place of birth, and the date and hour of the application; the applicant's driver's license number or state identification card number; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that the purchaser is eligible to own a pistol under RCW 9.41.040. The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of game pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The seller shall, by the end of the business day, sign and attach his or her address and deliver the original of the application and such other documentation as required under subsection (1) of this section to the chief of

police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following the period of time specified in this section unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser fails to meet the requirements specified in RCW 9.41.040. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

NEW SECTION. Sec. 5. A new section is added to chapter 9.41 RCW to read as follows:

After a public hearing, the department of game shall publish a pamphlet on firearms safety and the legal limits of the use of firearms. The pamphlet shall include current information on firearms laws and regulations and state preemption of local firearms laws. This pamphlet may be used in the department's hunter safety education program and shall be provided to the department of licensing for distribution to firearms dealers and persons authorized to issue concealed pistol licenses. The department of game shall reimburse the department of licensing for costs associated with distribution of the pamphlet.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 15, 1985.

Passed the House April 9, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 429

[Engrossed Substitute House Bill No. 203]

COUNTY ROAD PROPERTY TAX REVENUE DIVERSIONS—STUDY BY STATE AUDITOR—COUNTY ROADS ON MUNICIPAL BOUNDARIES— MAINTENANCE RESPONSIBILITIES—COUNTY LAW ENFORCEMENT CIVIL SERVICE

AN ACT Relating to counties; amending RCW 41.14.010; adding a new section to chapter 36.75 RCW; creating a new section; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The state auditor shall conduct a study relating to diversions of county road property tax revenues by counties under

RCW 36.33.220 for traffic law enforcement expenditures under RCW 36.79.140. The study shall identify the specific traffic law enforcement functions funded by county road property tax revenues. The state auditor also shall identify the total expenditures for the county departments of public safety and the source of funds for these expenditures.

The study also shall determine the total diversions of county road property tax revenues under RCW 36.33.220 by any county by year, beginning in 1972, and shall identify the purposes for which diversions have been made.

The results of this study shall be submitted to the legislative transportation committee by December 31, 1985.

This section shall expire on December 31, 1985.

NEW SECTION. Sec. 2. A new section is added to chapter 36.75 RCW to read as follows:

If the centerline of a portion of a county road is part of a corporate boundary of a city or town as of the effective date of this 1985 act and that portion of county road has no connection to the county road system, maintenance of all affected portions of the road shall be the responsibility of such city or town after a petition requesting the same has been made to the city or town by the county legislative authority.

Sec. 3. Section 1, chapter 1, Laws of 1959 and RCW 41.14.010 are each amended to read as follows:

The general purpose of this chapter is to establish a merit system of employment for county deputy sheriffs and other employees of the office of county sheriff, thereby raising the standards and efficiency of such offices and law enforcement in general. The provisions of this chapter have no application to any class AA county which provides for civil service in the police department or sheriff's office by local charter or ordinance where such local charter or ordinance substantially accomplishes the purpose of this chapter: PROVIDED, That if any such county at any time repeals the charter provisions or ordinances providing for civil service for the police department or sheriff's office, this chapter must thereafter apply to such county.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 22, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 430

[Engrossed Substitute House Bill No. 550]
CABLE TELEVISION SERVICE THEFT

AN ACT Relating to the theft of cable television services; adding new sections to chapter 9A.56 RCW; repealing RCW 9.45.250; and prescribing penalties.

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

***NEW SECTION.** Sec. 1. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of cable television services if:

(a) With intent to avoid payment of the lawful charge for any communication service of a cable system, he or she:

(i) Tampered with the equipment of the cable system, whether by mechanical, electrical, acoustical, or other means; or

(ii) Knowingly misrepresents a material fact; or

(iii) Uses any other artifice, trick, deception, code, or other device; and

(b) He or she wrongfully obtains cable communication services for himself or herself or another.

(2) Sections 1 through 4 of this act do not apply to the interception or receipt by any individual or the assisting (including the manufacture or sale), of such interception or receipt of any satellite-transmitted programming for private use.

(3) Proof that a person tampered with equipment of the cable system without the consent of the system creates a presumption that the person acted with intent to avoid payment of the lawful charge for any communication service of a cable system.

(4) Theft of cable television services is a gross misdemeanor.

*Sec. 1 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of unlawful sale of cable television services if, with intent to avoid payment of the lawful charge for any communications service of a cable system, he or she offers for sale or otherwise makes available any telecommunications decoder or descrambler that defeats a mechanism of electronic signal encryption, or that restricts delivery of individually addressed switching imposed by the cable system.

(2) Unlawful sale of cable television services is a gross misdemeanor.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.56 RCW to read as follows:

Upon conviction of theft or unlawful sale of cable television services and upon motion and hearing, the court shall order the forfeiture of any decoder, descrambler, or other device used in committing the violation of

section 1 or 2 of this act as contraband and dispose of it at the court's discretion.

***NEW SECTION.** Sec. 4. A new section is added to chapter 9A.56 RCW to read as follows:

(1) In addition to the criminal penalties provided in sections 1 and 2 of this act, there is created a civil cause of action for theft of cable television services and for unlawful sale of cable television services.

(2) The prevailing party may recover actual damages, reasonable attorneys' fees, and costs.

(3) The superior court may grant temporary and final injunctions on such terms as it deems reasonable to prevent or restrain violations of sections 1 and 2 of this act.

(4) *Presumption of intent to avoid payment of the lawful charge for any communication service of a cable system under section 1 of this act applies in civil actions brought under this section.*

*Sec. 4 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 9A.56 RCW to read as follows:

No person may be charged with theft under section 1 of this act or subject to a civil cause of action under section 4 of this act for connecting a nondecoding or nondesrambling channel frequency converter, which includes cable-ready television sets, video recorders, or similar equipment, to a cable system.

NEW SECTION. Sec. 6. Section 1, chapter 94, Laws of 1973 1st ex. sess. and RCW 9.45.250 are each repealed.

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

Passed the House April 22, 1985.

Passed the Senate April 17, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to two sections, Engrossed Substitute House Bill No. 550 entitled:

"AN ACT Relating to the theft of cable television services."

Section 1(3) and Section 4(4) are not approved because they include presumptions of intent. Such statutory presumptions run counter to general law and should be reserved for use only in situations where significant public harm is involved.

With the exception of Section 1(3) and Section 4(4), Engrossed Substitute House Bill No. 550 is approved."

CHAPTER 431

[Substitute Senate Bill No. 3069]

NONPROFIT CORPORATIONS—PROFESSIONAL SERVICE
CORPORATIONS—AUTHORITY

AN ACT Relating to professional service corporations; amending RCW 82.04.431; adding a new section to chapter 18.100 RCW; and adding a new section to chapter 24.03 RCW.

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

***NEW SECTION. Sec. 1.** *A new section is added to chapter 18.100 RCW to read as follows:*

This chapter does not apply to a nonprofit corporation organized to provide professional services under chapter 24.03 RCW. Such a nonprofit corporation, however, may employ an individual or group of individuals incorporated pursuant to this chapter.

*Sec. 1 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 24.03 to read as follows:

(1) Notwithstanding that chapter 18.100 RCW does not apply to such a corporation, a corporation organized under this chapter may provide professional services to the public.

(2) No corporation organized under this chapter may render professional services except through individuals who are duly licensed or otherwise legally authorized to render such professional services with this state. Nothing in this section, however, shall be interpreted to require the licensing of administrators, clerks, secretaries, bookkeepers, technicians, and other assistants employed by a professional corporation who are not usually and ordinarily considered by custom and practice to be rendering professional services to the public for which a license or other legal authorization is required.

(3) Nothing contained in this chapter shall be interpreted to abolish, repeal, modify, restrict or limit the law now in effect in this state applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional service and the standards for professional conduct or licensing.

Sec. 3. Section 6, chapter 196, Laws of 1979 ex. sess. as last amended by section 1, chapter 66, Laws of 1983 1st ex. sess. and RCW 82.04.431 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4297, the term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employce of the organization

or which is a corporation sole under chapter 24.12 RCW. Health or social welfare organization does not include a corporation providing professional services as authorized in section 2 of this 1985 act. In addition a corporation in order to be exempt under RCW 82.04.4297 shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement;

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state.

Passed the Senate April 23, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial vetoes as follows:

"I am returning herewith without my approval as to Section 1, Substitute Senate Bill No. 3069, entitled:

"AN ACT Relating to professional service corporations;"

Section 1 of Substitute Senate Bill No. 3069 permits non-profit corporations practicing in one of the professions otherwise regulated by Title 18 of the Revised Code of Washington to employ individuals or groups incorporated under Title 18. This provision is unnecessary to the central purpose of this measure which is to permit organizations currently organized under Title 18 to organize under the non-profit corporation provisions of Title 24.

The inclusion of this provision raises significant questions about the relationships of for-profit enterprise with non-profit corporations. There is no current bar to a non-profit corporation contracting with a Title 18 professional services corporation as long as an arms length relationship is maintained. Section 1 of Substitute Senate Bill No. 3069 is therefore unnecessary unless some change in existing policy is intended. I believe that any provision which implies less stringent standards than those in the current law governing the relationship of non-profit entities to for-profit enterprise is unwise. I have therefore vetoed Section 1.

With the exception of Section 1, which I have vetoed, Substitute Senate Bill No. 3069 is approved."

CHAPTER 432

[Substitute Senate Bill No. 4267]

ABANDONED RAIL RIGHTS OF WAY—DEPARTMENT OF TRANSPORTATION DUTIES

AN ACT Relating to abandoned rail rights of way; amending RCW 47.76.020 and 47.76.030; and adding new sections to chapter 47.76 RCW.

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

Sec. 1. Section 5, chapter 303, Laws of 1983 and RCW 47.76.020 are each amended to read as follows:

(1) The department of transportation (~~(commission)~~) shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail service. The plan shall:

(a) Identify and evaluate those rail freight lines that may be abandoned or have recently been abandoned;

(b) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned and the acquisition of right of way for the eventual restoration of service on lines recently abandoned; and

(c) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment on changes in energy utilization and air pollution.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal railroad revitalization and regulatory reform act.

Sec. 2. Section 6, chapter 303, Laws of 1983 and RCW 47.76.030 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state general fund. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys in the account may be distributed to county rail districts and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines; or

(b) Operating railroad equipment necessary to maintain essential rail service.

(3) Moneys in the account may be distributed to the department to purchase unused rail right of way that meets the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to RCW 47.76.020;

(b) The right of way has been abandoned and is available for acquisition;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service in the future would benefit the state of Washington.

The department may exercise its authority to use moneys in the account for the purposes of this subsection only with legislative appropriation for this purpose or upon receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in section 3 of this 1985 act. Nothing in this section shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) County rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

~~((4))~~ (5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the county, port district, or other local sources.

~~((5))~~ (6) The amount distributed under this section shall be repaid to the state by the county rail district or port district. The repayment shall occur within ten years of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

NEW SECTION. Sec. 3. The department shall sell property acquired under RCW 47.76.030 to a county rail district established under chapter 36.60 RCW, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW 47.76.030 shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in section 4 of this act. Failing this, the department may sell or convey all such property in the manner provided in section 5 or 7 of this act.

NEW SECTION. Sec. 4. (1) If real property acquired by the department under RCW 47.76.030 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may sell the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner, heir, or successor of the property from whom the property was acquired;
- (e) Any abutting private owner or owners.

(2) Notice of intention to sell under this section shall be given by publication in one or more newspapers of general circulation in the area in which the property is situated not less than thirty days prior to the intended date of sale.

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

(4) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

NEW SECTION. Sec. 5. If real property acquired by the department under RCW 47.76.030 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may transfer and convey the property to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state when, in the judgment of the secretary, the transfer and conveyance is consistent with the public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, the secretary shall execute and deliver to the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as necessary to fulfill the terms of the agreement. All moneys paid to the state of Washington under this section shall be deposited in the essential rail assistance account of the general fund.

NEW SECTION. Sec. 6. The department is authorized subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands acquired under RCW 47.76.030, upon such terms and conditions as the department determines.

NEW SECTION. Sec. 7. (1) If real property acquired by the department under RCW 47.76.030 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may, in its discretion, sell the property at public auction in accordance with subsections (2) through (5) of this section.

(2) The department shall first give notice of the sale by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks before the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) In accordance with the terms set forth in the notice, the department shall sell the property at the public auction to the highest and best bidder if the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property may be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property

under this subsection shall be in writing and may be rejected at any time before written acceptance by the department.

(5) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(6) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

NEW SECTION. Sec. 8. Transfers of ownership of property acquired under RCW 47.76.030 are exempt from chapters 8.25 and 8.26 RCW.

NEW SECTION. Sec. 9. Sections 3 through 8 of this act shall be added to chapter 47.76 RCW.

***NEW SECTION. Sec. 10. The rail right of way acquisition program under chapter 47.76 RCW shall be terminated on June 30, 1991.**

*Sec. 10 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 11. The rail right of way acquisition act as now existing or hereinafter amended, is repealed, effective June 30, 1992.**

*Sec. 11 was vetoed, see message at end of chapter.

Passed the Senate April 23, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 10 and 11, Substitute Senate Bill No. 4267, entitled:

"AN ACT Relating to abandoned rail rights of way."

Sections 10 and 11 of this bill seek to terminate and repeal, in 1991 and 1992, the rail right of way acquisition program and the rail right of way acquisition act, which are not defined. Signing these sections into law would raise difficult technical questions about the intent of Sections 10 and 11. I have, therefore, vetoed Sections 10 and 11 of Substitute Senate Bill No. 4267.

With the exception of Sections 10 and 11, which I have vetoed, Substitute Senate Bill No. 4267 is approved."

CHAPTER 433

[Engrossed Substitute House Bill No. 863]

STATE HIGHWAY IMPROVEMENTS NECESSITATED BY PLANNED ECONOMIC DEVELOPMENT—ECONOMIC DEVELOPMENT ACCOUNT OF THE MOTOR VEHICLE FUND CREATED

AN ACT Relating to transportation improvements necessitated by planned economic development; amending RCW 43.160.030, 47.10.801, and 47.10.803; reenacting RCW 43.160.030; adding new sections to chapter 43.160 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 47.10.810; making an appropriation; declaring an emergency; and providing effective dates.

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

NEW SECTION. Sec. 1. A new section is added to chapter 43.160 RCW to read as follows:

The legislature recognizes that in order to attract new industry to the state of Washington, and to encourage significant expansion of industries already here, it is often necessary to construct or improve public works facilities. To that end, the legislature, in 1982, created the community economic revitalization board and subsequently established a program of loans and grants to political subdivisions to enable construction and improvement of such facilities. This program has made a significant contribution toward stimulating economic development within the state.

The legislature now finds that the state's economic development efforts can be further enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by sections 5 and 6 of this act. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

***Sec. 2. Section 3, chapter 40, Laws of 1982 1st ex. sess. as amended by section 2, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.030 are each amended to read as follows:**

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of ~~((nine))~~ eleven persons appointed by the governor and the director of commerce and economic development, the director of ~~((planning and community affairs))~~ community development, the director of revenue, the commissioner of employment security, ~~((and the chairmen))~~ the secretary of the department of transportation, and a majority member and a minority member of the committee on ~~((commerce))~~ trade and economic development of the house of representatives and a majority member and a minority member of the committee on commerce and labor of the senate, or the equivalent standing committees ~~((for a total of seventeen members))~~. Legislative members shall be chosen by the leader of their respective caucus.

The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of commerce and economic development.

(4) All appointive members of the board shall be reimbursed for travel expenses as provided in RCW 43.93.050 and 43.03.060 as now or hereafter amended.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

**Sec. 2 was vetoed, see message at end of chapter.*

**Sec. 3. Section 3, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 89, chapter 287, Laws of 1984 and by section 2 of this act and RCW 43.160.030 are each reenacted to read as follows:*

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of eleven persons appointed by the governor and the director of commerce and economic development, the director of community development, the director of revenue, the commissioner of employment security, the secretary of the department of transportation, and a majority member and a minority member of the committee on trade and economic development of the house of representatives and a majority member and a minority member of the committee on commerce and labor of the senate, or the equivalent standing committees. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the

Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of commerce and economic development.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

*Sec. 3 was vetoed, see message at end of chapter.

****NEW SECTION. Sec. 4. A new section is added to chapter 43.160 RCW to read as follows:***

Each agency head of an executive branch agency who is appointed to the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings in which the agency head will be absent. The designee has all powers to vote and participate in board deliberations as have the other board members.

*Sec. 4 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 43.160 RCW to read as follows

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the transportation commission.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the transportation commission as

specified in section 6 of this act. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the transportation commission as specified in section 6 of this act.

(4) The board shall notify the transportation commission of its decision regarding any application made under this section.

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to section 5 of this act from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

(a) Meet the safety and design criteria of the department of transportation;

(b) Will impair the operational integrity of the existing highway system;

(c) Will affect any other improvements planned by the department; and

(d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to section 5 of this act, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

(4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to sections 5 and 6 of this act.

(5) All state highway improvements that are approved pursuant to sections 5 and 6 of this act shall be charged to the economic development account of the motor vehicle fund created by RCW 47.10.803.

Sec. 7. Section 1, chapter 316, Laws of 1981 as amended by section 1, chapter 19, Laws of 1982 and RCW 47.10.801 are each amended to read as follows:

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2) and (3) of this section, upon the request of the Washington state transportation commission a total of four hundred (~~fifty~~) sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, (~~1985~~) 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10-.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements in RCW 47.05.030;

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in sections 5 and 6 of this act.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission, in consultation with the legislative transportation committee, determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

Sec. 8. Section 3, chapter 316, Laws of 1981 and RCW 47.10.803 are each amended to read as follows:

The proceeds from the sale of the bonds authorized by RCW 47.10.801(1) (a) and (b) shall be deposited in the motor vehicle fund(~~; and~~). The proceeds from the sale of the bonds authorized by RCW

47.10.801(1)(c) shall be deposited in the economic development account of the motor vehicle fund, hereby created. All such proceeds shall be available only for the purposes enumerated in RCW 47.10.801, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds.

NEW SECTION. Sec. 9. The sum of ten million dollars, or so much thereof as may be necessary, is appropriated from the economic development account of the motor vehicle fund to the department of transportation for the biennium ending June 30, 1987, to carry out the provisions of sections 5 and 6 of this act and RCW 47.10.801(1)(c). However, the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds, and interest earned thereon, authorized by RCW 47.10.801(1)(c) and deposited to the credit of the economic development account of the motor vehicle fund.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the entire act and the application of the provision to other persons or circumstances is invalid and of no further force and effect.

NEW SECTION. Sec. 11. Section 11, chapter 316, Laws of 1981 and RCW 47.10.810 are each hereby repealed.

****NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except for section 3 of this act, which shall take effect July 1, 1985.***

*Sec. 12 was vetoed, see message at end of chapter.

Passed the House March 15, 1985.

Passed the Senate April 28, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to four sections, Engrossed Substitute House Bill No. 863, entitled:

"AN ACT Relating to transportation improvements necessitated by planned economic development."

I fully support the purpose of Engrossed Substitute House Bill No. 863. It allocates funds through existing Department of Transportation bond authority to allow CERB (Community Economic Revitalization Board) to fund improvements to the state highway system in connection with economic development projects. The bill also establishes a procedure for coordinated review and approval of these highway system improvements between CERB and the State Transportation Commission. Also, in the closing hours of the legislative session, an amendment was added to Engrossed Substitute House Bill No. 863 which increased the membership of CERB.

Engrossed Substitute House Bill No. 461, an act relating to economic development, is a bill that was the subject of much deliberation and which also passed the legislature this session. Among its provisions, Engrossed Substitute House Bill No.

461 also amends the CERB statute, Chapter 43.160 RCW, by clarifying evaluation standards for CERB projects, and enlarging the CERB Board.

I agree with the purpose of both bills. However, they contain provisions that would result in four double amendments to the CERB statute.

Sections 2 and 3 of Engrossed Substitute House Bill No. 863 add additional members to CERB. Sections 1 and 2 of Engrossed Substitute House Bill No. 461 also add members to CERB. I have vetoed Sections 2 and 3 of Engrossed Substitute House Bill No. 863 because I believe the membership provisions of Engrossed Substitute House Bill 461 is a more definitive statement of legislative intent because the bill resulted from more extensive discussion and negotiation during the session.

Section 4 of Engrossed Substitute House Bill No. 863 adds a new section to Chapter 43.160 RCW. Section 4 of Engrossed Substitute House Bill No. 461 duplicates the same language. Therefore, I have vetoed Section 4 of Engrossed Substitute House Bill No. 863 in order to avoid the confusion of duplicate sections being added to Chapter 43.160 RCW.

Section 12 of Engrossed Substitute House Bill No. 863 adds an emergency clause to the act and makes Section 3 effective July 1, 1985. The emergency clause is not necessary and the referral to Section 3 would make it a double amendment. Therefore, I have vetoed Section 12 of Engrossed Substitute House Bill No. 863 in order to avoid confusion.

With the exception of Sections 2, 3, 4 and 12, Engrossed Substitute House Bill No. 863 is approved."

CHAPTER 434

[House Bill No. 999]

EDUCATIONAL CLINICS

AN ACT Relating to educational clinics; amending RCW 28A.97.030; adding new sections to chapter 28A.97 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. It is the intent of this act to provide for an equitable distribution of funds appropriated for educational clinics, to stabilize existing programs, and to provide a system for orderly expansion or retrenchment in the event of future increases or reductions in program appropriations.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.97 RCW to read as follows:

The superintendent of public instruction shall prepare a report on educational clinics that:

- (1) Identifies a funding level that is adequate to fund the enrollment served by educational clinics during the previous fiscal year;
- (2) Identifies locales in the state which are served by educational clinics but where demand for educational clinic services will support additional service, and recommends the funding level necessary to serve such demand;
- (3) Identifies locales in the state which are not served by educational clinics but where demand will support operation of clinics, and recommends the funding level necessary to serve such demand; and

(4) Identifies locales in the state that are either underserved or not served by existing public school programs for drop-outs or for drop-out prevention, but where demand will support such services and recommends the funding level necessary to serve such demand.

The report shall be submitted to the legislature by January 1 in the year following the effective date of this act and updates of the report shall be submitted with each biennial budget request until such time as funding levels reach the levels recommended in subsections (2) and (3) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.97 RCW to read as follows:

In allocating funds appropriated for educational clinics, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for educational clinics that have demonstrated superior performance as defined in RCW 28A.97.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded clinic programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education clinic services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the state board of education as provided in RCW 28A.97.010;

(b) The cost-effectiveness of the proposal as judged by the criteria established in RCW 28A.97.100(1) and (2); and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded educational clinics programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing clinics programs, if any;

(b) The availability within the geographic area of programs other than educational clinics which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded educational clinic programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all clinics funded at the time of the lowered appropriation. Individual clinics may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the clinic's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the clinic to continue operation.

(5) In the event that an additional clinic or clinics become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional clinic or clinics to operate at minimally acceptable levels of service without reducing the funds available to previously funded clinics, the superintendent shall not provide funding for such additional clinic or clinics from such appropriation.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.97 RCW to read as follows:

The superintendent shall include the educational clinics program in the biennial budget request. Contracts between the superintendent of public instruction and the educational clinics shall include quarterly plans which provide for relatively stable student enrollment but take into consideration anticipated seasonal variations in enrollment in the individual clinics. Funds which are not expended by a clinic during the quarter for which they were planned may be carried forward to subsequent quarters of the fiscal year. The superintendent shall make payments to the clinics on a monthly basis pursuant to RCW 28A.97.040.

***Sec. 5. Section 3, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.030 are each amended to read as follows:**

The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: PROVIDED, That such individual shall be placed with the class he would be in had he not dropped out and graduate with that class, if his ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified educational clinic student, upon completion of an individual student program and irrespective of age, shall be eligible to take the general educational development test as given throughout the state. Any such student who passes the general educational development test shall not be permitted to reenroll in the common school system in the state for other than vocational courses.

***Sec. 5 was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 6. If specific funding for the purposes of section 2 of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, section 2 of this act shall be null and void. Section 2 of this act shall be of no effect until such specific funding is provided. If such funding is so provided, section 2 of this act shall take effect when the legislation providing the funding takes effect.

NEW SECTION. Sec. 7. Section 3(5) of this act is necessary for the immediate preservation of the public peace, health, and safety, the support

of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 23, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one section, House Bill No. 999 entitled:

"AN ACT Relating to educational clinics...;"

House Bill No. 999 establishes a new system for the allocation of state funds in support of educational clinics, and directs a study by the Superintendent of Public Instruction concerning the funding and program criteria for educational clinics and public school drop-out prevention programs.

Section 5 was added as a Senate floor amendment. The intent of the section was to preclude the potential disruptiveness that might result from drop-out students returning to their former high schools. The amendment, though, would allow such students to return for attendance in vocational educational programs. The intent of this amendment has merit, although it unfortunately raises two significant legal questions: equal protection for all students; and denying the constitutional right to a basic education. The Supreme Court ruled that there is an absolute right of the state to provide a basic education, unless prevented by the student. The Section 5 provision might be held unconstitutional because it limits the state's responsibility to provide an equal opportunity for basic education for all students.

The equal protection issue arises because only drop-outs who have attended educational clinics and obtained a GED would be prohibited from returning to the common school system. There is no statutory prohibition against a drop-out returning to the common school system.

With the exception of Section 5, which I have vetoed, the remainder of House Bill No. 999 is approved."

CHAPTER 435

[Substitute Senate Bill No. 4424]

WATER RIGHTS—SPECIAL FILING PERIOD TEMPORARILY ESTABLISHED

AN ACT Relating to water rights; amending RCW 90.14.043; adding a new section to chapter 90.14 RCW; and declaring an emergency.

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

Sec. 1. Section 4, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.043 are each amended to read as follows:

(1) Notwithstanding any time restrictions imposed by the provisions of chapter 90.14 RCW, a person may file a claim pursuant to RCW 90.14.041 if such person obtains a certification from the pollution control hearings board as provided in this section.

(2) A certification shall be issued by the pollution control hearings board if, upon petition to the board, it is shown to the satisfaction of the board that:

(a) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) in the case of surface water beginning not later than June 7, 1917, and in the case of ground water beginning not later than June 7, 1945, or

(b) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) from the date of entry of a court decree confirming a water right and any failure to register a claim resulted from a reasonable misinterpretation of the requirements as they related to such court decreed rights.

(3) The board shall have jurisdiction to accept petitions for certification from any person through (~~December 31, 1979~~) September 1, 1985, and not thereafter.

(4) A petition for certification shall include complete information on the claim pursuant to RCW 90.14.051 (1) through (8), and any such information as the board may require.

(5) The department of ecology is directed to accept for filing any claim certified by the board as provided in subsection (2) of this section. The department of ecology, upon request of the board, may provide assistance to the board pertinent to any certification petition.

(6) A certification by the pollution control hearings board or a filing with the department of ecology of a claim under this section shall not constitute a determination or confirmation that a water right exists.

(7) The provisions of RCW 90.14.071 shall have no applicability to certified claims filed pursuant to this section.

(8) This section shall have no applicability to ground waters resulting from the operations of reclamation projects.

NEW SECTION. Sec. 2. A new section is added to chapter 90.14 RCW to read as follows:

The provisions of this 1985 amendatory act authorizing the acceptance of a petition for certification filed during the period beginning on the effective date of this 1985 amendatory act and ending on midnight, September 1, 1985, shall not affect or impair in any respect whatsoever any water right existing prior to the effective date of this 1985 act.

****NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

*Sec. 3 was vetoed, see message at end of chapter.

Passed the Senate April 27, 1985.

Passed the House April 26, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 4424, entitled:

"AN ACT Relating to water rights."

This bill reopens the filing of water claims for water rights based on water use up to 1917 for surface water and up to 1945 for groundwater. All claims must be filed by September 1, 1985.

Section 3 of the bill is an emergency clause that would make the bill effective immediately. I believe it is in the best interest of all claimants to keep this period for filing claims as short as possible. By vetoing Section 3, this bill will become effective on July 28, 1985.

With the exception of Section 3, Substitute Senate Bill No. 4424 is approved."

CHAPTER 436

[Substitute House Bill No. 69]

LANDFILL DISPOSAL FACILITIES—RESERVE ACCOUNT TO COVER COST OF CLOSURE—UTILITIES AND TRANSPORTATION COMMISSION AUTHORITY REGARDING GARBAGE COLLECTION

AN ACT Relating to solid waste management; amending RCW 81.77.100; and adding a new section to chapter 70.95 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 70.95 RCW to read as follows:

(1) By July 1, 1987, each holder or applicant of a permit for a landfill disposal facility issued under this chapter shall establish a reserve account to cover the costs of closing the facility in accordance with state and federal regulations. The account shall be designed to ensure that there will be adequate revenue available by the projected date of closure. Landfill disposal facilities maintained on private property for the sole use of the entity owning the site shall not be required to establish a reserve account if, to the satisfaction of the department, they provide another form of financial assurance adequate to comply with the requirements of this section.

(2) By July 1, 1986, the department shall adopt rules under chapter 34.04 RCW to implement subsection (1) of this section. The rules shall include but not be limited to:

(a) Methods to estimate closure costs, including postclosure monitoring, pollution prevention measures, and any other procedures required under state and federal regulations;

(b) Methods to ensure that reserve accounts receive adequate funds, including:

(i) Requirements that the reserve account be generated by user fees. However, the department may waive this requirement for existing landfills if user fees would be prohibitively high;

(ii) Requirements that moneys be placed in the reserve account on a regular basis and that the reserve account be kept separate from all other accounts; and

(iii) Procedures for the department to verify that adequate sums are deposited in the reserve account; and

(c) Methods to ensure that other types of financial assurance provided in accordance with subsection (1) of this section are adequate to cover the costs of closing the facility.

Sec. 2. Section 11, chapter 295, Laws of 1961 and RCW 81.77.100 are each amended to read as follows:

Neither this chapter nor any provision thereof shall apply, or be construed to apply, to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

However, in order to protect public health and safety and to ensure garbage and refuse collection services are provided to all areas of the state, the commission, in accordance with this chapter, shall regulate all garbage or refuse collection companies conducting business in the state.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 437

[Engrossed Substitute House Bill No. 1207]

RETRAINING OF UNEMPLOYED CITIZENS—EMERGENCY PILOT VOCATIONAL TRAINING PROGRAM

AN ACT Relating to employment and training; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that there is an urgent need for retraining and reeducation of persons living in areas with high unemployment who have become unemployed due to large changes in the economy of our state and the demands of industry. The state through its agencies has a responsibility to assist in the retraining of unemployed citizens. The legislature further finds that retraining and reeducation is crucial for the well-being of all citizens of this state and the economic recovery of the distressed areas in this state.

NEW SECTION. Sec. 2. (1) From August 1, 1985 to August 30, 1986, eligible persons under subsection (2) of this section may attend an emergency pilot vocational training program under this section. The program shall be designed to provide retraining in vocational skills for not more

than a one-year period on either a full-time or part-time basis as applicable.

(2) Eligible persons participating in the program under this section shall not, by reason of their participation in the program, be deemed ineligible for unemployment compensation and participation shall be deemed training for the purposes of RCW 50.20.043.

(3) Persons participating in the program under this section shall not be required to pay tuition, operating, and services and activities fees at Lower Columbia Community College, Spokane Community College, Grays Harbor Community College, Skagit Valley Community College, Yakima Valley Community College, and Centralia Community College if attended as part of the program or pay fees at a vocational-technical institute attended as part of the program if funds are available in the 1985-87 omnibus operating appropriations act.

(4) A person is eligible to participate in the program under this section if the person:

(a) Meets the requirements for a resident student under RCW 28B-.15.011 through 28B.15.015;

(b) Resides, before admittance to a program under this section, in a county in which the average level of unemployment during 1984 exceeded the average state unemployment by twenty percent;

(c) Had been employed full time for a minimum of two years in a trade or occupation and using a skill which is in declining demand;

(d) Is unemployed due to a significant reduction in force or a plant closure which reduction or closure has occurred within two years before the date on which the person has applied for participation in the program; and

(e) Has been continuously unemployed for the period of ten weeks immediately prior to the date on which the person has applied for participation in the program.

(5) If an eligible person attends a vocational-technical institute instead of one of the community colleges under this section, the state board for community college education shall pay the vocational-technical institute a sum equivalent to that allocated for a person attending a community college under this section if funds are available under subsection (3) of this section. All persons applying for the program shall be given a list of the eligible community colleges and the vocational-technical institutes in the state and informed that they may attend either the community college or a vocational-technical institute. The state board for community college education shall administer the program under this section and shall submit a report on the program to the legislature by January, 1987.

NEW SECTION. Sec. 3. The number of persons granted tuition and fee waivers under section 2 of this act shall not exceed two hundred full time equivalent students. The state board for community college education shall provide an equitable allocation of the waivers among the community

colleges specified in subsection (3) of section 2 of this act. The provisions of RCW 28B.15.740 shall not apply to waivers of tuition and fees granted under this act. The waivers provided under this act may only be granted to the extent that public or private funds are provided to the state board for community college education expressly for such purposes.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1985.

NEW SECTION. Sec. 5. The terms of this act shall be implemented only to the extent that funds are available.

NEW SECTION. Sec. 6. The emergency pilot vocational training program shall cease to exist on July 1, 1987, unless extended by law for an additional fixed period of time.

Passed the House April 23, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 438

[Engrossed Senate Bill No. 3314]

GAME FISH—GAME COMMISSION AUTHORITY CONCERNING BAIT OR ARTIFICIAL LURES SPECIFIED

AN ACT Relating to game fish; and amending RCW 77.12.010.

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

Sec. 1. Section 77.12.010, chapter 36, Laws of 1955 as last amended by section 12, chapter 78, Laws of 1980 and RCW 77.12.010 are each amended to read as follows:

Wildlife is the property of the state. The department shall preserve, protect, and perpetuate wildlife. Game animals, game birds, and game fish may be taken only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of wildlife.

The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries resource or to provide selected fishing alternatives. The commission shall attempt to maximize the public recreational fishing opportunities of all citizens, particularly juvenile, handicapped, and senior citizens.

Nothing contained herein shall be construed to infringe on the right of a private property owner to control the owner's private property.

Passed the Senate April 22, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 439

[Engrossed Senate Bill No. 4115]

INDUSTRIAL DEVELOPMENT FACILITIES DEFINITION EXPANDED TO INCLUDE SPORTS FACILITIES

AN ACT Relating to sports facilities; and amending RCW 39.84.020.

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

Sec. 1. Section 2, chapter 300, Laws of 1981 as amended by section 1, chapter 51, Laws of 1983 1st ex. sess. and RCW 39.84.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Board of directors" means the board of directors of a public corporation.

(2) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.

(3) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(4) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(5) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(6) "Industrial development facilities" means manufacturing, processing, research, production, assembly, warehousing, transportation, pollution control, solid waste disposal, energy facilities, sports facilities, and industrial parks. For the purposes of this section, the term "sports facilities" shall not include facilities which are constructed for use by members of a private club or as integral or subordinate parts of a hotel or motel, or which are not available on a regular basis for general public use.

(7) "Industrial park" means acquisition and development of land as the site for an industrial park. For the purposes of this chapter, "development of

land" includes the provision of water, sewage, drainage, or similar facilities, or of transportation, energy, or communication facilities, which are incidental to the use of the site as an industrial park, but does not include the provision of structures or buildings.

(8) "Municipality" means a city, town, county, or port district of this state.

(9) "Ordinance" means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.

(10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(11) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.

(12) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

Passed the Senate March 14, 1985.

Passed the House April 19, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 440

[Substitute Senate Bill No. 4263]

WHOLESALE DISTRIBUTOR/SUPPLIER EQUITY AGREEMENT ACT— ENFORCEMENT

AN ACT Relating to the enforcement of the wholesale distributor/supplier equity agreement act; amending RCW 19.126.050; and adding new sections to chapter 19.126 RCW.

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

Sec. 1. Section 5, chapter 169, Laws of 1984 and RCW 19.126.050 are each amended to read as follows:

No supplier may:

(1) Coerce or induce, or attempt to induce or coerce, any wholesale distributor to engage in any illegal act or course of conduct;

(2) Require a wholesale distributor to assent to any unreasonable requirement, condition, understanding, or term of an agreement which prohibits a wholesaler from selling the product of any other supplier or suppliers; ((or))

(3) Require a wholesale distributor to accept delivery of any product or any other item or commodity which was not ordered by the wholesale distributor; or

(4) Fail or refuse to enter into an agreement of distributorship with a wholesale distributor that handles the supplier's products.

NEW SECTION. Sec. 2. A new section is added to chapter 19.126 RCW to read as follows:

Continued violation of this chapter constitutes grounds, in the discretion of the state liquor control board, for suspension or cancellation under RCW 66.24.010 of any license or certificate held by a supplier or its agent.

NEW SECTION. Sec. 3. A new section is added to chapter 19.126 RCW to read as follows:

A person injured by a violation of this chapter may bring a civil action in a court of competent jurisdiction to enjoin further violations. Injunctive relief may be granted in an action brought under this chapter without the injured party being required to post bond if, in the opinion of the court, there exists a likelihood that the injured party will prevail on the merits.

Passed the Senate April 25, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 441

[Substitute Senate Bill No. 3279]

HOME SCHOOLING

AN ACT Relating to home schooling; amending RCW 28A.27.010, 28A.02.201, and 28A.41.145; and adding new sections to chapter 28A.27 RCW.

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

Sec. 1. Section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010 are each amended to read as follows:

(1) All parents((, guardians and the persons)) in this state ((having custody)) of any child eight years of age and under ((fifteen)) eighteen

years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session ~~((or to attend a))~~ unless:

(a) The child is attending an approved private school for the same time ~~((unless))~~ or is enrolled in an extension program as provided in RCW 28A.02.201(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section; or

(c) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, or has been temporarily excused upon the request of his or her parents ~~((, guardians, or persons in this state having custody of any such child;))~~ for purposes agreed upon by the school authorities and the parent ~~((, guardian or custodian))~~: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.41.130 and 28A.41.140, as now or hereafter amended, and shall not affect school district compliance with the provisions of RCW 28A.58.754, as now or hereafter amended (:

~~All parents, guardians and other persons in this state having custody of any child fifteen years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time excepting when))~~;

(d) The child is fifteen years of age or older and:

(i) The school district superintendent determines that such child ~~((is physically or mentally unable to attend school or))~~ has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state ~~((, or the child has been temporarily excused in accordance with this section, or))~~;

(ii) The child is regularly and lawfully engaged in a useful or remunerative occupation ~~((, or the child is attending a residential school operated by the department of social and health services, or))~~;

(iii) The child has already met graduation requirements in accordance with state board of education rules and regulations (:); or

(iv) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private ((and/or parochial)) school for the purposes of this ((section)) chapter shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

(4) For the purposes of this chapter, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.02.201 and 28A.02.240 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter shall be a person certified under chapter 28A.70 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.27 RCW to read as follows:

Each parent whose child is receiving home-based instruction under RCW 28A.27.010(4) shall have the duty to:

(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent

shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides;

(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.27.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.27.010(4).

NEW SECTION. Sec. 3. A new section is added to chapter 28A.27 RCW to read as follows:

The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW 28A.27.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter.

Sec. 4. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 56, Laws of 1983 and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and

safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended.

(2) The length of the school day shall be the same as that required of public schools in RCW 28A.01.010 and 28A.58.754, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in RCW 28A.58.754 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.70 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

~~((5))~~ (6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

~~((6))~~ (7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

~~((7))~~ (8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection ~~((6))~~ (7) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 5. Section 4, chapter 217, Laws of 1969 ex. sess. as last amended by section 8, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.145 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private ~~((or private sectarian))~~ school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private ~~((or private sectarian))~~ school and taking courses at and/or receiving ancillary services offered by any public school not available in such private ~~((or private sectarian))~~ school ~~((district and))~~; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.27.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students(~~(, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled)~~); PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.41.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 15, 1985.

Passed the House April 10, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 442

[Substitute House Bill No. 178]

WASHINGTON STATE INTERNSHIP PROGRAM—STATE GOVERNMENT
EXPERIENCE FOR STUDENTS AND STATE EMPLOYEES

AN ACT Relating to the Washington state internship program; adding new sections to chapter 43.06 RCW; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 28B.16 RCW.

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

NEW SECTION. Sec. 1. There is established within the office of the governor the Washington state internship program to assist students and state employees in gaining valuable experience and knowledge in various areas of state government. In administering the program, the governor shall:

(1) Consult with the secretary of state, the director of personnel, the director of the higher education personnel board, the commissioner of the employment security department, and representatives of labor;

(2) Encourage and assist agencies in developing intern positions;

(3) Develop and coordinate a selection process for placing individuals in intern positions. This selection process shall give due regard to the responsibilities of the state to provide equal employment opportunities;

(4) Develop and coordinate a training component of the internship program which balances the need for training and exposure to new ideas with the intern's and agency's need for on-the-job work experience;

(5) Work with institutions of higher education in developing the program, soliciting qualified applicants, and selecting participants; and

(6) Develop guidelines for compensation of the participants.

NEW SECTION. Sec. 2. (1) The governor may appoint a coordinator to assist in administering the program created by section 1 of this act.

(2) The governor shall adopt such rules as are necessary to administer section 1 of this act.

NEW SECTION. Sec. 3. The state internship program shall consist of two individual internship programs as follows:

(1) An undergraduate internship program consisting of three-month to six-month positions for students working toward an undergraduate degree. In addition, a public sector employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency.

(2) An executive fellows program consisting of one-year to two-year placements for students who have successfully completed at least one year of graduate level work and have demonstrated a substantial interest in public sector management. Positions in this program shall be as assistants or analysts at the midmanagement level or higher. In addition, a public sector employee, whether working toward an advanced degree or not, or who has

not successfully completed one year of graduate-level work as required by this subsection, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency. Participants in the executive fellows program who were not public employees prior to accepting a position in the program shall receive insurance and retirement credit commensurate with other employees of the employing agency.

NEW SECTION. Sec. 4. The state personnel board and the higher education personnel board shall each adopt rules to provide that:

(1) Successful completion of an internship under section 3 of this act shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under section 3 of this act: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

NEW SECTION. Sec. 5. The state personnel board shall adopt rules to provide that persons successfully completing an internship under the executive fellows program created under section 3 of this act are eligible for positions in the career executive program under RCW 41.06.430.

NEW SECTION. Sec. 6. An agency shall not be deemed to exceed any limitation on full time equivalent staff positions on the basis of intern positions established under section 3 of this act.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 43.06 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 41.06 RCW to read as follows:

This chapter does not apply to positions under the state internship program established under section 1 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.16 RCW to read as follows:

This chapter does not apply to positions under the state internship program established under section 1 of this act.

NEW SECTION. Sec. 10. Nothing in this act shall be construed to limit the authority of state agencies to continue or establish other internship programs or positions.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 22, 1985.

Passed the Senate April 16, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 443

[Substitute House Bill No. 242]

CRIME VICTIMS COMPENSATION—GOOD SAMARITAN LAW—MISSING CHILDREN CLEARINGHOUSE

AN ACT Relating to rights of crime victims, survivors of crime victims, and witnesses of crime; amending RCW 7.69.010, 7.69.020, 7.69.030, 9.94A.110, 9.94A.120, 9.94A.140, 7.68.020, 7.68.030, 7.68.035, 7.68.060, 7.68.070, 7.68.130, 4.24.300, 4.24.310, and 9.69.100; adding new sections to chapter 7.69 RCW; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 13 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 145, Laws of 1981 and RCW 7.69.010 are each amended to read as follows:

In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime and the civic and moral duty of victims, survivors of victims, and witnesses of crimes to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to grant to the victims of crime and the survivors of such victims a significant role in the criminal justice system. The legislature further intends to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended in this chapter to victims, survivors of victims, and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants.

Sec. 2. Section 2, chapter 145, Laws of 1981 and RCW 7.69.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act (~~committed by an adult or juvenile in this state which, if committed by a competent adult person, would constitute a~~

crime as provided in either federal, state, or local statute)) punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) (~~"Family member"~~) "Survivor" or "survivors" of a victim of crime means a spouse, child, parent, ((or)) legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

(3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.

(4) "Victim impact statement" means a statement submitted to the court by the victim or a survivor, individually or with the assistance of the prosecuting attorney if assistance is requested by the victim or survivor, which may include but is not limited to information assessing the financial, medical, social, and psychological impact of the offense upon the victim or survivors.

(5) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

Sec. 3. Section 3, chapter 145, Laws of 1981 and RCW 7.69.030 are each amended to read as follows:

There shall be a reasonable effort made to (~~assure~~) ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(2) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(3) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(4) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(5) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(6) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of

which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(7) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(8) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance; ~~((and))~~

~~(9) ((To have the family members of homicide victims afforded all of the rights established under subsections (1) through (4), (6), and (7) of this section))~~ With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(10) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(11) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(12) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; and

(13) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.

NEW SECTION. Sec. 4. A new section is added to chapter 7.69 RCW to read as follows:

For purposes of this chapter, a victim who is incapacitated or otherwise incompetent shall be represented by a parent or present legal guardian, or if none exists, by a representative designated by the prosecuting attorney without court appointment or legal guardianship proceedings. Any victim may designate another person as the victim's representative for purposes of the rights enumerated in RCW 7.69.030.

NEW SECTION. Sec. 5. A new section is added to chapter 7.69 RCW to read as follows:

Nothing contained in this chapter may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding, nor may anything in this chapter be construed to grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure of a person to make a reasonable effort to ensure that victims, survivors, and witnesses under this chapter have the rights enumerated in RCW 7.69.030 shall not result in civil liability against that person. This chapter does not limit other civil remedies or defenses of the offender or the victim or survivors of the victim.

Sec. 6. Section 11, chapter 137, Laws of 1981 as amended by section 5, chapter 209, Laws of 1984 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department.

**Sec. 7. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:*

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact

and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;*
 - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;*
 - (c) Pursue a prescribed, secular course of study or vocational training;*
 - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;*
 - (e) Report as directed to the court and a community corrections officer;*
- or*
- (f) Pay a fine, make restitution, and/or accomplish some community service work.*

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and

has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;*
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;*
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;*
- (iv) Report as directed to the court and a community corrections officer;*
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or*
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.*

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall

review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;*
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;*
- (iii) Report as directed to the court and a community corrections officer;*
- (iv) Undergo available outpatient treatment.*

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(14) This section shall apply to offenses committed before the effective date of this 1985 act.

*Sec. 7 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall

not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer;

or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less

than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may

refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate

and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(15) This section shall apply to offenses committed after the effective date of this act.

***Sec. 9. Section 14, chapter 137, Laws of 1981 as amended by section 5, chapter 192, Laws of 1982 and RCW 9.94A.140 are each amended to read as follows:**

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and may set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and

agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

(5) This section shall apply to offenses committed before the effective date of this 1985 act.

*Sec. 9 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 9.94A RCW to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within sixty days and shall set the terms and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after the effective date of this act.

Sec. 11. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 239, Laws of 1983 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state(~~(: PROVIDED, That)~~), except as follows:

(a) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless ((a)):

(i) The injury or death was intentionally inflicted; ((b))

(ii) The operation thereof was part of the commission of another non-vehicular criminal act as defined in this section; or ((c))

(iii) The death or injury was the result of operation of a motor vehicle after July 24, 1983, and a conviction of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522, has been obtained((: PROVIDED, FURTHER: (a) That)):

(b) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in subsection((s(c) and (d) above)) (2)(a)(iii) of this section; ((b) that)

(c) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; ((c) that) and

(d) Acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good

faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" is interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child," "accredited school," "dependent," "beneficiary," "average monthly wage," "director," "injury," "invalid," "permanent partial disability," and "permanent total disability" have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) "Private insurance" means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) "Public insurance" means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

Sec. 12. Section 3, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.030 are each amended to read as follows:

It shall be the duty of the director to establish and administer a program of benefits to victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter 34.04 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this chapter. The director may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the public safety and education account in the general fund and may be expended only for purposes authorized by applicable federal law.

Sec. 13. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 311, chapter 258, Laws of 1984 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be (~~fifty~~) seventy dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and (~~twenty-five~~) forty-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52-.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46-.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Until June 30, 1987, each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. After that date, each county shall continue to provide for such comprehensive programs. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one

hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Until June 30, 1987, every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section. After that date, every city and town shall transmit to the county a percentage of such money, up to one and seventy-five one-hundredths percent, which matches the percentage of court revenue the county provides under subsection (4) of this section.

Sec. 14. Section 6, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 302, Laws of 1977 ex. sess. and RCW 7.68-.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one year after the date ~~((of))~~ the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued~~((;))~~; or

(2) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

Sec. 15. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 239, Laws of 1983 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

~~(b) ((The result of an act or acts committed by a person living in the same household with the victim;~~

~~(c) The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption, or marriage, or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or daughter-in-law of the victim, unless in the director's sole discretion it is determined that:~~

~~(i) The parties to the marriage which establishes the relationship between the person committing the criminal act and the victim described above are estranged and living apart, and~~

~~(ii) The interests of justice require otherwise in the particular case;~~

~~(d) The result of the victim assisting, attempting, or committing a criminal act))~~ Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

~~((e))~~ (c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed ~~((five hundred dollars))~~ the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal

act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for benefits authorized under RCW 7.68.080, no more than fifteen thousand dollars may be granted as a result of any single injury or death.

~~((13) Notwithstanding the provisions of Title 51 RCW, no claim resulting from a single injury or death is eligible for benefits for the first two hundred dollars worth of loss suffered: PROVIDED, That this subsection does not apply to costs covered by RCW 7.68.170 or to other medical costs incurred by the victim of a sexual assault.))~~

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for any one injury or death for loss of earnings, those benefits payable pursuant to subsection (7) of this section, or for loss of future earnings, those benefits payable pursuant to subsection (5) of this section, or for loss of support, those benefits payable pursuant to subsection (4) of this section, shall be limited to ten thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

Sec. 16. Section 13, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 156, Laws of 1980 and RCW 7.68.130 are each amended to read as follows:

Benefits payable pursuant to this chapter shall be reduced by the amount of any other public or private insurance available. Benefits payable after 1980 to victims injured or killed before 1980 shall be reduced by any other public or private insurance including but not limited to social security. Payment by the department under this chapter shall be secondary to such other insurance benefits, notwithstanding the provision of any contract or coverage to the contrary: PROVIDED, That in the case of private life insurance proceeds, the first forty thousand dollars of such proceeds shall not be considered for purposes of any such reduction in benefits.

NEW SECTION. Sec. 17. The amendments to RCW 7.68.060 and 7.68.070 by this act apply only to criminal acts occurring after December 31, 1985.

NEW SECTION. Sec. 18. There is appropriated from the public safety and education account in the general fund to the department of labor and industries for the biennium ending June 30, 1987, the sum of two million two hundred forty-eight thousand dollars, or as much thereof as may be necessary, to carry out the purposes of sections 11 through 17 of this act.

Sec. 19. Section 1, chapter 58, Laws of 1975 and RCW 4.24.300 are each amended to read as follows:

Any person, including but not limited to a volunteer provider of emergency or medical services, who ((in good faith and not for)) without compensation or the expectation of compensation renders emergency care at the scene of an emergency or who participates in transporting, not for compensation, therefrom an injured person or persons for emergency medical treatment shall not be liable for civil damages resulting from any act or omission in the rendering of such emergency care or in transporting such persons, other than acts or omissions constituting gross negligence or wilful or wanton misconduct. Any person rendering emergency care during the course of regular employment and receiving compensation or expecting to receive compensation for rendering such care is excluded from the protection of this subsection.

Sec. 20. Section 2, chapter 58, Laws of 1975 and RCW 4.24.310 are each amended to read as follows:

For the purposes of RCW 4.24.300 the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) (~~"Good faith" means a state of mind denoting honesty of purpose, integrity, and a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the injured person is hospitalized~~) "Compensation" has its ordinary meaning but does not include nominal payments, reimbursement for expenses, or pension benefits.

(2) "Emergency care" means care, first aid, treatment, or assistance rendered to the injured person in need of immediate medical attention and includes providing or arranging for further medical treatment or care for the injured person. Except with respect to the injured person or persons being transported for further medical treatment or care, the immunity granted by RCW 4.24.300 does not apply to the negligent operation of any motor vehicle.

(3) "Scene of an emergency" means the scene of an accident or other sudden or unexpected event or combination of circumstances which calls for immediate action other than in a hospital, doctor's office, or other place where qualified medical personnel practice or are employed.

Sec. 21. Section 8, chapter 49, Laws of 1970 ex. sess. and RCW 9.69-.100 are each amended to read as follows:

(1) ~~Whoever, having witnessed the actual commission of a ((felony involving violence or threat of violence or having witnessed preparations for the commission of a felony involving violence or threat of violence))~~ violent offense as defined in RCW 9.94A.030(17) or preparations for the commission of such an offense, or the actual commission of a felony sexual offense or an attempted felony sexual offense, does not as soon as reasonably possible ((make known his knowledge of such to)) notify the prosecuting attorney, ((police)) or law enforcement, medical assistance, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this ((act)) section shall be so construed to affect existing privileged relationships as provided by law: PROVIDED FURTHER, That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible.

(2) For the purposes of this section, "felony sexual offense" means a sexual offense constituting a class B felony under chapter 9.68A, 9A.44, or 9A.64 RCW.

NEW SECTION. Sec. 22. The Washington state patrol shall establish a missing children clearinghouse which shall include the maintenance and operation of a toll-free, twenty-four-hour telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of social and health services, and the general public regarding missing children. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children. The state patrol shall also maintain a regularly updated computerized link with national and other state-wide missing person systems or clearinghouses.

"Child" or "children," as used in this chapter, means an individual under eighteen years of age.

NEW SECTION. Sec. 23. Local law enforcement agencies shall file an official missing person report and enter biographical information into the state missing person computerized network within twelve hours after notification of a missing child is received under RCW 13.32A.050 (1), (3), or (4). The patrol shall collect such information as will enable it to retrieve immediately the following information about a missing child: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate.

NEW SECTION. Sec. 24. The superintendent of public instruction shall meet semiannually with the Washington state patrol to develop a coordinated plan for the distribution of information and education of teachers and students in the school districts of the state regarding the missing children problem in the state. The superintendent of public instruction shall encourage local school districts to cooperate by providing the state patrol information on any missing children that may be identified within the district.

NEW SECTION. Sec. 25. Sections 22 through 24 of this act shall constitute a new chapter in Title 13 RCW.

NEW SECTION. Sec. 26. There is appropriated from the general fund to the Washington state patrol for the biennium ending June 30, 1987, the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 22 through 24 of this act.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1985.

Passed the House April 27, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 7 and 9, Substitute House Bill No. 242, entitled:

"AN ACT Relating to rights of crime victims, survivors of crime victims, and witnesses of crime."

This bill, among other things, contains changes in the Crime Victims Compensation Act. Sections 7 and 9 relate to the restitution provisions of the current law and require that they apply to offenses committed before the effective date of this legislation. The Legislature intended to refer only to those crimes committed after the sentencing guidelines took effect; the language in Sections 7 and 9 could affect offenders sentenced many years ago. I believe this is inappropriate and am, therefore, vetoing Sections 7 and 9.

With the exception of Sections 7 and 9, which I have vetoed, Substitute House Bill No. 242 is approved."

CHAPTER 444

[Engrossed Substitute House Bill No. 846]

MUNICIPAL WATER SYSTEMS—SEWER SYSTEMS—ELECTRIC GENERATION

AN ACT Relating to the water systems of municipalities; amending RCW 35.92.010, 35.92.070, 57.08.010, and 56.08.010; adding a new section to chapter 90.54 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. For the purposes of this act, the legislature finds it is the policy of the state of Washington that:

(1) The quality of the natural environment shall be protected and, where possible, enhanced as follows: Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(2) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

Sec. 2. Section 35.92.010, chapter 7, Laws of 1965 and RCW 35.92.010 are each amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or

town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

Sec. 3. Section 35.92.070, chapter 7, Laws of 1965 and RCW 35.92-.070 are each amended to read as follows:

When the governing body of a city or town deems it advisable that the city or town purchase, acquire, or construct any such public utility or make any additions and betterments thereto or extensions thereof, it shall provide therefor by ordinance, which shall specify and adopt the system or plan

proposed, and declare the estimated cost thereof, as near as may be, and the ordinance shall be submitted for ratification or rejection to the voters of the city or town at a general or special election, except in the following cases where no submission shall be necessary:

(1) When the work proposed is (a) an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks(;-); PROVIDED, That submission by a city or town that does not own or operate an electric utility system shall be necessary for a work which may produce electricity for sale in excess of present and future needs of the water system if such work involves an ownership greater than twenty-five percent in a new water supply project combined with an electric generation facility or if the combined facility has an installed capacity in excess of five megawatts; or (b) an addition, betterment, or extension of an existing system or plant of any other public utility for which no general indebtedness is to be incurred by the city or town;

(2) When in the charter of a city or town a provision has been adopted authorizing the corporate authorities thereof to provide by ordinance for acquiring, opening, or operating any of such public utilities, for which no general indebtedness is to be incurred; or

(3) When in the judgment of the corporate authority, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant for which no general indebtedness shall be incurred by the city or town responsible for such contamination.

If a general indebtedness is to be incurred, the amount and terms thereof shall be included in the proposition submitted to the voters and such proposition shall be adopted by three-fifths of the voters voting at such election.

If no general indebtedness is to be incurred the proposition may be adopted by a majority vote.

~~((Ten))~~ Thirty days' notice of the election shall be given in the newspaper doing the city or town printing, by publication ~~((in each issue of))~~ at least once each week in the paper during such time.

When a proposition has been adopted, or in the cases where no submission is necessary, the corporate authorities of the city or town may proceed forthwith to purchase, construct, and acquire the public utility or make additions, betterments, and extensions thereto and to make payment therefor.

Sec. 4. Section 8, chapter 114, Laws of 1929 as amended by section 1, chapter 108, Laws of 1959 and RCW 57.08.010 are each amended to read as follows:

A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and

without the district, necessary for its purposes. A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer. A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, distribution and price thereof. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system. Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

A water district may purchase and take water from any municipal corporation.

A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply

system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

Sec. 5. Section 10, chapter 210, Laws of 1941 as last amended by section 4, chapter 190, Laws of 1981 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage

and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

NEW SECTION. Sec. 6. A new section is added to chapter 90.54 RCW to read as follows:

In addition to other requirements of this chapter, when the proposed water resource development project involves a new water supply combined with an electric generation facility where such electricity generated may be sold to an entity authorized by law to distribute electricity, the department shall evaluate and utilize, in connection with any application to appropriate water pursuant to the water code, chapter 90.03 RCW, sufficient information furnished by the project applicant regarding the need for the project, alternative means of serving the purposes of the project, the cumulative effects of the project and similar projects that are built, under construction or permitted in the relevant river basin or basins, the impact, if any, on flood control plans and an estimate of the impact, if any, of the sale of the project's electricity on the rates of utility customers of the Bonneville power administration. Such information shall be furnished at the project applicant's own cost and expense.

NEW SECTION. Sec. 7. (1) Nothing in this act exempts any city or town, water district, or sewer district from compliance with applicable state and federal statutes and regulations including but not limited to: State environmental policy act, chapter 43.21C RCW; national environmental policy act, 42 U.S.C. Sec. 4321 et seq.; federal power act, 16 U.S.C. Sec. 791 et seq.; public utility regulatory policies act, 15 U.S.C. Sec. 717f; Pacific northwest electric power planning and conservation act, 16 U.S.C. Sec. 839; energy financing voter approval act, chapter 80.52 RCW; water resources act, chapter 90.54 RCW; federal clean water act, 33 U.S.C. Sec. 1251 et seq.; the public water system coordination act, chapter 70.116 RCW; and the state clean water act, chapter 90.48 RCW.

(2) In addition, if the work proposed under this act involves a new water supply project combined with an electric generation facility with an installed capacity in excess of five megawatts which may produce electricity for sale in excess of present and future needs of the water system, then each of those with a greater than twenty-five percent ownership interest in the project shall jointly prepare an independent economic feasibility study evaluating the cost-effectiveness of the combined facility in the context of forecast regional water needs, alternate sources of water supply, and the potential impact of the combined facility on rates charged for water and electricity.

In addition to the economic feasibility study, the results of the environmental impact statement required by chapter 43.21C RCW and any review by the department of ecology made pursuant to chapter 90.54 RCW shall be made available to the public at least sixty days prior to any public vote on the new combined project.

(3) This act supplements the authority of cities and towns, water districts, and sewer districts and does not restrict or impose limits on any authority such municipal corporations may otherwise have under any laws of this state nor may the authority of such municipal corporations under other laws of this state be construed more narrowly on account of this act.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 24, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 445

[Senate Bill No. 3765]

MUNICIPAL UTILITIES—GENERAL OBLIGATION BONDS—CITY OR TOWN AUTHORITY

AN ACT Relating to municipal utilities; amending RCW 35.67.030, 35.67.110, 35.92-.010, 35.92.020, 35.92.025, 35.92.022, 35.92.030, 35.92.050, 35.92.060, 35.92.070, and 35.92-.080; adding a new section to chapter 35.67 RCW; and repealing RCW 35.22.380, 35.22.390, 35.22.400, and 35.67.070.

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

Sec. 1. Section 35.67.030, chapter 7, Laws of 1965 and RCW 35.67-.030 are each amended to read as follows:

Whenever the legislative body of any city or town, shall deem it advisable that such city or town shall purchase, acquire or construct any public

utility mentioned in RCW 35.67.020, or make any additions ((and)), betterments, or alterations thereto, or extensions thereof, such legislative body shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof as near as may be(~~(; and the same shall be submitted for ratification or rejection to the qualified voters of such city or town at a general or special election, except in the following cases where no submission shall be necessary:~~

(1) ~~When the adoption of a system of sewerage or system for collection and disposal of refuse, and the construction and operation of same, has been required and ordered by the state board of health:~~

(2) ~~When no general indebtedness is to be incurred by such city or town in the acquiring, construction, maintenance or operation of such public utility, or when the work proposed is an addition or extension thereto or betterment thereof for which no general indebtedness is to be incurred by such city or town:~~

~~If a general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by a three-fifths majority of the qualified voters of such city or town voting at said election. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time. PROVIDED, HOWEVER, That where the proposition to be submitted includes a proposed levy of taxes in excess of the levy to which the same is or may be limited by statute or the Constitution of the state of Washington without a vote of the people, then the procedure to be followed in the holding of such election shall be as prescribed by such statutory or constitutional provision regulating the holding of special elections authorizing levies in excess of such limitation)).~~

NEW SECTION. Sec. 2. A new section is added to chapter 35.67 RCW to read as follows:

General obligation bonds issued by a city or town to pay for all or part of the costs of purchasing, acquiring, or constructing any public utility mentioned in RCW 35.67.020, or the costs of making any additions, betterments, or alterations thereto, or extensions thereof, shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 3. Section 35.67.110, chapter 7, Laws of 1965 as amended by section 1, chapter 118, Laws of 1965 and RCW 35.67.110 are each amended to read as follows:

~~((There shall be levied each year upon all taxable property within the city or town a tax sufficient to pay the interest on the bonds and the principal thereof as the same matures. These taxes shall become due and collectible as other taxes. In addition thereto))~~ In addition to taxes pledged to pay the principal of and interest on general obligation bonds issued to pay for costs of purchasing, acquiring, or constructing any public utility mentioned

in RCW 35.67.020, or to make any additions, betterments, or alterations thereto, or extensions thereof, the city or town legislative body, may set aside into a special fund and pledge to the payment of such principal and interest any sums or amounts which may accrue from the collection of service rates and charges for the private and public use of said sewerage system or systems for the collection and disposal of refuse, in excess of the cost of operation and maintenance thereof as constructed or added to, and the same shall be applied solely to the payment of such interest and bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding. If the rates and charges are sufficient to meet the debt service requirements on such bonds no general tax need be levied.

Sec. 4. Section 35.92.010, chapter 7, Laws of 1965 and RCW 35.92-.010 are each amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation

and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property.

Sec. 5. Section 35.92.020, chapter 7, Laws of 1965 and RCW 35.92-.020 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems of sewerage, and systems and plants for garbage and refuse collection and disposal, with full authority to manage, regulate, operate, and control them, and to fix the price of service thereof, within and without the limits of the city or town: PROVIDED, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Sec. 6. Section 35.92.025, chapter 7, Laws of 1965 and RCW 35.92-.025 are each amended to read as follows:

Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. The equitable share may include interest charges applied from the date of construction of the water or sewer system until the connection, or for a period not to exceed ten years, at a rate commensurate with the rate of interest applicable to the city or town at the time of construction or major rehabilitation of the water or sewer system, or at the time of installation of the water or sewer lines to which the property owner is seeking to connect but not to exceed ten percent per year: PROVIDED, That the aggregate amount of interest shall not exceed the equitable share of the cost of the system allocated to such property owners. Connection charges collected shall be considered revenue of such system.

Sec. 7. Section 2, chapter 208, Laws of 1975 1st ex. sess. as amended by section 2, chapter 164, Laws of 1977 ex. sess. and RCW 35.92.022 are each amended to read as follows:

A city or town may construct, condemn, purchase, acquire, add to, alter, and extend systems and plants for the collection and disposal of solid waste and for its processing and conversion into other valuable or useful products with full jurisdiction and authority to manage, regulate, maintain, operate and control such systems and plants, and to enter into agreements providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: PROVIDED HOWEVER, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: PROVIDED FURTHER, That agreements relating to the sale of solid materials recovered during the processing of solid waste shall take place only after the receipt of competitive written bids by such city or town: AND PROVIDED FURTHER, That all documentary material of any nature associated with the negotiation and formulation of agreement terms and conditions shall become matters of public record as it applies to:

(a) The maintenance and operation of systems and plants for the processing and conversion of solid waste;

(b) The sale of products resulting from such processing and conversion; and

(c) Any materials recovered during the processing of solid waste.

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120. Any agreement for the sale of solid materials recovered during the processing of solid waste shall be entered into only after public advertisement and evaluation of competitive written bids.

Sec. 8. Section 35.92.030, chapter 7, Laws of 1965 and RCW 35.92-.030 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate works, plants and facilities for the preparation and manufacture of all stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use them, and also fix the price of and sell such products for use in the construction of municipal improvements.

Sec. 9. Section 35.92.050, chapter 7, Laws of 1965 and RCW 35.92-.050 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate works, plants, facilities for the

purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, and other means of power and facilities for lighting, heating, fuel, and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

Sec. 10. Section 35.92.060, chapter 7, Laws of 1965 as amended by section 2, chapter 25, Laws of 1981 and RCW 35.92.060 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, operate, or lease cable, electric, and other railways, automobiles, motor cars, motor buses, auto trucks, and any and all other forms or methods of transportation of freight or passengers within the corporate limits of the city or town for the transportation of freight and passengers above, upon, or underneath the ground. It may also fix, alter, regulate, and control the fares and rates to be charged therefor; and fares or rates may be adjusted or eliminated for any distinguishable class of users including, but not limited to, senior citizens, handicapped persons, and students. Without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the state, or any department thereof, the city or town may engage in, carry on, and operate the business of transporting and carrying passengers or freight for hire by any method or combination of methods that the legislative authority of any city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business.

Sec. 11. Section 35.92.070, chapter 7, Laws of 1965 and RCW 35.92-.070 are each amended to read as follows:

When the governing body of a city or town deems it advisable that the city or town purchase, acquire, or construct any such public utility (~~or make any additions and betterments thereto or extensions thereof~~), or make extensions thereof which would expand the previous service capacity by fifty percent or more, and where an amount of such increased service capacity equal to at least fifty percent of the previous service capacity is financed by the issuance of councilmanic general obligation bonds, it shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the ordinance shall be submitted for ratification or rejection ((to)) by

majority vote of the voters of the city or town at a general or special election, except in the following cases where no submission shall be necessary:

~~(1) ((When the work proposed is an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks, or an addition, betterment, or extension of an existing system or plant of any other public utility for which no general indebtedness is to be incurred by the city or town;~~

~~(2))~~ When in the charter of a city ~~((or town))~~ a provision has been adopted authorizing the corporate authorities thereof to provide by ordinance for acquiring, opening, or operating any of such public utilities~~((, for which no general indebtedness is to be incurred))~~; or

~~((3))~~ (2) When in the judgment of the corporate authority, the public health is being endangered by the discharge of raw or untreated sewage into any ~~((river or stream))~~ body of water and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant ~~((for which no general indebtedness shall be incurred by the city or town responsible for such contamination:~~

~~if a general indebtedness is to be incurred, the amount and terms thereof shall be included in the proposition submitted to the voters and such proposition shall be adopted by three-fifths of the voters voting at such election:~~

~~if no general indebtedness is to be incurred the proposition may be adopted by a majority vote).~~

Ten days' notice of the election shall be given in the newspaper doing the city or town printing, by publication in each issue of the paper during such time.

When a proposition has been adopted, or in the cases where no submission is necessary, the corporate authorities of the city or town may proceed forthwith to purchase, construct, and acquire the public utility or make additions, betterments, and extensions thereto and to make payment therefor.

Sec. 12. Section 35.92.080, chapter 7, Laws of 1965 as last amended by section 23, chapter 186, Laws of 1984 and RCW 35.92.080 are each amended to read as follows:

~~((When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued:))~~ General obligation bonds may be issued by a city or town for the purposes of providing all or part of the costs of purchasing, acquiring, or constructing a public utility or making any additions, betterments, or alterations thereto, or extensions thereof. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest on and principal of the bonds then

due, which taxes shall become due and collectible as other taxes: PROVIDED, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) Section 35.22.380, chapter 7, Laws of 1965 and RCW 35.22.380;
- (2) Section 35.22.390, chapter 7, Laws of 1965 and RCW 35.22.390;
- (3) Section 35.22.400, chapter 7, Laws of 1965 and RCW 35.22.400;

and

- (4) Section 35.67.070, chapter 7, Laws of 1965, section 22, chapter 186, Laws of 1984 and RCW 35.67.070.

Passed the Senate April 23, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 446

[Engrossed Substitute House Bill No. 461]

COMMUNITY ECONOMIC REVITALIZATION BOARD—AUTHORITY MODIFIED—PUBLIC WORKS BOARD CREATED—PRIVATE ACTIVITY BONDS

AN ACT Relating to economic development; amending RCW 43.160.030, 43.160.060, and 43.160.900; reenacting RCW 43.160.030; adding new sections to chapter 43.160 RCW; adding a new chapter to Title 39 RCW; adding a new chapter to Title 43 RCW; creating new sections; making an appropriation; providing effective dates; and declaring an emergency.

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

Sec. 1. Section 3, chapter 40, Laws of 1982 1st ex. sess. as amended by section 2, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.030 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of ~~((nine persons appointed by the governor and))~~ the director of ~~((commerce))~~ trade and economic development, the director of ~~((planning and community affairs))~~ community development, the director of revenue, the commissioner of employment security, ~~((and the chairmen))~~ the secretary of the department of transportation, the chairman

of and one minority member appointed by the speaker of the house of representatives from the committee on ((commerce)) trade and economic development of the house of representatives ((and)), the chairman of and one minority member appointed by the president of the senate from the committee on commerce and labor of the senate, or the equivalent standing committees, ((for a total of seventeen members. The appointive members shall be as follows)) one member each from the committees on ways and means of the senate and house of representatives, or the equivalent standing committees, chosen by the president of the senate or the speaker of the house of representatives, as applicable, and the following members appointed by the governor: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of ((commerce)) trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 2. Section 3, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 89, chapter 287, Laws of 1984 and by section 1 of this act and RCW 43.160.030 are each reenacted to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the director of trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, the secretary of the department

of transportation, the chairman of and one minority member appointed by the speaker of the house of representatives from the committee on trade and economic development of the house of representatives, the chairman of and one minority member appointed by the president of the senate from the committee on commerce and labor of the senate, or the equivalent standing committees, one member each from the committees on ways and means of the senate and house of representatives, or the equivalent standing committees, chosen by the president of the senate or the speaker of the house of representatives, as applicable, and the following members appointed by the governor: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 3. Section 6, chapter 40, Laws of 1982 1st ex. sess. as amended by section 3, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.060 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including ~~((the cost of acquisition and))~~ development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of

the facilities. ~~((Grants))~~ A grant may also be authorized for purposes designated in this chapter, but only when ~~((grants are uniquely required))~~, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan unless the application includes convincing evidence that a specific private development or expansion is ready to occur and will only occur if the grant or loan is made.

(2) The board shall only make grants or loans for those projects which would result in specific private developments or expansions (a) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution, or (b) which substantially support the trading of goods or services outside of the state's borders. In no instance may the board make a grant or loan for a project where the primary purpose is to facilitate or promote a retail shopping development or expansion.

(3) The board shall prioritize each proposed project according to the number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund ~~((those))~~ projects ~~((which will lead to the greatest employment once the initial project is completed))~~ in order of their priority.

(4) The board may not make a grant or loan for any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(5) The board may not make any grant or loan for the acquisition of real property, including buildings and other fixtures which are a part of real property.

(6) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

~~((Public facilities funds shall be used for projects to))~~ (7) The board shall only make loans or grants for projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities. ~~((The board shall determine whether or not the projects will assist in alleviating unemployment:))~~

(8) Before any loan or grant application is approved, the political ~~((subdivisions of the state))~~ subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to ~~((them))~~ it at costs reasonably similar to financing available from the community economic revitalization board.

NEW SECTION. Sec. 4. A new section is added to chapter 43.160 RCW to read as follows:

Each agency head of an executive branch agency who is appointed to the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings in which the agency head will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members.

NEW SECTION. Sec. 5. A new section is added to chapter 43.160 RCW to read as follows:

In order to enhance competition for grants and loans and the quality of projects for which loans and grants are sought, the board shall take such reasonable measures as are necessary to familiarize government officials and members of the public with the provisions of this chapter, particularly the board's authority to make grants and loans.

NEW SECTION. Sec. 6. A new section is added to chapter 43.160 RCW to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least twenty percent for grants and loans for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties are clearly insufficient to use up the twenty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties.

NEW SECTION. Sec. 7. **LEGISLATIVE FINDINGS AND POLICY.** The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs. It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans,

financing guarantees, and technical assistance available to local governments for these projects.

NEW SECTION. Sec. 8. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in section 9 of this act.

(2) "Department" means the department of community development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

(6) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

NEW SECTION. Sec. 9. PUBLIC WORKS BOARD CREATED.

(1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington state association of water districts, the Washington public utility districts association, and the Washington state association of sewer districts or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall

appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

NEW SECTION. Sec. 10. GENERAL POWERS OF THE BOARD.

The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION. Sec. 11. PUBLIC WORKS FINANCING POWERS. In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter.

NEW SECTION. Sec. 12. ELIGIBILITY AND PRIORITY. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; and

(f) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which are recommended for funding by

the legislature. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

NEW SECTION. Sec. 13. RECORDS, AUDITS, AND REPORTS. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. Biennial reports on the activities of the board shall be made by the chair to the governor and the legislature.

NEW SECTION. Sec. 14. FEASIBILITY STUDY. The department shall study the feasibility of innovative financing and development alternatives, such as joint development or privatization, by which local governments may provide needed public services to users. The study shall be conducted on an expeditious basis, making maximum use of available expertise. The department shall report to the board and the legislature on the study's conclusions and recommendations as soon as practicable. The sum of \$75,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the public works trust fund to the department of community development for the purpose of this study.

NEW SECTION. Sec. 15. A new section is added to chapter 43.160 RCW to read as follows:

(1) There is hereby created the private activity bond subcommittee of the board.

(2) The subcommittee shall be primarily responsible for reviewing and making recommendations to the board on requests for certification and allocation pursuant to the provisions of chapter 39, RCW (sections 16 through 24 of this act) and as authorized by rules adopted by the board.

(3) The subcommittee shall consist of the following members: Five members of the board including: (a) The chairman; (b) the county official; (c) the city official; (d) the port district official; and (e) the representative of the public. The members' terms shall coincide with their terms of appointment to the board.

(4) Staff support to the subcommittee shall be provided by the department of trade and economic development.

(5) Members of the subcommittee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the vacancy shall be filled through the procedures specified for filling the corresponding vacancy on the board.

PRIVATE ACTIVITY BONDS

NEW SECTION. Sec. 16. LEGISLATIVE FINDINGS AND POLICY. The federal deficit reduction act of 1984 imposes an annual ceiling on the aggregate amount of federally tax-exempt private activity bonds, including student loan bonds, industrial development bonds, and certain government activity bonds, that may be issued during any calendar year by or on behalf of states and their political subdivisions. The deficit reduction act of 1984 provides a formula for allocating the annual ceiling among various issuers of private activity bonds within a state, but permits each state to enact a different allocation method that is appropriate to that state's needs. The purpose of this chapter is to provide a flexible and efficient method of allocating the state ceiling in Washington in a manner that recognizes the need of the state and its political subdivisions to finance public improvements which are owned by those public entities and also promotes industrial and economic development, encourages private investment, and assists students seeking financial aid.

NEW SECTION. Sec. 17. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the community economic revitalization board as created by chapter 43.160 RCW.

(2) "Private activity bond subcommittee" means the subcommittee created by section 15 of this act.

(3) "Bonds" means bonds, notes, or other obligations of an issuer.

(4) "Bond purchase agreement" means an executed agreement for the purchase of bonds which may or may not be contingent on the allocation of a portion of the state ceiling for the bonds.

(5) "Bond use category" means any of the following categories of bonds: Government activity bonds, industrial development bonds, or student loan bonds.

(6) "Code" means the federal internal revenue code as it exists, with amendments, on the effective date of this act. It also means the code as amended after the effective date of this act, but only if the amendments are approved by the board as provided in section 21 of this act.

(7) "Department" means the department of trade and economic development or its successor with respect to the powers and duties granted by this chapter.

(8) "Director" means the director of the department or the director's designee.

(9) "Government activity bonds" means bonds that are classified as private activity bonds under the code and that are neither student loan bonds nor revenue bonds issued under Article XXXII of the state Constitution.

(10) "Industrial development bonds" means nonrecourse revenue bonds issued under Article XXXII of the state Constitution.

(11) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue private activity bonds in the state.

(12) "Private activity bonds" means bonds that are private activity bonds as defined in the code.

(13) "State" means the state of Washington.

(14) "State ceiling" means for any calendar year the aggregate amount of private activity bonds that may be issued in the state under the code.

(15) "Student loan bonds" means bonds issued by an issuer that are student loan bonds as defined in the code.

NEW SECTION. Sec. 18. ALLOCATION. (1) The state ceiling shall be allocated each year initially as follows: Forty-five percent to government activity bonds; forty-five percent to industrial development bonds; and ten percent to student loan bonds. The allocation is subject to revision by the board as provided in section 20 of this act.

(2)(a) No issuer is eligible to file a notification form or receive an allocation for the financing of an individual project of more than seven and one-half million dollars of any government activity bond or industrial development bond allocation of the state ceiling without a certificate of approval from the board.

(b) In determining whether to issue a certificate of approval, the board may consider but is not limited to the following criteria:

(i) The number of employment opportunities the project is likely to create in relation to the amount of the bond issuance;

(ii) The level of unemployment in the geographic area likely to be affected by the project;

(iii) Public health and safety benefits;

(iv) The amount of state ceiling which remains unallocated;

(v) The number of persons who will benefit from the project; and

(vi) Other such criteria the board deems appropriate.

(c) The board may condition its certificate of approval on any terms it deems appropriate.

(3) The board shall issue or deny a certificate of approval within sixty days of the filing for an application for the certificate.

(4) The board may delegate to the private activity bond subcommittee of the board, by rule, any of its powers under this chapter.

(5) Subject to the provisions of this chapter, the portion of the state ceiling allocated to a bond use category shall be allocated automatically to an issuer of bonds in that category in the order of the date and time the issuer files a properly completed and signed notification form with the department.

NEW SECTION. Sec. 19. (1) The notification form filed by an issuer shall identify: (a) The amount of the state ceiling allocation that is sought; (b) the bond use category from which the allocation is to be made; (c) a certification by the issuer that a bond purchase agreement has been executed with respect to the bonds for which an allocation is sought; and (d) such other information or evidence of the issuer's intention to issue bonds as the director prescribes.

(2) If the principal amount of the bonds for which an allocation of the state ceiling is sought does not exceed the amount of the state ceiling available in the bond use category applicable to the bonds, the director shall mail a written allocation confirmation notice to the issuer within five business days after the filing of the issuer's notification form for the bonds.

(3) If the principal amount of the bonds for which an allocation of the state ceiling is sought exceeds the amount of the state ceiling available in the bond use category applicable, the director shall mail a written deficiency notice to the issuer within five business days after the filing of the issuer's notification form for such bonds and in that notice advise the issuer of the amount by which the principal amount of the bonds described in the notification form exceeds the available state ceiling. The issuer shall be entitled to an allocation of the remaining available state ceiling in the applicable bond use category upon its filing with the department within fifteen calendar days after the date of the director's deficiency notice, a written notice of the amount of the available state ceiling it will consume.

(4) State ceiling allocation notification forms filed in any year for which a full or partial deficiency notice was given by the director shall be retained on a waiting list. When any state ceiling becomes available that year or on January 1 of the following year for the bond use category for which the notification form was filed, the following rules apply: (a) The director shall notify by mail the issuers on the waiting list; and (b) those issuers who, within five business days of receipt of such notice, certify to the director their intention to issue bonds up to the amount stated in the original notification form, shall receive an allocation of the available state ceiling in the order the original notification forms were filed.

(5) Except as provided in section 20 (2) and (3) of this act, all allocations of the state ceiling shall expire on the ninety-first day after mailing of

the director's allocation confirmation or the notice of allocation, unless the bonds described in the issuer's state ceiling allocation notification form have been delivered to their original purchaser. Each issuer shall file a confirmation of delivery notice with the department within ten days after delivery of the bonds.

NEW SECTION. Sec. 20. REALLOCATION. (1) After June 1 of any year the board may, in its discretion, reallocate the remaining portion of the state ceiling in any bond use category allocated pursuant to section 18(1) of this act that has not been and does not appear reasonably likely to be consumed that year.

(2) The board may in its discretion grant an advanced allocation of the state ceiling in any future year of a portion of the state ceiling for a bond use category, subject to the limitations and criteria in section 18 of this act, and may waive the requirements under section 19(5) of this act that the bonds be issued within ninety days of the director's allocation confirmation and notice of allocation. Advanced allocations shall be deemed to have been received by issuers on January 1 of the year for which they are granted in each year, and in the order they were granted. Any advanced allocation shall be contingent on the existence of available state ceiling. Such advanced allocations shall be considered received before any new allocations are made in a given year.

(3) In December of any year, if the board finds that it is reasonably likely that a portion of the state ceiling otherwise would not be consumed, the board, in its discretion, may grant an allocation of the state ceiling to an issuer for financing of a specific project and waive the requirements under section 19(5) of this act that bonds be issued within ninety days after mailing of the director's allocation confirmation or notice of allocation. The issuer may then carry forward the allocation for the project for a period of time permitted by the code.

NEW SECTION. Sec. 21. RULE-MAKING AUTHORITY. (1) The board may adopt such rules as are necessary to carry out the purposes of this chapter.

(2) In order to permit the full use of the authorized state ceiling under the federal law, the board may adopt rules approving any amendments made to the code after the effective date of this act.

NEW SECTION. Sec. 22. ANNUAL REPORT. The department shall report annually at the start of each annual legislative session to the legislature and the governor on the allocations of the state ceiling made during the previous year.

NEW SECTION. Sec. 23. TERMINATION. The method for making new allocations of the state ceiling provided in sections 18, 19, and 20 of this act shall expire on December 31, 1988, unless extended by law for an additional fixed period of time, except that any guaranteed allocations

granted under section 20(2) of this act and any allocations carried forward under section 20(3) of this act shall remain in full force and effect after that date.

NEW SECTION. Sec. 24. RATIFICATION. Any state ceiling allocations taken during 1984 or 1985 in conformance with the code and an applicable executive order of the governor are ratified and confirmed and shall remain in full force and effect notwithstanding any other provision of this act.

Sec. 25. Section 10, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.900 are each amended to read as follows:

The community economic revitalization board and its powers and duties shall be terminated on June 30, 1987, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, ((1987)) 1988. Any remaining duties of the community economic revitalization board after June 30, 1987, are transferred to the department of revenue on June 30, 1987.

NEW SECTION. Sec. 26. Sections 16 through 24 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. CAPTIONS. As used in this act, section captions constitute no part of the law.

NEW SECTION. Sec. 29. CODIFICATION. Sections 7 through 13 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 30. EFFECTIVE DATES. (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 7 through 14 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 1, 1985.

(3) Sections 2 and 15 through 25 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the House April 27, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 447

[Substitute Senate Bill No. 4107]

REGISTERED NURSES—PRIVILEGED COMMUNICATIONS

AN ACT Relating to privileged communications for registered nurses; and adding a new chapter to Title 5 RCW.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Registered nurse" means a registered nurse licensed under chapter 18.88 RCW.

(2) "Protocol" means a regimen to be carried out by a registered nurse and prescribed by a licensed physician under chapter 18.71 RCW, which is consistent with chapter 18.88 RCW and the rules adopted under chapter 18.88 RCW.

(3) "Primary care" means screening, assessment, diagnosis and treatment for the purpose of promotion of health and detection of disease or injury, as authorized by chapter 18.88 RCW and the rules adopted under chapter 18.88 RCW.

NEW SECTION. Sec. 2. No registered nurse providing primary care or practicing under protocols, whether or not the physical presence or direct supervision of a physician is required, may be examined in a civil or criminal action as to any information acquired in attending a patient in the registered nurse's professional capacity, if the information was necessary to enable the registered nurse to act in that capacity for the patient, unless:

(1) The patient consents to disclosure or, in the event of death or disability of the patient, his or her personal representative, heir, beneficiary, or devisee consents to disclosure; or

(2) The information relates to the contemplation or execution of a crime in the future, or relates to the neglect or the sexual or physical abuse of a child, or of a vulnerable adult as defined in RCW 74.34.020.

NEW SECTION. Sec. 3. Notwithstanding anything to the contrary in this chapter, the privilege created in this chapter is subject to the same limitations and exemptions contained in RCW 26.26.120, 26.44.060(3), 51.04-.050, and 71.05.250 as those limitations and exemptions relate to the physician/patient privilege of RCW 5.60.060.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 5 RCW.

Passed the Senate April 23, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 448

[Engrossed Second Substitute House Bill No. 975]

HAZARDOUS WASTES—DISPOSAL FACILITIES—PLANNING AND SITING

AN ACT Relating to hazardous waste planning and facility siting; amending RCW 70.105.010 and 70.95.080; and adding new sections to chapter 70.105 RCW.

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

Sec. 1. Section 1, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.010 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

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

(2) "Director" means the director of the department of ecology or his designee.

(3) "Disposal site" means a geographical site in or upon which ((~~ex-~~tremely)) hazardous wastes are disposed of in accordance with the provisions of this chapter.

(4) "Dispose or disposal" means the discarding or abandoning of ((~~ex-~~tremely)) hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(9) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.

(10) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(11) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under section 6 of this act.

(14) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(15) "Hazardous waste" means and includes all dangerous and extremely hazardous waste.

(16) "Local government" means a city, town, or county.

(17) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

NEW SECTION. Sec. 2. The legislature hereby finds and declares:

(1) The health and welfare of the people of the state depend on clean and pure environmental resources unaffected by hazardous waste contamination. At the same time, the quality of life of the people of the state is in part based upon a large variety of goods produced by the economy of the state. The complex industrial processes that produce these goods also generate waste byproducts, some of which are hazardous to the public health and the environment if improperly managed.

(2) Safe and responsible management of hazardous waste is necessary to prevent adverse effects on the environment and to protect public health and safety.

(3) The availability of safe, effective, economical, and environmentally sound facilities for the management of hazardous waste is essential to protect public health and the environment and to preserve the economic strength of the state.

(4) Strong and effective enforcement of federal and state hazardous waste laws and regulations is essential to protect the public health and the environment and to meet the public's concerns regarding the acceptance of needed new hazardous waste management facilities.

(5) Negotiation, mediation, and similar conflict resolution techniques are useful in resolving concerns over the local impacts of siting hazardous waste management facilities.

(6) Safe and responsible management of hazardous waste requires an effective planning process that involves local and state governments, the public, and industry.

(7) Public acceptance and successful siting of needed new hazardous waste management facilities depends on several factors, including:

(a) Public confidence in the safety of the facilities;

(b) Assurance that the hazardous waste management priorities established in this chapter are being carried out to the maximum degree practical;

(c) Recognition that all state citizens benefit from certain products whose manufacture results in the generation of hazardous byproducts, and that all state citizens must, therefore, share in the responsibility for finding safe and effective means to manage this hazardous waste; and

(d) Provision of adequate opportunities for citizens to meet with facility operators and resolve concerns about local hazardous waste management facilities.

(8) Due to the controversial and regional nature of facilities for the disposal and incineration of hazardous waste, the facilities have had difficulty in obtaining necessary local approvals. The legislature finds that there is a state-wide interest in assuring that such facilities can be sited.

It is therefore the intent of the legislature to preempt local government's authority to approve, deny, or otherwise regulate disposal and incineration facilities, and to vest in the department of ecology the sole authority among state, regional, and local agencies to approve, deny, and regulate preempted facilities, as defined in this chapter.

In addition, it is the intent of the legislature that such complete preemptive authority also be vested in the department for treatment and storage facilities, in addition to disposal and incineration facilities, if a local government fails to carry out its responsibilities established in section 7 of this act.

It is further the intent of the legislature that no local ordinance, permit requirement, other requirement, or decision shall prohibit on the basis of land use considerations the construction of a hazardous waste management

facility within any zone designated and approved in accordance with this chapter, provided that the proposed site for the facility is consistent with applicable state siting criteria.

(9) With the exception of the disposal site authorized for acquisition under this chapter, the private sector has had the primary role in providing hazardous waste management facilities and services in the state. It is the intent of the legislature that this role be encouraged and continue into the future to the extent feasible. Whether privately or publicly owned and operated, hazardous waste management facilities and services should be subject to strict governmental regulation as provided under this chapter.

(10) Wastes that are exempt or excluded from full regulation under this chapter due to their small quantity or household origin have the potential to pose significant risk to public health and the environment if not properly managed. It is the intent of the legislature that the specific risks posed by such waste be investigated and assessed and that programs be carried out as necessary to manage the waste appropriately. In addition, the legislature finds that, because local conditions vary substantially in regard to the quantities, risks, and management opportunities available for such wastes, local government is the appropriate level of government to plan for and carry out programs to manage moderate-risk waste, with assistance and coordination provided by the department.

NEW SECTION. Sec. 3. The purpose of this chapter is to establish a comprehensive state-wide framework for the planning, regulation, control, and management of hazardous waste which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of the state. To this end it is the purpose of this chapter:

(1) To provide broad powers of regulation to the department of ecology relating to management of hazardous wastes and releases of hazardous substances;

(2) To promote waste reduction and to encourage other improvements in waste management practices;

(3) To promote cooperation between state and local governments by assigning responsibilities for planning for hazardous wastes to the state and planning for moderate-risk waste to local government;

(4) To provide for prevention of problems related to improper management of hazardous substances before such problems occur; and

(5) To assure that needed hazardous waste management facilities may be sited in the state, and to ensure the safe operation of the facilities.

NEW SECTION. Sec. 4. (1) The department shall develop, and shall update at least once every five years, a state hazardous waste management plan. The plan shall include, but shall not be limited to, the following elements:

(a) A state inventory and assessment of the capacity of existing facilities to treat, store, dispose, or otherwise manage hazardous waste;

(b) A forecast of future hazardous waste generation;

(c) A description of the plan or program required by RCW 70.105.160 to promote the waste management priorities established in RCW 70.105.150;

(d) Siting criteria as appropriate for hazardous waste management facilities, including such criteria as may be appropriate for the designation of eligible zones for designated zone facilities. However, these criteria shall not prevent the continued operation, at or below the present level of waste management activity, of existing facilities on the basis of their location in areas other than those designated as eligible zones pursuant to section 7 of this act;

(e) Siting policies as deemed appropriate by the department; and

(f) A plan or program to provide appropriate public information and education relating to hazardous waste management. The department shall ensure to the maximum degree practical that these plans or programs are coordinated with public education programs carried out by local government under section 6 of this act.

(2) The department shall seek, encourage, and assist participation in the development, revision, and implementation of the state hazardous waste management plan by interested citizens, local government, business and industry, environmental groups, and other entities as appropriate.

(3) Siting criteria shall be completed by December 31, 1986. Other plan components listed in subsection (1) of this section shall be completed by June 30, 1987.

(4) The department shall incorporate into the state hazardous waste management plan those elements of the local hazardous waste management plans that it deems necessary to assure effective and coordinated programs throughout the state.

NEW SECTION. Sec. 5. By December 31, 1986, the department shall develop and adopt criteria for the siting of hazardous waste management facilities. These criteria will be part of the state hazardous waste management plan as described in section 4 of this act. To the extent practical, these criteria shall be designed to minimize the short-term and long-term risks and costs that may result from hazardous waste management facilities. These criteria may vary by type of facilities and may consider natural site characteristics and engineered protection. Criteria may be established for:

- (1) Geology;
- (2) Surface and groundwater hydrology;
- (3) Soils;
- (4) Flooding;
- (5) Climatic factors;
- (6) Unique or endangered flora and fauna;
- (7) Transportation routes;
- (8) Site access;

- (9) Buffer zones;
- (10) Availability of utilities and public services;
- (11) Compatibility with existing uses of land;
- (12) Shorelines and wetlands;
- (13) Sole-source aquifers;
- (14) Natural hazards; and
- (15) Other factors as determined by the department.

NEW SECTION. Sec. 6. (1) Each local government, or combination of contiguous local governments, is directed to prepare a local hazardous waste plan which shall be based on state guidelines and include the following elements:

(a) A plan or program to manage moderate-risk wastes that are generated or otherwise present within the jurisdiction. This element shall include an assessment of the quantities, types, generators, and fate of moderate-risk wastes in the jurisdiction. The purpose of this element is to develop a system of managing moderate-risk waste, appropriate to each local area, to ensure protection of the environment and public health;

(b) A plan or program to provide for ongoing public involvement and public education in regard to the management of moderate-risk waste. This element shall provide information regarding:

(i) The potential hazards to human health and the environment resulting from improper use and disposal of the waste; and

(ii) Proper methods of handling, reducing, recycling, and disposing of the waste;

(c) An inventory of all existing generators of hazardous waste and facilities managing hazardous waste within the jurisdiction. This inventory shall be based on data provided by the department;

(d) A description of the public involvement process used in developing the plan;

(e) A description of the eligible zones designated in accordance with section 7 of this act. However, the requirement to designate eligible zones shall not be considered part of the local hazardous waste planning requirements; and

(f) Other elements as deemed appropriate by local government.

(2) To the maximum extent practicable, the local hazardous waste plan shall be coordinated with other hazardous materials-related plans and policies in the jurisdiction.

(3) In recognition of the role of the private sector in providing hazardous and moderate-risk waste management facilities and transportation services, and in addition to other public involvement activities that may be required, local governments shall coordinate with those persons involved in providing such facilities and services.

(4) The department shall prepare guidelines for the development of local hazardous waste plans. The guidelines shall be prepared in consultation

with local governments and shall be completed by December 31, 1986. The guidelines shall include a list of substances identified as hazardous household substances.

(5) Local hazardous waste plans shall be completed and submitted to the department no later than June 30, 1990. Local governments may from time to time amend the local plan.

(6) Each local government, or combination of contiguous local governments, shall submit its local hazardous waste plan or amendments thereto to the department. The department shall approve or disapprove local hazardous waste plans or amendments by December 31, 1990, or within ninety days of submission, whichever is later. The department shall approve a local hazardous waste plan if it determines that the plan is consistent with this chapter and the guidelines under subsection (4) of this section. If approval is denied, the department shall submit its objections to the local government within ninety days of submission. However, for plans submitted between January 1, 1990, and June 30, 1990, the department shall have one hundred eighty days to submit its objections. No local government is eligible for grants under section 9 of this act for implementing a local hazardous waste plan unless the plan for that jurisdiction has been approved by the department.

(7) Each local government, or combination of contiguous local governments, shall implement the local hazardous waste plan for its jurisdiction by December 31, 1991.

(8) The department may waive the specific requirements of this section for any local government if such local government demonstrates to the satisfaction of the department that the objectives of the planning requirements has been met.

NEW SECTION. Sec. 7. (1) Each local government, or combination of contiguous local governments, is directed to: (a) Demonstrate to the satisfaction of the department that existing zoning allows designated zone facilities as permitted uses; or (b) designate land use zones within its jurisdiction in which designated zone facilities are permitted uses. The zone designations shall be consistent with the state siting criteria adopted in accordance with section 5 of this act, except as may be approved by the department in accordance with subsection (6) of this section.

(2) Local governments shall not prohibit the processing or handling of hazardous waste in zones in which the processing or handling of hazardous substances is not prohibited. This subsection does not apply in residential zones.

(3) The department shall prepare guidelines, as appropriate, for the designation of zones under this section. The guidelines shall be prepared in consultation with local governments and shall be completed by December 31, 1986.

(4) The initial designation of zones shall be completed and submitted to the department by June 30, 1988. Local governments may from time to time amend their designated zones.

(5) Local governments without land use zoning provisions shall designate eligible geographic areas within their jurisdiction, based on siting criteria adopted in accordance with section 5 of this act. The area designation shall be subject to the same requirements as if they were zone designations.

(6) Each local government, or combination of contiguous local governments, shall submit its designation of zones or amendments thereto to the department. The department shall approve or disapprove zone designations or amendments within ninety days of submission. The department shall approve eligible zone designations if it determines that the proposed zone designations are consistent with this chapter, the applicable siting criteria, and guidelines for developing designated zones: PROVIDED, That the department shall consider local zoning in place as of January 1, 1985, or other special situations or conditions which may exist in the jurisdiction. If approval is denied, the department shall state within ninety days from the date of submission the facts upon which that decision is based and shall submit the statement to the local government together with any other comments or recommendations it deems appropriate. The local government shall have ninety days after it receives the statement from the department to make modifications designed to eliminate the inconsistencies and resubmit the designation to the department for approval. Any designations shall take effect when approved by the department.

(7) The department may exempt a local government from the requirements of this section if:

(a) Regulated quantities of hazardous waste have not been generated within the jurisdiction during the two calendar years immediately preceding the calendar year during which the exemption is requested; and

(b) The local government can demonstrate to the satisfaction of the department that no significant portion of land within the jurisdiction can meet the siting criteria adopted in accordance with section 5 of this act.

NEW SECTION. Sec. 8. (1) Each local government is directed to submit to the director of the department by October 31, 1987, a letter of intent stating that it intends to (a) identify, or designate if necessary, eligible zones for designated zone facilities no later than June 30, 1988, and (b) submit a complete local hazardous waste management plan to the department no later than June 30, 1990. The letters shall also indicate whether these requirements will be completed in conjunction with other local governments.

(2) If any local government fails to submit a letter as provided in subsection (1)(b) of this section, or fails to adopt a local hazardous waste plan for its jurisdiction in accordance with the time schedule provided in this

chapter, or fails to secure approval from the department for its local hazardous waste plan in accordance with the time schedule provided in this chapter, the department shall prepare a hazardous waste plan for the local jurisdiction.

NEW SECTION. Sec. 9. (1) Subject to legislative appropriations, the department may make and administer grants to local governments for (a) preparing and updating local hazardous waste plans, (b) implementing approved local hazardous waste plans, and (c) designating eligible zones for designated zone facilities as required under this chapter.

(2) Local governments shall match the funds provided by the department for planning or designating zones with an amount not less than twenty-five percent of the estimated cost of the work to be performed. Local governments may meet their share of costs with cash or contributed services.

(3) Recipients of grants shall meet such qualifications and follow such procedures in applying for and using grants as may be established by the department.

NEW SECTION. Sec. 10. (1) As of the effective date of this act, the state preempts the field of state, regional, or local permitting and regulating of all preempted facilities as defined in this chapter. The department of ecology is designated the sole decision-making authority with respect to permitting and regulating such facilities and no other state agency, department, division, bureau, commission, or board, or any local or regional political subdivision of the state, shall have any permitting or regulatory authority with respect to such facilities including, but not limited to, the location, construction, and operation of such facilities. Permits issued by the department shall be in lieu of any and all permits, approvals, certifications, or conditions of any other state, regional, or local governmental authority which would otherwise apply.

(2) The department shall ensure that any permits issued under this chapter invoking the preemption authority of this section meet the substantive requirements of existing state laws and regulations to the extent such laws and regulations are not inconsistent or in conflict with any of the provisions of this chapter. In the event that any of the provisions of this chapter, or any of the regulations promulgated hereunder, are in conflict with any other state law or regulations, such other law or regulations shall be deemed superseded for purposes of this chapter.

(3) As of the effective date of this act, any ordinances, regulations, requirements, or restrictions of regional or local governmental authorities regarding the location, construction, or operation of preempted facilities shall be deemed superseded. However, in issuing permits under this section, the department shall consider local fire and building codes and condition such permits as appropriate in compliance therewith.

(4) Effective July 1, 1988, the department shall have the same preemptive authority as defined in subsections (1) through (3) of this section in regard to any designated zone facility that may be proposed in any jurisdiction where the designation of eligible zones pursuant to section 7 of this act has not been completed and approved by the department. Unless otherwise preempted by this subsection, designated zone facilities shall be subject to all applicable state and local laws, regulations, plans, and other requirements.

NEW SECTION. Sec. 11. The department may adopt rules to require any person who intends to file an application for a permit for a hazardous waste management facility to file a notice of intent with the department prior to submitting the application.

NEW SECTION. Sec. 12. Any disputes between the department and the governing bodies of local governments in regard to the local planning requirements under section 6 of this act and the designation of zones under section 7 of this act may be appealed by the department or the governing body of the local government to the pollution control hearings board established under chapter 43.21B RCW.

NEW SECTION. Sec. 13. The department shall provide technical assistance to local governments in the preparation, review, revision, and implementation of local hazardous waste plans.

NEW SECTION. Sec. 14. (1) In order to promote identification, discussion, negotiation, and resolution of issues related to siting of hazardous waste management facilities, the department:

(a) Shall compile and maintain information on the use and availability of conflict resolution techniques and make this information available to industries, state and local government officials, and other citizens;

(b) Shall encourage and assist in facilitating conflict resolution activities, as appropriate, between facility proponents, host communities, and other interested persons;

(c) May adopt rules specifying procedures for facility proponents, host communities, and citizens to follow in providing opportunities for conflict resolution activities, including the use of dispute resolution centers established pursuant to chapter 7.75 RCW; and

(d) May expend funds to support such conflict resolution activities, and may adopt rules as appropriate to govern the support.

(2) Any agreements reached under the processes described in subsection (1) of this section and deemed valid by the department may be written as conditions binding on a permit issued under this chapter.

NEW SECTION. Sec. 15. The requirements of sections 4 through 8 of this act and section 10(4) of this act shall not become mandatory until funding is appropriated by the legislature.

NEW SECTION. Sec. 16. This chapter shall be known and may be cited as the hazardous waste management act.

Sec. 17. Section 8, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.080 are each amended to read as follows:

Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties.

Each city shall:

(1) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan; or

(2) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(3) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste management. In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

NEW SECTION. Sec. 18. Sections 2 through 16 of this act are each added to chapter 70.105 RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 449

[Substitute Senate Bill No. 3283]

HISTORIC PRESERVATION—SPECIAL TAX VALUATION OF PROPERTY

AN ACT Relating to historic preservation; adding a new chapter to Title 84 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature finds and declares that it is in the public interest of the people of the state of Washington to encourage maintenance, improvement, and preservation of privately owned historic landmarks as the state approaches its Centennial year of 1989. To achieve this purpose, this chapter provides special valuation for improvements to historic property.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the national register of historic places.

(2) "Substantial improvement" means the actual cost of rehabilitation which is twenty-five percent or greater of the assessed valuation of the historic structure prior to rehabilitation.

(3) "Special valuation" means the determination of the assessed value of the historic property at a rate that excludes, for up to ten years, the actual cost of a substantial improvement.

(4) "State review board" means the advisory council on historic preservation established under chapter 27.34 RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(5) "Local review board" means a local body designated by the local legislative authority.

(6) "Owner" means the owner of record.

NEW SECTION. Sec. 3. Four criteria must be met for special valuation under this chapter. The property must:

(1) Be an historic property;

(2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;

(3) Be substantially improved within twenty-four months prior to the application for special valuation; and

(4) Be protected by a covenant between the owner and the local review board as described in section 5(2) of this act.

NEW SECTION. Sec. 4. An owner of property desiring special valuation under this chapter shall apply to the assessor of the county in which the property is located upon forms prescribed by the department of revenue and supplied by the county assessor. The application form shall include a statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for special valuation. Applications shall be made no later than October 1 of the calendar year preceding the first assessment year for which classification is requested.

NEW SECTION. Sec. 5. (1) Within ten days after the filing of the application in the county assessor's office, the county assessor shall refer each application for classification to the local review board.

(2) The review board shall approve the application if the property meets the criterion of section 3 of this act and is not altered in a way which adversely affects those elements which qualify it as historically significant, and the owner enters into a covenant with the review board which requires the owner for the ten-year period of the classification to:

(a) Monitor the property for its continued qualification for the special valuation;

(b) Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;

(c) Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right of way;

(d) Apply to the local review board for approval or denial of any demolition or alteration; and

(e) Comply with any other provisions in the original agreement as may be appropriate.

(3) Once a covenant between an owner and a review board has become effective pursuant to this chapter, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the covenant, during the period of the classification without the approval of all parties to the covenant.

(4) An application for classification as an eligible historic property shall be approved or denied by the local review board before December 31 of the calendar year in which the application is made.

NEW SECTION. Sec. 6. (1) The review board shall notify the county assessor and the applicant of the approval or denial of the application.

(2) If the local review board determines that the property qualifies as eligible historic property, the review board shall certify the fact in writing and shall file a copy of the certificate with the county assessor within ten days. The certificate shall state the facts upon which the approval is based.

(3) The assessor shall record the certificate with the county auditor.

(4) The assessor, as to any historic property, shall value the property under section 7 of this act and, each year the historic property is classified and so valued, shall enter on the assessment list and tax roll that the property is being specially valued as historic property.

NEW SECTION. Sec. 7. (1) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, value property classified as eligible historic property excluding the actual cost of the substantial improvement completed within the twenty-four months prior to the application.

(2) The entitlement of property to the special valuation provisions of this section shall be determined as of January 1. If property becomes disqualified for the special valuation for any reason, the property shall receive the special valuation for that part of any year during which it remained qualified or the owner was acting in the good faith belief that the property was qualified.

(3) At the conclusion of special valuation, the actual cost of the substantial improvement shall be considered as new construction.

NEW SECTION. Sec. 8. (1) When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by section 7 of this act for ten years or until the property is disqualified by:

(a) Notice by the owner to the assessor to remove the special valuation;
(b) Sale or transfer to an ownership making it exempt from property taxation; or

(c) Removal of the special valuation by the assessor upon determination by the local review board that the property no longer qualifies as historic property or that the owner has failed to comply with the conditions established under section 5 of this act.

(2) The sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner does not disqualify the property from the special valuation provided by section 7 of this act if:

(a) The property continues to qualify as historic property; and
(b) The new owner files a notice of compliance with the assessor of the county in which the property is located. Notice of compliance forms shall be prescribed by the state department of revenue and supplied by the county assessor. The notice shall contain a statement that the new owner is aware of the special valuation and of the potential tax liability involved when the property ceases to be valued as historic property under this chapter. The signed notice of compliance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120. If the notice of compliance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to section 9 (1) (a) and (b) of this act shall become due and payable by the seller or transferor at time of sale.

The county auditor shall not accept an instrument of conveyance of specially valued historic property for filing or recording unless the new owner has signed the notice of compliance or the additional tax has been paid.

(3) When the property ceases to qualify for the special valuation the owner shall immediately notify the state or local review board.

NEW SECTION. Sec. 9. (1) Except as provided in subsection (4) of this section, whenever property classified and valued as eligible historic property under section 7 of this act becomes disqualified for the valuation, there shall be added to the tax levied against the property on the next general property tax roll an additional tax equal to:

(a) The actual cost of the substantial improvement multiplied by the levy rate in each year the property was subject to special valuation; plus

(b) Interest on the amounts of the additional tax at the statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had not been valued as historic property under this chapter; plus

(c) A penalty equal to twelve percent of the amount determined in (a) and (b) of this subsection.

(2) The additional tax and penalties, together with applicable interest thereon, shall become a lien on the property which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable.

(3) Before the additional tax or penalty imposed by subsection (1) of this section is added to the tax levied against the property on the next general property tax roll, in the case of disqualification under section 8 of this act, the assessor shall notify the owner of the property by mail, return receipt requested, of the disqualification.

(4) The additional tax, interest, and penalty shall not be imposed if the disqualification resulted solely from:

(a) Sale or transfer of the property to an ownership making it exempt from taxation;

(b) Alteration or destruction through no fault of the owner; or

(c) A taking through the exercise of the power of eminent domain.

NEW SECTION. Sec. 10. The additional tax, penalties, and/or interest provided by section 9 of this act shall be payable in full thirty days after the date which the treasurer's statement therefor is rendered. Such additional tax when collected shall be distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed.

NEW SECTION. Sec. 11. The local legislative authority and the local review board may request the assistance of the state historic preservation officer in conducting special valuation activities.

NEW SECTION. Sec. 12. The state review board shall adopt rules necessary to carry out the purposes of this chapter. The rules shall include rehabilitation and maintenance standards for historic properties to be used as minimum requirements by local review boards to ensure that the historic property is safe and habitable, including but not limited to:

- (1) Elimination of visual blight due to past neglect of maintenance and repair to the exterior of the building, including replacement of broken or missing doors and windows, repair of deteriorated architectural features, and painting of exterior surfaces;
- (2) Correction of structural defects and hazards;
- (3) Protection from weather damage due to defective roofing, flashings, glazing, caulking, or lack of heat; and
- (4) Elimination of any condition on the premises which could cause or augment fire or explosion.

NEW SECTION. Sec. 13. Any decision by a local review board on an application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.04.130 in addition to any other remedy at law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

NEW SECTION. Sec. 14. No application for special valuation under this chapter may be made after December 31, 1991.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 14 of this act shall constitute a new chapter in Title 84 RCW.

Passed the Senate April 22, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 450

[Substitute Senate Bill No. 3305]

TELECOMMUNICATIONS REGULATION

AN ACT Relating to the jurisdiction of the utilities and transportation commission over economic rate regulation and entry control of telecommunications providers; amending RCW 80.04.010, 80.01.040, 80.04.110, 80.04.130, 80.04.500, 80.24.010, 80.36.010, 80.36.020, 80.36.030, 80.36.040, 80.36.050, 80.36.060, 80.36.070, 80.36.080, 80.36.090, 80.36.100, 80.36.110, 80.36.120, 80.36.130, 80.36.140, 80.36.150, 80.36.160, 80.36.170, 80.36.180, 80.36.190, 80.36.200, 80.36.220, 80.36.225, 80.36.230, 80.36.260, 80.36.270, and 80.54.010; and adding new sections to chapter 80.36 RCW.

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

NEW SECTION. Sec. 1. The legislature declares it is the policy of the state to:

- (1) Preserve affordable universal telecommunications service;
- (2) Maintain and advance the efficiency and availability of telecommunications service;
- (3) Ensure that customers pay only reasonable charges for telecommunications service;
- (4) Ensure that rates for noncompetitive telecommunications services do not subsidize the competitive ventures of regulated telecommunications companies;
- (5) Promote diversity in the supply of telecommunications services and products in telecommunications markets throughout the state; and
- (6) Permit flexible regulation of competitive telecommunications companies and services.

Sec. 2. Section 80.04.010, chapter 14, Laws of 1961 as last amended by section 10, chapter 191, Laws of 1979 ex. sess. and RCW 80.04.010 are each amended to read as follows:

As used in this title, unless specifically defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Competitive telecommunications company" means a telecommunications company which has been classified as such by the commission pursuant to section 4 of this act.

"Competitive telecommunications service" means a service which has been classified as such by the commission pursuant to section 5 of this act.

"Corporation" includes a corporation, company, association or joint stock association.

"Person" includes an individual, a firm or ~~((copartnership))~~ partnership.

"Gas plant" includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power.

"Gas company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

"Electric plant" includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for

light, heat, or power for hire; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

"Electrical company" includes any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state. "Electrical company" does not include a company or person employing a cogeneration facility solely for the generation of electricity for its own use or the use of its tenants or for sale to an electrical company, state or local public agency, municipal corporation, or quasi municipal corporation engaged in the sale or distribution of electrical energy, but not for sale to others, unless such company or person is otherwise an electrical company.

"LATA" means a local access transport area as defined by the commission in conformance with applicable federal law.

"Private telecommunications system" means a telecommunications system controlled by a person or entity for the sole and exclusive use of such person, entity, or affiliate thereof, including the provision of private shared telecommunications services by such person or entity. "Private telecommunications system" does not include a system offered for hire, sale, or resale to the general public.

"Private shared telecommunications services" includes the provision of telecommunications and information management services and equipment within a user group located in discrete private premises in building complexes, campuses, or high-rise buildings, by a commercial shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of a local exchange and to interexchange telecommunications companies.

~~"((Telephone))~~ Telecommunications company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, operating or managing any ~~((telephone line or part of telephone line used in the conduct of the business of affording telephonic communication))~~ facilities used to provide telecommunications for hire, sale, or resale to the general public within this state.

~~"("Telephone line" includes))~~ "Facilities" means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any ~~((telephone))~~ telecommunications company to facilitate the ~~((business of~~

affording telephonic communication)) provision of telecommunications service.

~~((“Telegraph company” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph within this state.~~

~~“Telegraph line” includes conduits, poles, wire, cables, cross-arms, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated or owned by any telegraph company to facilitate the business of affording communication by telegraph:))~~

“Telecommunications” is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. As used in this definition, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

“Water system” includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

“Water company” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any water system for hire within this state: PROVIDED, That it shall not include any water system serving less than sixty customers where the average annual gross revenue per customer does not exceed one hundred twenty dollars per year.

“Cogeneration facility” means any machinery, equipment, structure, process, or property, or any part thereof, installed or acquired for the primary purpose of the sequential generation of electrical or mechanical power and useful heat from the same primary energy source or fuel.

“Public service company” includes every gas company, electrical company, ~~((telephone))~~ telecommunications company, ~~((telegraph company))~~ and water company. Ownership or operation of a cogeneration facility does not, by itself, make a company or person a public service company.

The term “service” is used in this title in its broadest and most inclusive sense.

NEW SECTION. Sec. 3. Telecommunications companies may petition to be classified as competitive telecommunications companies under section 4 of this act or to have services classified as competitive telecommunications

services under section 5 of this act. The commission may initiate classification proceedings on its own motion. The commission may require all regulated telecommunications companies potentially affected by a classification proceeding to appear as parties for a determination of their classification.

NEW SECTION. Sec. 4. (1) The commission shall classify a telecommunications company providing service in a relevant market as a competitive telecommunications company if it finds, after notice and hearing, that the telecommunications company has demonstrated that the services it offers are subject to effective competition. Effective competition means that the company's customers have reasonably available alternatives and that the company does not have a significant captive customer base. In determining whether a company is competitive, factors the commission shall consider include but are not limited to:

- (a) The number and sizes of alternative providers of service;
- (b) The extent to which services are available from alternative providers in the relevant market;
- (c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and
- (d) Other indicators of market power which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

The commission shall conduct the initial classification and any subsequent review of the classification in accordance with such procedures as the commission may establish by rule.

(2) Competitive telecommunications companies shall be subject to minimal regulation. Minimal regulation means that competitive telecommunications companies may file, instead of tariffs, price lists which shall be effective after ten days' notice to the commission and customers. The commission shall prescribe the form of notice. The commission may also waive other regulatory requirements under this title for competitive telecommunications companies when it determines that competition will serve the same purposes as public interest regulation. The commission may waive different regulatory requirements for different companies if such different treatment is in the public interest. A competitive telecommunications company shall at a minimum:

- (a) Keep its accounts according to regulations as determined by the commission;
- (b) File financial reports with the commission as required by the commission and in a form and at times prescribed by the commission;
- (c) Keep on file at the commission such current price lists and service standards as the commission may require; and
- (d) Cooperate with commission investigations of customer complaints.

(3) When a telecommunications company has demonstrated that the equal access requirements ordered by the federal district court in the case of *U.S. v. AT&T*, 552 F.Supp. 131 (1982), or in supplemental orders, have been met, the commission shall review the classification of telecommunications companies providing inter-LATA interexchange services. At that time, the commission shall classify all such companies as competitive telecommunications companies unless it finds that effective competition, as defined in subsection (1) of this section, does not then exist.

(4) The commission may revoke any waivers it grants and may reclassify any competitive telecommunications company if such revocation or reclassification would protect the public interest.

NEW SECTION. Sec. 5. (1) The commission may classify a telecommunications service provided by a telecommunications company as a competitive telecommunications service if it finds, after notice and hearing, that the service is subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to a significant captive customer base. In determining whether a service is competitive, factors the commission shall consider include but are not limited to:

(a) The number and size of alternative providers of services;

(b) The extent to which services are available from alternative providers in the relevant market;

(c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and

(d) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

(2) When the commission finds that a telecommunications company has demonstrated that a telecommunications service is competitive, the commission may permit the service to be provided under a price list effective on ten days notice to the commission and customers. The commission shall prescribe the form of notice. The commission may adopt procedural rules necessary to implement this section.

(3) Prices or rates charged for competitive telecommunications services shall cover their cost. The commission shall determine proper cost standards to implement this section, provided that in making any assignment of costs or allocating any revenue requirement, the commission shall act to preserve affordable universal telecommunications service.

(4) The commission may investigate prices for competitive telecommunications services upon complaint. In any complaint proceeding initiated by the commission, the telecommunications company providing the service shall bear the burden of proving that the prices charged cover cost, and are fair, just, and reasonable.

(5) Telecommunications companies shall provide the commission with all data it deems necessary to implement this section.

(6) No losses incurred by a telecommunications company in the provision of competitive services may be recovered through rates for noncompetitive services. The commission may order refunds or credits to any class of subscribers to a noncompetitive telecommunications service which has paid excessive rates because of below cost pricing of competitive telecommunications services.

(7) The commission may reclassify any competitive telecommunications service if reclassification would protect the public interest.

NEW SECTION. Sec. 6. The commission may approve a tariff which includes banded rates for any telecommunications service if such tariff is in the public interest. "Banded rate" means a rate which has a minimum and a maximum rate. The minimum rate in the rate band shall cover the cost of the service. Rates may be changed within the rate band upon such notice as the commission may order.

NEW SECTION. Sec. 7. Each telecommunications company not operating under tariff in Washington on January 1, 1985, shall register with the commission before beginning operations in this state. The registration shall be on a form prescribed by the commission and shall contain such information as the commission may by rule require, but shall include as a minimum the name and address of the company; the name and address of its registered agent, if any; the name, address, and title of each officer or director; its most current balance sheet; its latest annual report, if any; and a description of the telecommunications services it offers or intends to offer.

The commission may require as a precondition to registration the procurement of a performance bond sufficient to cover any advances or deposits the telecommunications company may collect from its customers, or order that such advances or deposits be held in escrow or trust.

The commission may deny registration to any telecommunications company which:

- (1) Does not provide the information required by this section;
- (2) Fails to provide a performance bond, if required;
- (3) Does not possess adequate financial resources to provide the proposed service; or
- (4) Does not possess adequate technical competency to provide the proposed service.

The commission shall take action to approve or issue a notice of hearing concerning any application for registration within thirty days after receiving the application. The commission may approve an application with or without a hearing. The commission may deny an application after a hearing.

NEW SECTION. Sec. 8. For the purposes of RCW 19.86.170, actions or transactions of competitive telecommunications companies, or associated with competitive telecommunications services, shall not be deemed otherwise permitted, prohibited, or regulated by the commission.

NEW SECTION. Sec. 9. The commission shall not regulate the following:

- (1) One way broadcast or cable television transmission of television or radio signals;
- (2) Private telecommunications systems;
- (3) Telegraph services;
- (4) Any sale, lease, or use of customer premises equipment except such equipment as is regulated on the effective date of this act;
- (5) Private shared telecommunications services, unless the commission finds, upon notice and investigation, that customers of such services have no alternative access to local exchange telecommunications companies. If the commission makes such a finding, it may require the private shared telecommunications services provider to make alternative facilities or conduit space available on reasonable terms and conditions at reasonable prices.

Sec. 10. Section 80.01.040, chapter 14, Laws of 1961 and RCW 80-.01.040 are each amended to read as follows:

The utilities and transportation commission shall:

- (1) Exercise all the powers and perform all the duties prescribed therefor by this title and by Title 81 RCW, or by any other law.
- (2) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation by whatever means of persons or property within this state for compensation, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen, and wharfingers and warehousemen.
- (3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electrical companies, gas companies, irrigation companies, ((telegraph companies, telephone)) telecommunications companies, and water companies.
- (4) Make such rules and regulations as may be necessary to carry out its other powers and duties.

Sec. 11. Section 80.04.110, chapter 14, Laws of 1961 and RCW 80-.04.110 are each amended to read as follows:

Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, or by the public counsel section of the office of the attorney general, or its successor, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: **PROVIDED,** That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or ~~((telephone))~~ telecommunications company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or ~~((telephone))~~ telecommunications service: **PROVIDED, FURTHER,** That when two or more public service corporations, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service corporations in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service corporation or corporations complained of in any other locality or localities in the state.

All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: **PROVIDED,** All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission.

Sec. 12. Section 80.04.130, chapter 14, Laws of 1961 as amended by section 2, chapter 3, Laws of 1984 and RCW 80.04.130 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured telephone service is a major policy change in available ((telephone)) telecommunications service. The commission shall not approve, prior to June 1, 1985, any filings which are under suspension as of February 16, 1984, which are awaiting an order by the commission, or which are filed on or after February 16, 1984, if the filing involuntarily requires any telephone user to pay for all outgoing local telephone calls based on time and/or distance. As to any such filing, the requirements in subsection (1) of this section for the commission to act on that filing within ten months from the date the filing would otherwise go into effect are suspended under this subsection from February 16, 1984, until June 1, 1985. This subsection shall not apply to any service such as land, marine, or air mobile service, or any like service that has traditionally been offered on a measured-service basis.

Sec. 13. Section 80.04.500, chapter 14, Laws of 1961 as amended by section 1, chapter 210, Laws of 1969 ex. sess. and RCW 80.04.500 are each amended to read as follows:

Nothing in this title shall authorize the commission to make or enforce any order affecting rates, tolls, rentals, contracts or charges or service rendered, or the adequacy or sufficiency of the facilities, equipment, instrumentalities or buildings, or the reasonableness of rules or regulations made, furnished, used, supplied or in force affecting any ~~((telephone))~~ telecommunications line, gas plant, electrical plant or water system owned and operated by any city or town, or to make or enforce any order relating to the safety of any ~~((telephone))~~ telecommunications line, electrical plant or water system owned and operated by any city or town, but all other provisions enumerated herein shall apply to public utilities owned by any city or town.

Sec. 14. Section 80.24.010, chapter 14, Laws of 1961 and RCW 80-24.010 are each amended to read as follows:

Every public service company subject to regulation by the commission shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars: PROVIDED, That the fee shall in no case be less than one dollar.

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows:

Electrical, gas, water, ~~((telephone, telegraph))~~ telecommunications, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Sec. 15. Section 80.36.010, chapter 14, Laws of 1961 and RCW 80-36.010 are each amended to read as follows:

The right of eminent domain is hereby extended to all ~~((telegraph and telephone corporations and))~~ telecommunications companies organized or doing business in this state.

Sec. 16. Section 80.36.020, chapter 14, Laws of 1961 and RCW 80-36.020 are each amended to read as follows:

Every corporation incorporated under the laws of this state or any state or territory of the United States for the purpose of constructing, operating or maintaining any ~~((telegraph or telephone))~~ telecommunications line in this state shall have the right to enter upon any land between the termini of its proposed telecommunications lines ~~((of telegraph or telephone))~~ for the purpose of examining, locating and surveying the telecommunications line ~~((of such telegraph or telephone))~~, doing no unnecessary damage thereby.

Sec. 17. Section 80.36.030, chapter 14, Laws of 1961 and RCW 80-36.030 are each amended to read as follows:

Such ~~((telegraph or telephone))~~ telecommunications company may appropriate so much land as may be actually necessary for its telecommunications line ~~((of telegraph or telephone))~~, with the right to enter upon lands immediately adjacent thereto, for the purpose of constructing, maintaining and operating its line and making all necessary repair. Such ~~((telegraph or telephone))~~ telecommunications company may also, for the purpose aforesaid, enter upon and appropriate such portion of the right-of-way of any railroad company as may be necessary for the construction, maintenance and operation of its ~~((telegraph or telephone))~~ telecommunications line: PROVIDED, That such appropriation shall not obstruct such railroad of the travel thereupon, nor interfere with the operation of such railroad.

Sec. 18. Section 80.36.040, chapter 14, Laws of 1961 and RCW 80-36.040 are each amended to read as follows:

Any ~~((telegraph or telephone corporation or))~~ telecommunications company, or the lessees thereof, doing business in this state, shall have the right to construct and maintain all necessary telecommunications lines ~~((of telegraph or telephone))~~ for public traffic along and upon any public road, street or highway, along or across the right-of-way of any railroad corporation, and may erect poles, posts, piers or abutments for supporting the insulators, wires and any other necessary fixture of their lines, in such manner and at such points as not to incommode the public use of the railroad or highway, or interrupt the navigation of the waters: PROVIDED, That when the right-of-way of such corporation has not been acquired by or through any grant or donation from the United States, or this state, or any county, city or town therein, then the right to construct and maintain such lines shall be secured only by the exercise of right of eminent domain, as provided by law: PROVIDED FURTHER, That where the right-of-way as herein contemplated is within the corporate limits of any incorporated city, the consent of the city council thereof shall be first obtained before such ~~((telegraph or telephone))~~ telecommunications lines can be erected thereon.

Sec. 19. Section 80.36.050, chapter 14, Laws of 1961 and RCW 80-36.050 are each amended to read as follows:

Every railroad operated in this state, and carrying freight and passengers for hire, or doing business in this state, is and shall be designated a "post road," and the corporation or company owning the same shall allow ~~((telegraph and telephone))~~ telecommunications companies to construct and maintain ~~((telegraph and telephone))~~ telecommunications lines on and along the right-of-way of such railroad.

In case of the refusal or neglect of any railroad company or corporation to comply with the provisions of this section, said company or corporation shall be liable for damages in the sum of not less than one thousand

dollars nor more than five thousand dollars for each offense, and one hundred dollars per day during the continuance thereof.

Sec. 20. Section 80.36.060, chapter 14, Laws of 1961 and RCW 80.36.060 are each amended to read as follows:

Any person who wilfully and maliciously does any injury to any (~~telegraph or telephone~~) telecommunications property mentioned in RCW 80.36.070, is liable to the (~~corporation or~~) company for five times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.

Sec. 21. Section 80.36.070, chapter 14, Laws of 1961 and RCW 80.36.070 are each amended to read as follows:

Any person who injures or destroys, through want of proper care, any necessary or useful fixtures of any (~~telegraph or telephone corporation or~~) telecommunications company, is liable to the (~~corporation or~~) company for all damages sustained thereby. Any vessel which, by dragging its anchor or otherwise, breaks, injures or destroys the subaqueous cable of a (~~telegraph or telephone corporation or~~) telecommunications company, subjects its owners to the damages hereinbefore specified.

No (~~telegraph or telephone corporation or~~) telecommunications company can recover damages for the breaking or injury of any subaqueous (~~telegraph~~) telecommunications cable, unless such (~~corporation or~~) company has previously erected on either bank of the waters under which the cable is placed, a monument indicating the place where the cable lies, and publishes for one month, in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings and termini of the cable.

Sec. 22. Section 80.36.080, chapter 14, Laws of 1961 and RCW 80.36.080 are each amended to read as follows:

All rates, tolls, contracts and charges, rules and regulations of (~~telephone and telegraph~~) telecommunications companies, for messages, conversations, services rendered and equipment and facilities supplied, whether such message, conversation or service to be performed be over one company or line or over or by two or more companies or lines, shall be fair, just, reasonable and sufficient, and the service so to be rendered any person, firm or corporation by any (~~telephone or telegraph~~) telecommunications company shall be rendered and performed in a prompt, expeditious and efficient manner and the facilities, instrumentalities and equipment furnished by it shall be safe, kept in good condition and repair, and its appliances, instrumentalities and service shall be modern, adequate, sufficient and efficient.

Sec. 23. Section 80.36.090, chapter 14, Laws of 1961 and RCW 80.36.090 are each amended to read as follows:

Every (~~telephone and telegraph~~) telecommunications company operating in this state shall provide and maintain suitable and adequate buildings and facilities therein, or connected therewith, for the accommodation, comfort and convenience of its patrons and employees.

Every (~~telephone~~) telecommunications company shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto suitable and proper facilities and connections for telephonic communication and furnish telephone service as demanded.

Sec. 24. Section 80.36.100, chapter 14, Laws of 1961 and RCW 80-36.100 are each amended to read as follows:

Every (~~telephone and telegraph~~) telecommunications company shall file with the commission and shall print and keep open to public inspection at such points as the commission may designate, schedules showing the rates, tolls, rentals, contracts and charges of such companies for messages, conversations and services rendered and equipment and facilities supplied for messages and services to be performed within the state between each point upon its line and all other points thereon, and between each point upon its line and all points upon every other similar line operated or controlled by it, and between each point on its line or upon any line leased, operated or controlled by it and all points upon the line of any other similar company, whenever a through service and joint rate shall have been established or ordered between any two such points. If no joint rate covering a through service has been established, the several companies in such through service shall file, print and keep open to public inspection as aforesaid the separately established rates, tolls, rentals, contracts and charges applicable for such through service. The schedules printed as aforesaid shall plainly state the places between which (~~telephone or telegraph~~) telecommunications service, or both, will be rendered, and shall also state separately all charges and all privileges or facilities granted or allowed, and any rules or regulations or forms of contract which may in anywise change, affect or determine any of the aggregate of the rates, tolls, rentals or charges for the service rendered. A schedule shall be plainly printed in large type, and a copy thereof shall be kept by every (~~telephone company and telegraph~~) telecommunications company readily accessible to and for convenient inspection by the public at such places as may be designated by the commission, which schedule shall state the rates charged from such station to every other station on such company's line, or on any line controlled and used by it within the state. All or any of such schedules kept as aforesaid shall be immediately produced by such (~~telephone company or telegraph~~) telecommunications company upon the demand of any person. A notice printed in bold type, and stating that such schedules are on file and open to inspection by any person, the places where the same are kept, and that the agent will assist such person to determine from such schedules any rate, toll,

rental, rule or regulation which is in force shall be kept posted by every ((~~telephone company and telegraph~~)) telecommunications company in a conspicuous place in every station or office of such company.

Sec. 25. Section 80.36.110, chapter 14, Laws of 1961 and RCW 80-36.110 are each amended to read as follows:

Unless the commission otherwise orders, no change shall be made in any rate, toll, rental, contract or charge, which shall have been filed and published by any ((~~telephone or telegraph~~)) telecommunications company in compliance with the requirements of RCW 80.36.100, except after thirty days' notice to the commission and publication for thirty days as required in the case of original schedules in RCW 80.36.100, which notice shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, toll, contract or charge will go into effect, and all proposed changes shall be shown by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission for good cause shown may allow changes in rates, charges, tolls, rentals or contracts without requiring the thirty days' notice and publication herein provided for, by an order specifying the change so to be made and the time when it shall take effect, and the manner in which the same shall be filed and published. When any change is made in any rate, toll, contract, rental or charge, the effect of which is to increase any rate, toll, rental or charge then existing, attention shall be directed on the copy filed with the commission to such increase by some character immediately preceding or following the item in such schedule, which character shall be in such form as the commission may designate.

Sec. 26. Section 80.36.120, chapter 14, Laws of 1961 and RCW 80-36.120 are each amended to read as follows:

The names of the several companies which are parties to any joint rates, tolls, contracts or charges of ((~~telephone companies and telegraph~~)) telecommunications companies for messages, conversations and service to be rendered shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the companies filing the same to also file copies of the tariff in which they are named as parties.

Sec. 27. Section 80.36.130, chapter 14, Laws of 1961 and RCW 80-36.130 are each amended to read as follows:

No ((~~telephone or telegraph~~)) telecommunications company shall charge, demand, collect or receive different compensation for any service rendered or to be rendered than the charge applicable to such service as specified in its schedule on file and in effect at that time, nor shall any

~~((telephone company or telegraph))~~ telecommunications company refund or remit, directly or indirectly, any portion of the rate or charge so specified, nor extend to any person or corporation any form of contract or agreement or any rule or regulation or any privilege or facility except such as are specified in its schedule filed and in effect at the time, and regularly and uniformly extended to all persons and corporations under like circumstances for like or substantially similar service.

No ~~((telephone company or telegraph))~~ telecommunications company subject to the provisions of this title shall, directly or indirectly, give any free or reduced service or any free pass or frank for the transmission of messages by ~~((either telephone or telegraph))~~ telecommunications between points within this state, except to its officers, employees, agents, pensioners, surgeons, physicians, attorneys at law, and their families, and persons and corporations exclusively engaged in charitable and eleemosynary work, and ministers of religion, Young Men's Christian Associations, Young Women's Christian Associations; to indigent and destitute persons, and to officers and employees of other ~~((telephone companies, telegraph))~~ telecommunications companies, railroad companies, and street railroad companies.

Sec. 28. Section 80.36.140, chapter 14, Laws of 1961 and RCW 80-36.140 are each amended to read as follows:

Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, that the rates, charges, tolls or rentals demanded, exacted, charged or collected by any ~~((telegraph company or telephone))~~ telecommunications company for the transmission of messages by ~~((telegraph or telephone))~~ telecommunications, or for the rental or use of any ~~((telegraph line, telephone line or any telegraph))~~ telecommunications line, instrument, wire, appliance, apparatus or device or any ~~((telephone))~~ telecommunications receiver, transmitter, instrument, wire, cable, apparatus, conduit, machine, appliance or device, or any ~~((telephone))~~ telecommunications extension or extension system, or that the rules, regulations or practices of any ~~((telegraph company or telephone))~~ telecommunications company affecting such rates, charges, tolls, rentals or service are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in anywise in violation of law, or that such rates, charges, tolls or rentals are insufficient to yield reasonable compensation for the service rendered, the commission shall determine the just and reasonable rates, charges, tolls or rentals to be thereafter observed and in force, and fix the same by order as provided in this title.

Whenever the commission shall find, after such hearing that the rules, regulations or practices of any ~~((telegraph company or telephone))~~ telecommunications company are unjust or unreasonable, or that the equipment, facilities or service of any ~~((telegraph company or telephone))~~ telecommunications company is inadequate, inefficient, improper or insufficient, the commission shall determine the just, reasonable, proper, adequate

and efficient rules, regulations, practices, equipment, facilities and service to be thereafter installed, observed and used, and fix the same by order or rule as provided in this title.

Sec. 29. Section 80.36.150, chapter 14, Laws of 1961 and RCW 80.36.150 are each amended to read as follows:

Every (~~((telephone and telegraph))~~) telecommunications company shall file with the commission, as and when required by it, a copy of any contract, agreement or arrangement in writing with any other (~~((telephone company or telegraph))~~) telecommunications company, or with any other corporation, association or person relating in any way to the construction, maintenance or use of a (~~((telephone line or telegraph))~~) telecommunications line or service by, or rates and charges over and upon, any such (~~((telephone line or telegraph))~~) telecommunications line.

Sec. 30. Section 80.36.160, chapter 14, Laws of 1961 and RCW 80.36.160 are each amended to read as follows:

In order to provide toll telephone service where no such service is available, or to promote the most expeditious handling or most direct routing of toll messages and conversations, or to prevent arbitrary or unreasonable practices which may result in the failure to utilize the toll facilities of all (~~((telephone))~~) telecommunications companies equitably and effectively, the commission may, on its own motion, or upon complaint, notwithstanding any contract or arrangement between (~~((telephone))~~) telecommunications companies, investigate, ascertain and, after hearing, by order (1) require the construction and maintenance of suitable connections between telephone lines for the transfer of messages and conversations at a common point or points and, if the companies affected fail to agree on the proportion of the cost thereof to be borne by each such company, prescribe said proportion of cost to be borne by each; and/or (2) prescribe the routing of toll messages and conversations over such connections and the practices and regulations to be followed with respect to such routing; and/or (3) establish reasonable joint rates or charges by or over said lines and connections and just, reasonable and equitable divisions thereof as between the (~~((telephone))~~) telecommunications companies participating therein.

This section shall not be construed as conferring on the commission jurisdiction, supervision or control of the rates, service or facilities of any mutual, cooperative or farmer line company or association, except for the purpose of carrying out the provisions of this section.

Sec. 31. Section 80.36.170, chapter 14, Laws of 1961 and RCW 80.36.170 are each amended to read as follows:

No (~~((telegraph company or telephone))~~) telecommunications company shall make or give any undue or unreasonable preference or advantage to

any person, corporation or locality, or subject any particular person, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Sec. 32. Section 80.36.180, chapter 14, Laws of 1961 and RCW 80-.36.180 are each amended to read as follows:

No ~~((telegraph or telephone))~~ telecommunications company shall, directly or indirectly, or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered with respect to communication by ~~((telegraph or telephone))~~ telecommunications or in connection therewith, except as authorized in this title or Title 81 RCW than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect to communication by ~~((telegraph or telephone))~~ telecommunications under the same or substantially the same circumstances and conditions.

Sec. 33. Section 80.36.190, chapter 14, Laws of 1961 and RCW 80-.36.190 are each amended to read as follows:

No ~~((telephone or telegraph))~~ telecommunications company subject to the provisions of this title shall charge or receive any greater compensation in the aggregate for the transmission of any long distance conversation or message of like kind for a shorter than for a longer distance over the same line, in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates subject to the provision of this title, but this shall not be construed as authorizing any such ~~((telephone company or telegraph))~~ telecommunications company to charge and receive as great a compensation for a shorter as for a longer distance. Upon application of any ~~((telephone company or telegraph))~~ telecommunications company the commission may, by order, authorize it to charge less for longer than for a shorter distance service for the transmission of conversation or messages in special cases after investigation, but the order must specify and prescribe the extent to which the ~~((telephone company or telegraph))~~ telecommunications company making such application is relieved from the operation of this section, and only to the extent so specified and prescribed shall any ~~((telephone company or telegraph))~~ telecommunications company be relieved from the requirements of this section.

Sec. 34. Section 80.36.200, chapter 14, Laws of 1961 and RCW 80-.36.200 are each amended to read as follows:

Every ~~((telephone company or telegraph))~~ telecommunications company operating in this state shall receive, transmit and deliver, without discrimination or delay, the messages of any other ~~((telephone or telegraph))~~ telecommunications company.

Sec. 35. Section 80.36.220, chapter 14, Laws of 1961 and RCW 80.36.220 are each amended to read as follows:

~~((Telegraph and telephone))~~ Telecommunications companies shall receive, exchange and transmit each other's messages without delay or discrimination, and all ~~((telephone))~~ telecommunications companies shall receive and transmit messages for any person.

In case of the refusal or neglect of any ~~((telegraph or telephone))~~ telecommunications company to comply with the provisions of this section, the penalty for the same shall be a fine of not more than five hundred nor less than one hundred dollars for each offense.

Sec. 36. Section 1, chapter 21, Laws of 1975 and RCW 80.36.225 are each amended to read as follows:

~~((No later than December 31, 1980;))~~ All ~~((telephone))~~ telecommunications companies and customer-owned, pay telephone providers doing business in this state and utilizing ~~((coin))~~ pay telephones shall provide a system whereby calls may be made to the operator without charge and without requiring the use of credit cards or other payment devices, or insertion of any coins into such pay telephone~~((: PROVIDED, That the commission may grant an extension of time on a showing of unjust and unreasonable hardship))~~.

Sec. 37. Section 80.36.230, chapter 14, Laws of 1961 and RCW 80.36.230 are each amended to read as follows:

The commission is hereby granted the power to prescribe exchange area boundaries and/or territorial boundaries for ~~((telephone))~~ telecommunications companies.

Sec. 38. Section 80.36.260, chapter 14, Laws of 1961 and RCW 80.36.260 are each amended to read as follows:

Whenever the commission shall find, after a hearing had on its own motion or upon complaint, that repairs or improvements to, or changes in, any ~~((telegraph line or telephone))~~ telecommunications line ought reasonably be made, or that any additions or extensions should reasonably be made thereto in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for ~~((telegraphic or telephonic))~~ telecommunications communications, the commission shall make and serve an order directing that such repairs, improvements, changes, additions or extensions be made in the manner to be specified therein.

Sec. 39. Section 80.36.270, chapter 14, Laws of 1961 and RCW 80.36.270 are each amended to read as follows:

Nothing in this title shall be construed to prevent any ~~((telegraph company or telephone))~~ telecommunications company from continuing to furnish the use of its line, equipment or service under any contract or contracts in force on June 7, 1911 or upon the taking effect of any schedule or

schedules of rates subsequently filed with the commission, as herein provided, at the rates fixed in such contract or contracts: PROVIDED, That the commission shall have power, in its discretion, to direct by order that such contract or contracts shall be terminated by the (~~telephone company or telegraph~~) telecommunications company party thereto, and thereupon such contract or ~~contracts shall be terminated by such~~ (~~telephone company or telegraph~~) telecommunications company as and when directed by such order.

Sec. 40. Section 1, chapter 33, Laws of 1979 and RCW 80.54.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Attachment" means any wire or cable for the transmission of intelligence by (~~telegraph, telephone,~~) telecommunications or television, including cable television, light waves, or other phenomena, or for the transmission of electricity for light, heat, or power, and any related device, apparatus, or auxiliary equipment, installed upon any pole or in any (~~telegraph, telephone~~) telecommunications, electrical, cable television, or communications right of way, duct, conduit, manhole or handhole, or other similar facilities owned or controlled, in whole or in part, by one or more utilities, where the installation has been made with the consent of the one or more utilities.

(2) "Licensee" means any person, firm, corporation, partnership, company, association, joint stock association, or cooperatively organized association, other than a utility, which is authorized to construct attachments upon, along, under, or across the public ways.

(3) "Utility" means any electrical company(~~, telephone company, or telegraph company,~~) or telecommunications company as defined in RCW 80.04.010, and does not include any entity cooperatively organized, or owned by federal, state, or local government, or a subdivision of state or local government.

NEW SECTION. Sec. 41. The commission shall provide the legislature with an annual report on the status of the Washington telecommunications industry. The report shall describe the competitiveness of all markets as defined by the commission; the availability of diverse and affordable telecommunications services to all people of Washington, particularly to customers in rural or sparsely populated areas; and the level of rates for local exchange and interexchange telecommunications service. The report also shall address the question of whether competition in certain markets has developed to such an extent that the commission recommends additional regulatory flexibility such as detariffing or total deregulation and the evidence therefor; and the need for further legislation to achieve the purposes of sections 1 through 9 of this act. The commission shall also monitor cost of service methodologies and shall recommend to the legislature whether

cost of service ratemaking shall become a standard for telecommunications services.

NEW SECTION. Sec. 42. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 43. Sections 1, 3 through 9, 41, and 44 of this act are added to chapter 80.36 RCW.

NEW SECTION. Sec. 44. The legislature shall conduct an intensive review of this act during the 1989–1991 biennium to determine whether the purposes of this act have been achieved and if further relaxation of regulatory requirements is in the public interest.

Passed the Senate April 23, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 451

[Engrossed Second Substitute Senate Bill No. 3828]
PUGET SOUND WATER QUALITY AUTHORITY

AN ACT Relating to Puget Sound water quality; amending RCW 90.70.900; adding new sections to chapter 90.70 RCW; repealing RCW 90.70.010, 90.70.020, 90.70.030, 90.70.040, and 90.70.050; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that Puget Sound and related inland marine waterways of Washington state represent a unique and unparalleled resource. A rich and varied range of marine organisms, composing an interdependent, sensitive communal ecosystem reside in these sheltered waters. Residents of this region enjoy a way of life centered around the waters of Puget Sound, featuring accessible recreational opportunities, world-class port facilities and water transportation systems, harvest of marine food resources, shoreline-oriented life styles, water-dependent industries, tourism, irreplaceable aesthetics and other activities, all of which to some degree depend upon a clean and healthy marine resource.

The legislature further finds that the consequences of careless husbanding of this resource have been dramatically illustrated in inland waterways associated with older and more extensively developed areas of the nation. Recent reports concerning degradation of water quality within this region's urban embayments raise alarming possibilities of similar despoliation of Puget Sound and other state waterways. These examples emphasize that the costs of restoration of aquatic resources, where such restoration is possible, greatly exceed the costs of responsible preservation.

The legislature declares that utilization of the Puget Sound resource carries a custodial obligation for preserving it. The people of the state have the unique opportunity to preserve this gift of nature, an understanding of the results of inattentive stewardship, the technical knowledge needed for control of degradation, and the obligation to undertake such control.

The legislature further finds that the large number of governmental entities that now affect the water quality of Puget Sound have diverse interests and limited jurisdictions which cannot adequately address the cumulative, wide-ranging impacts which contribute to the degradation of Puget Sound. It is therefore the policy of the state of Washington to create a single entity with adequate resources to develop a comprehensive plan for water quality protection in Puget Sound to be implemented by existing state and local government agencies.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Authority" means the Puget Sound water quality authority.
- (2) "Chair" means the presiding officer of the Puget Sound water quality authority.
- (3) "Plan" means the Puget Sound water quality management plan.
- (4) "Puget Sound" means all salt waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia, lying east of one hundred twenty-three degrees, twenty-four minutes west longitude.

NEW SECTION. Sec. 3. (1) There is established the Puget Sound water quality authority composed of seven members who are appointed by the governor and confirmed by the senate. The governor shall select one of the seven members to act as chair of the authority and be presiding officer of the authority. In making these appointments, the governor shall seek to include representation of the variety of interested parties concerned about Puget Sound water quality. The commissioner of public lands and the director of ecology shall serve as ex officio, nonvoting members of the authority. The six appointed members, one from each of the six congressional districts surrounding Puget Sound, shall serve four-year terms. Of the initial members appointed to the authority, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. The chair of the authority shall serve at the pleasure of the governor.

(2) The voting members, exclusive of the chair, shall be compensated as provided in RCW 43.03.250. The voting members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The chair of the authority shall be a full time employee responsible for the administration of all functions of the authority, including hiring and

terminating staff, contracting, coordinating with the governor, the legislature, and other state and local entities, and the delegation of responsibilities as deemed appropriate. The salary of the chair shall be fixed by the governor, subject to RCW 43.03.040.

(4) The chair shall prepare a budget and a work plan which are subject to review and approval by the authority.

NEW SECTION, Sec. 4. The authority shall:

(1) Prepare and adopt a comprehensive Puget Sound water quality management plan, as defined in section 8 of this act. In preparing the plan and any substantial revisions to the plan, the authority shall consult with its advisory committee or committees and appropriate federal, state, and local agencies. The authority shall also solicit extensive participation by the public by whatever means it finds appropriate, including public hearings throughout communities bordering or near Puget Sound, dissemination of information through the news media, public notices, and mailing lists, and the organization of workshops, conferences, and seminars;

(2) During the plan's initial development and any subsequent revisions, submit quarterly progress reports to the governor and the legislature.

(3) Submit the plan to the governor and the legislature no later than January 1, 1987. The authority shall review the plan at least every two years and revise the plan, as deemed appropriate;

(4) Prepare a biennial "state of the Sound" report and submit such report to the governor, the legislature, and the state agencies and local governments identified in the plan. Copies of the report shall be made available to the public. The report shall describe the current condition of water quality and related resources in Puget Sound and shall include:

(a) The status and condition of the resources of Puget Sound, including the results of ecological monitoring, including an assessment of the economic value of Puget Sound;

(b) Current and foreseeable trends in water quality of Puget Sound and the management of its resources;

(c) Review of significant public and private activities affecting Puget Sound and an assessment of whether such activities are consistent with the plan; and

(d) Recommendations to the governor, the legislature, and appropriate state and local agencies for actions needed to remedy any deficiencies in current policies, plans, programs, or activities relating to the water quality of Puget Sound, and recommendations concerning changes necessary to protect and improve Puget Sound water quality; and

(5) Review the budgets and regulatory and enforcement activities of state agencies with responsibilities for water quality and related resources in Puget Sound.

NEW SECTION, Sec. 5. In order to carry out its responsibilities under this chapter, the authority may:

(1) Develop interim proposals and recommendations, before the plan is adopted, concerning the elements identified in section 8 of this act;

(2) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions for the purposes of this chapter;

(3) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the purposes of the authority. The authority may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(4) Conduct studies and research relating to Puget Sound water quality;

(5) Obtain information relating to Puget Sound from other state and local agencies;

(6) Conduct appropriate public hearings and otherwise seek to broadly disseminate information concerning Puget Sound;

(7) Receive funding from other public agencies;

(8) Prepare a biennial budget request for consideration by the governor and the legislature; and

(9) Adopt rules under chapter 34.04 RCW as it deems necessary for the purposes of this chapter.

NEW SECTION. Sec. 6. (1) The authority shall appoint one or more advisory committees to assist in the development of the plan. In making these appointments, the authority shall seek to include representation of all interested parties, including local governments, environmental and health agencies, tribal organizations, business, labor, citizens' groups such as environmental and public interest organizations, agricultural interests, recreational interests, and the fisheries and shellfish industries.

(2) The advisory committee or committees shall assist the authority to formulate policy goals and strategies, review the plan and make recommendations for its amendment to the authority, review the authority's reports, and review the authority's budget request proposals.

NEW SECTION. Sec. 7. (1) The chair shall hire staff for the authority. In so doing, the chair shall recognize the many continuing planning and research activities concerning Puget Sound water quality and shall seek to acquire competent and knowledgeable staff from state, federal, and local government agencies that are currently involved in these activities.

(2) As deemed appropriate, the chair may request the state departments of ecology, community development, fisheries, game, agriculture, natural resources, and social and health services to each assign at least one employee to the authority. The chair shall enter into an interagency agreement with agencies assigning employees to the authority. Such agreement shall provide for reimbursement, by the authority to the assigning agency, of all work-related expenditures associated with the assignment of the employees. During the term of their assignment, the chair shall have full authority and responsibility for the activities of these employees.

(3) The chair shall seek assignment of appropriate federal and local government employees under available means.

***NEW SECTION.** Sec. 8. The plan adopted by the authority shall be a positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality. The plan shall address all the waters of Puget Sound, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands. The authority may define specific geographic boundaries within which the plan applies. The plan shall coordinate and incorporate existing planning and research efforts of state agencies and local government related to Puget Sound, and shall avoid duplication of existing efforts. The plan shall include:

(1) A statement of the goals and objectives for long and short-term management of the water quality of Puget Sound;

(2) A resource assessment which identifies critically sensitive areas, key characteristics, and other factors which lead to an understanding of Puget Sound as an ecosystem;

(3) Demographic information and assessment as relates to future water quality impacts on Puget Sound;

(4) An identification and legal analysis of all existing laws governing actions of government entities which may affect water quality management of Puget Sound, the interrelationships of those laws, and the effect of those laws on implementation of the provisions of the plan;

(5) Review and assessment of existing criteria and guidelines for governmental activities affecting Puget Sound's resources, including shoreline resources, aquatic resources, associated watersheds, recreational resources and commercial resources;

(6) Identification of research needs and priorities;

(7) Recommendations for guidelines, standards, and timetables for protection and clean-up activities and the establishment of priorities for major clean-up investments and nonpoint source management, and the projected costs of such priorities;

(8) A procedure assuring local government initiated planning for Puget Sound water quality protection;

(9) Ways to better coordinate federal, state, and local planning and management activities affecting Puget Sound's water quality;

(10) Public involvement strategies, including household hazardous waste education, community clean-up efforts, and public participation in developing and implementing the plan;

(11) Recommendations on protecting, preserving and, where possible, restoring wetlands and wildlife habitat and shellfish beds throughout Puget Sound;

(12) Recommendations for a comprehensive water quality and sediment monitoring program ;

(13) Analysis of current industrial pretreatment programs for toxic wastes, and procedures and enforcement measures needed to enhance them;

(14) Recommendations for a program of dredge spoil disposal, including interim measures for disposal and storage of dredge spoil material from or into Puget Sound;

(15) Definition of major public actions subject to review and comment by the authority because of a significant impact on Puget Sound water quality and related resources, and development of criteria for review thereof;

(16) Recommendations for implementation mechanisms to be used by state and local government agencies;

(17) Standards and procedures for reporting progress by state and local governments in the implementation of the plan;

(18) Recommendations for implementation of waivers from the uniform national requirements of secondary treatment. In making recommendations the authority shall consider the criteria specified in section 301(h) of the federal clean water act.

(19) An analysis of resource requirements and funding mechanisms for updating of the plan and plan implementation; and

(20) Legislation needed to assure plan implementation.

The authority shall circulate and receive comments on drafts of the plan mandated herein, and keep a record of all relevant comments made at public hearings and in writing. These records should be made easily available to interested persons.

*Sec. 8 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 9. (1) In conducting planning, regulatory, and appeals actions, the state agencies and local governments identified in the plan must evaluate, and incorporate as applicable, the provisions of the plan, including any guidelines, standards, and timetables contained in the plan.

(2) The authority shall review the progress of state agencies and local governments regarding the timely implementation of the plan. Where prescribed actions have not been accomplished in accordance with the plan, the responsible state agencies and local governments shall, at the request of the authority, submit written explanations for the shortfalls, together with their proposed remedies, to the authority.

The results of the review and a description of the actions necessary to comply with the plan shall be included in the biennial state of the Sound report.

(3) The state agencies and local governments identified in the plan shall review their activities biennially and document their consistency with the plan. They shall submit written reports or updates of their findings to the authority.

(4) The authority shall review the major actions affected by the plan being considered by the state agencies and local governments and shall comment in a timely manner regarding consistency with the plan and may participate in administrative and subsequent judicial proceedings with respect to such actions. Any deviations from the plan, identified by the authority, shall be transmitted in writing by the authority to the responsible state agency or local government.

NEW SECTION. Sec. 10. (1) To implement this act, state agencies are authorized to adopt rules that are applicable to actions and activities on a less than state-wide geographic basis. State agencies are encouraged to adopt rules that protect Puget Sound water quality before the adoption of the plan by the authority.

(2) To implement this act, counties, cities, and towns are authorized to adopt ordinances, rules, and regulations that are applicable on less than a county-wide, city-wide, or town-wide basis. Counties, cities, and towns are encouraged to adopt ordinances, rules, and regulations that protect Puget Sound water quality before the adoption of the plan by the authority.

Sec. 11. Section 6, chapter 243, Laws of 1983 and RCW 90.70.900 are each amended to read as follows:

The Puget Sound water quality authority shall cease to exist and this chapter shall expire on June 30, (~~1987~~) 1991.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 243, Laws of 1983 and RCW 90.70.010;
- (2) Section 2, chapter 243, Laws of 1983 and RCW 90.70.020;
- (3) Section 3, chapter 243, Laws of 1983 and RCW 90.70.030;
- (4) Section 4, chapter 243, Laws of 1983 and RCW 90.70.040; and
- (5) Section 5, chapter 243, Laws of 1983 and RCW 90.70.050.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act are each added to chapter 90.70 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 17, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 8(18), Engrossed Second Substitute Senate Bill No. 3828, entitled:

"AN ACT Relating to Puget Sound water quality."

This is a significant bill which establishes a planning mechanism for improving and maintaining the water quality of Puget Sound. The Puget Sound Water Quality Authority is reestablished as a seven-member body and required to develop, with the participation of all interested citizens, a comprehensive Puget Sound water quality management plan by January 1, 1987.

Section 8 requires the plan to be a "positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality." This section also specifies twenty subjects which are to be studied by the Authority and included in the plan. With the exception of Subsection 18, these subjects are all positive actions that are likely to result in improved water quality for Puget Sound.

Subsection 18 of Section 8 calls for the Authority to make recommendations for "implementation of waivers from the uniform national requirements of secondary treatment." This language was added by amendment late in the legislative process and is not, in my opinion, consistent with the purposes of the act. Moreover, our Congressional delegation has indicated that the prospect for secondary treatment waivers under federal law appears remote and that "political and practical reality calls for secondary treatment compliance." The issue has the potential to consume too much of the limited time for the Authority to develop the plan. For these reasons, I am vetoing Section 8(18).

With the exception of Section 8(18), which is vetoed, Engrossed Second Substitute Senate Bill No. 3828 is approved."

CHAPTER 452

[Engrossed House Bill No. 228] WATERCRAFT REGISTRATION

AN ACT Relating to the registration of watercraft which are not used on waters subject to federal jurisdiction; amending RCW 88.02.030; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 16, chapter 7, Laws of 1983 as last amended by section 2, chapter 250, Laws of 1984 and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

- (1) Military or public vessels of the United States, except recreational-type public vessels;
- (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;
- (3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;
- (4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides,

but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's lifeboat;

(6) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the House April 22, 1985.

Passed the Senate April 17, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 453

[Substitute House Bill No. 232]

GROUND WATER MANAGEMENT

AN ACT Relating to ground water management; adding new sections to chapter 90.44 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) This legislation is enacted for the purpose of identifying ground water management procedures that are consistent with both local needs and state water resource policies and management objectives; including the protection of water quality, assurance of quantity, and efficient management of water resources to meet future needs.

In recognition of existing water rights and the need to manage ground water aquifers for future use, the department of ecology shall, by rule, establish standards, criteria, and a process for the designation of specific ground water areas or sub-areas, or separate depth zones within such area or sub-area, and provide for either the department of ecology, local governments, or ground water users of the area to initiate development of a ground water management program for each area or sub-area, consistent with state and local government objectives, policies, and authorities. The department shall develop and adopt these rules by January 1, 1986.

(2) The department of ecology, in cooperation with other state agencies, local government, and user groups, shall identify probable ground water management areas or sub-areas. The department shall also prepare a general schedule for the development of ground water management programs that recognizes the available local or state agency staff and financial resources to carry out the intent of sections 1 through 3 of this act. The department shall also provide the option for locally initiated studies and for local government to assume the lead agency role in developing the ground water management program and in implementing the provisions of sections 1 through 3 of this act. The criteria to guide identification of the ground water areas or sub-areas shall include but not be limited to, the following:

(a) Aquifer systems that are declining due to restricted recharge or over-utilization;

(b) Aquifer systems in which over-appropriation may have occurred and adjudication of water rights has not yet been completed;

(c) Aquifer systems currently being considered for water supply reservation under chapter 90.54 RCW for future beneficial uses;

(d) Aquifers identified as the primary source of supply for public water supply systems;

(e) Aquifers designated as a sole source aquifer by the federal environmental protection agency; and

(f) Geographical areas where land use may result in contamination or degradation of the ground water quality.

(3) In developing the ground water management programs, priority shall be given to areas or sub-areas where water quality is imminently threatened.

NEW SECTION. Sec. 2. (1) To assist in the development of ground water management programs, a ground water management advisory committee, with representation from major user and public interest groups, and state and local governments shall be appointed by the department for each area or sub-area. The procedure for advisory committee appointment, terms of appointment, and committee responsibilities shall be addressed in the rules prepared under section 1 of this act.

(2) The ground water area or sub-area management programs shall include:

(a) A description of the specific ground water area or sub-areas, or separate depth zones within any such area or sub-area, and the relationship of this zone or area to the land use management responsibilities of county government;

(b) A management program based on long-term monitoring and resource management objectives for the area or sub-area;

(c) Identification of water resources and the allocation of the resources to meet state and local needs;

(d) Projection of water supply needs for existing and future identified user groups and beneficial uses;

(e) Identification of water resource management policies and/or practices that may impact the recharge of the designated area or policies that may affect the safe yield and quantity of water available for future appropriation;

(f) Identification of land use and other activities that may impact the quality and efficient use of the ground water, including domestic, industrial, solid, and other waste disposal, underground storage facilities, or storm water management practices;

(g) The design of the program necessary to manage the resource to assure long-term benefits to the citizens of the state;

(h) Identification of water quality objectives for the aquifer system which recognize existing and future uses of the aquifer and that are in accordance with department of ecology and department of social and health services drinking and surface water quality standards;

(i) Long-term policies and construction practices necessary to protect existing water rights and subsequent facilities installed in accordance with the ground water area or sub-area management programs and/or other water right procedures;

(j) Annual withdrawal rates and safe yield guidelines which are directed by the long-term management programs that recognize annual variations in aquifer recharge;

(k) A description of conditions and potential conflicts and identification of a program to resolve conflicts with existing water rights;

(l) Alternative management programs to meet future needs and existing conditions, including water conservation plans; and

(m) A process for the periodic review of the ground water management program and monitoring of the implementation of the program.

(3) The ground water area or sub-area management programs shall be submitted for review in accordance with the state environmental policy act.

NEW SECTION. Sec. 3. The department of ecology shall consider the ground water area or sub-area management plan for adoption in accordance with this chapter and chapter 90.54 RCW.

Upon completion of the ground water area or sub-area management program, the department of ecology shall hold a public hearing within the designated ground water management area for the purpose of taking public testimony on the proposed program. Following the public hearing, the department of ecology and affected local governments shall (1) prepare findings which either provide for the subsequent adoption of the program as proposed or identify the revisions necessary to ensure that the program is consistent with the intent of this chapter, and (2) adopt regulations, ordinances, and/or programs for implementing those provisions of the ground water management program which are within their respective jurisdictional authorities.

NEW SECTION. Sec. 4. The department of ecology, the department of social and health services, and affected local governments shall be guided by the adopted program when reviewing and considering approval of all studies, plans, and facilities that may utilize or impact the implementation of the program.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall not affect any water rights existing as of the effective date of this act.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 90.44 RCW.

Passed the House March 13, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 454

[Substitute House Bill No. 380]

FLOOD PLAIN MANAGEMENT—DEPARTMENT OF ECOLOGY APPROVAL POWER

AN ACT Relating to flooding; and amending RCW 86.26.050.

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

Sec. 1. Section 7, chapter 240, Laws of 1951 as amended by section 4, chapter 212, Laws of 1984 and RCW 86.26.050 are each amended to read as follows:

State participation shall be in such flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. No participation may occur with a county or other municipal corporation unless the director of ecology (~~((makes a finding that))~~) has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be (~~((engages in flood plain management activities))~~), on the one hundred year flood plain surrounding such area (~~((; that are adequate to protect or preclude flood damage to structures, works, and improvements that may be built within its planning jurisdiction on such flood plain after the request for state participation has been made, including restriction of land uses within a river's meander belt or floodway to only flood-compatible uses))~~).

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries.

No participation may occur with a county or other municipal corporation unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less. Such participation shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plan, must be approved by the department of ecology, in consultation with the department of fisheries.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 455

[Engrossed Substitute House Bill No. 767]
CRIMINAL PROFITEERING

AN ACT Relating to criminal profiteering; amending RCW 9A.82.010, 9A.82.020, 9A.82.030, 9A.82.040, 9A.82.060, 9A.82.080, 9A.82.090, 9A.82.100, 9A.82.110, 9A.82.120, 9A.82.130, 9A.82.140, 9A.82.150, 9A.82.160, 9A.82.170, 9A.04.080, and 9A.82.901; adding new sections to chapter 9A.82 RCW; repealing RCW 9A.82.010, 9A.82.020, 9A.82.030, 9A.82.040, 9A.82.____, 9A.82.050, 9A.82.060, 9A.82.070, 9A.82.080, 9A.82.____, 9A.82.090, 9A.82.100, 9A.82.110, 9A.82.120, 9A.82.130, 9A.82.140, 9A.82.150, 9A.82.160, 9A.82.170, 9A.82.900, 9A.82.901, and 9A.82.____; prescribing penalties; providing effective dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 9A.82 RCW to read as follows:

This chapter shall be known as the criminal profiteering act.

Sec. 2. Section 1, chapter 270, Laws of 1984 and RCW 9A.82.010 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

~~(11) ("Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal syndicate even though the persons may not know each other's identity, or membership in the combination changes from time to time, or one or more members may stand in a wholesaler-retailer or other arm's-length relationship with others as to activities or dealings between or among themselves in an illicit operation.~~

~~(12) "Criminal syndicate" means any combination of persons or enterprises engaging, or having the purpose of engaging, in conduct which violates any one or more provisions of any felony statute of this state.~~

~~(13))~~ "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

~~(14))~~ (12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

~~(15))~~ (13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

~~(16) "Racketeering")~~ (14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, ~~(which)~~ that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, ~~(involving)~~ as any of the following:

(a) ~~(Homicide))~~ Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Child selling or child buying, as defined in RCW 9A.64.030;

(g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

~~((g))~~ (h) Gambling, as defined in RCW 9.46.220 and 9.46.230;

~~((h) Usury;)~~

(i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(j) Extortionate extension(s) of credit, as defined in RCW 9A.82.020;

(k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(m) Collection of an unlawful debt, as defined in section 6 of this act;

(n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

~~((t))~~ (o) Trafficking in ~~((explosives, weapons, or))~~ stolen property, as defined in RCW 9A.82.050;

~~((m))~~ (p) Leading organized crime, as defined in RCW 9A.82.060;

~~((n))~~ (q) Obstructing ~~((or hindering))~~ criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

~~((o) Asserting false claims including, not but limited to, false claims asserted through fraud or arson;~~

~~(p) False statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands;~~

~~(q) Resale of realty with intent to defraud;~~

~~(r) Fraud in the purchase or sale of securities;~~

~~(s) Sale of unregistered securities or real property securities and transactions involving such securities by unregistered dealers or salespersons;~~

~~(t) A scheme or artifice to defraud;~~

~~(u) Obscenity;~~

~~(v) Child pornography;~~

~~(w) Prostitution; or~~

~~(x) Arson;)~~ (r) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(s) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(t) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(u) Arson, as defined in RCW 9A.48.020 and 9A.48.030; or

(v) Assault, as defined in RCW 9A.36.010 and 9A.36.020.

~~((17))~~ (15) "Pattern of ~~((racketeering activity))~~ requires at least two acts of racketeering activity, one of which occurred after July 1, 1985, and

the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity)) criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

~~((18))~~ (16) "Records" means any book, paper, writing, record, computer program, or other material.

~~((19))~~ (17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

~~((20))~~ (18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in ~~((whole))~~ full or in part because the debt was incurred or contracted:

- (a) In violation of any one of the following:
 - (i) Chapter 67.16 RCW relating to horse racing;
 - (ii) Chapter 9.46 RCW relating to gambling; ~~((or~~
 - ~~(iii) Chapter 19.52 RCW relating to interest and usury; or))~~
- (b) In a gambling activity in violation of federal law ~~((or in the business of lending money at a rate usurious under federal or state law)); or~~
- (c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

~~((21))~~ (19)(a) "Beneficial interest" means:

- (i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

~~((22))~~ (20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

~~((23))~~ (21) (a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection ~~((23))~~(21)(a)(i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust; ~~((or))~~

(iii) A trustee of any indenture of trust under which a bond is issued;

or

(iv) A trustee under a deed of trust.

Sec. 3. Section 2, chapter 270, Laws of 1984 and RCW 9A.82.020 are each amended to read as follows:

(1) A person who knowingly makes an extortionate extension of credit is guilty of a class B felony.

(2) In a prosecution under this section, if it is shown that all of the following factors are present in connection with the extension of credit, there is prima facie evidence that the extension of credit was extortionate:

(a) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable at the time the extension of credit was made through civil judicial processes against the debtor in the county in which the debtor, if a natural person, resided or in every county in which the debtor, if other than a natural person, was incorporated or qualified to do business.

(b) The extension of credit was made at a rate of interest in excess of an annual rate of forty-five percent calculated according to the actuarial

method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

(c) ~~((At the time the extension of credit was made, the debtor reasonably believed that either of the following:~~

~~(i) One or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment had been punished by extortionate means:~~

~~(ii) The creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof)) The creditor intended the debtor to believe that failure to comply with the terms of the extension of credit would be enforced by extortionate means.~~

(d) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded one hundred dollars.

~~((3) In a prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (2)(a) or (b) of this section, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension:))~~

Sec. 4. Section 3, chapter 270, Laws of 1984 and RCW 9A.82.030 are each amended to read as follows:

A person who ~~((knowingly))~~ advances money or property, whether as a gift, loan, investment, or pursuant to a partnership or profit-sharing agreement or otherwise, to any person, with ~~((reasonable grounds to believe))~~ the knowledge that it is the intention of that person to use the money or property so advanced, directly or indirectly, for the purpose of making extortionate extensions of credit, is guilty of a class B felony.

Sec. 5. Section 4, chapter 270, Laws of 1984 and RCW 9A.82.040 are each amended to read as follows:

~~((+))~~ A person who knowingly participates in any way in the use of any extortionate means to collect or attempt to collect any extensions of credit or to punish any person for the nonrepayment thereof, is guilty of a class B felony.

~~((2) In a prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment was punished by extortionate means:~~

~~(3) In a prosecution under this section, if evidence has been introduced tending to show the existence at the time the extension of credit in question was made of the circumstances described in RCW 9A.82.020(2) (a) or (b); and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.)~~

NEW SECTION. Sec. 6. A new section is added to chapter 9A.82 RCW to read as follows:

It is unlawful for any person knowingly to collect any unlawful debt. A violation of this section is a class C felony.

Sec. 7. Section 6, chapter 270, Laws of 1984 and RCW 9A.82.060 are each amended to read as follows:

(1) A person commits the offense of leading organized crime by:

(a) Intentionally organizing, managing, directing, supervising, or financing ~~((a criminal syndicate))~~ any three or more persons with the intent to engage in a pattern of criminal profiteering activity; or

(b) ~~((Knowingly))~~ Intentionally inciting or inducing others to engage in violence or intimidation ~~((to promote or further the objectives of a criminal syndicate))~~ with the intent to further or promote the accomplishment of a pattern of criminal profiteering activity.

(2) ~~((A person shall not be convicted under this section on the basis of accountability as an accomplice unless the person aids or participates in violating this section in one of the ways specified:~~

~~(3))~~ Leading organized crime as defined in subsection (1)(a) of this section is a class A felony, and as defined in subsection (1)(b) of this section is a class B felony.

Sec. 8. Section 8, chapter 270, Laws of 1984 and RCW 9A.82.080 are each amended to read as follows:

(1) It is unlawful for a person who has knowingly received any of the proceeds derived, directly or indirectly, from a pattern of ((racketeering)) criminal profiteering activity ((or through the collection of an unlawful debt)) to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(2) It is unlawful for a person ~~((, through a pattern of racketeering activity or through the collection of an unlawful debt,))~~ knowingly to acquire

or maintain, directly or indirectly, any interest in or control of any enterprise or real property through a pattern of criminal profiteering activity.

(3) It is unlawful for a person knowingly to conspire or attempt to violate subsection (1) or (2) of this section.

(4) A ~~((knowing))~~ violation of subsection (1) or (2) of this section is a class B felony. A ~~((knowing))~~ violation of subsection (3) of this section is a class C felony.

NEW SECTION. Sec. 9. A new section is added to chapter 9A.82 RCW to read as follows:

In a criminal prosecution alleging a violation of RCW 9A.82.060 or 9A.82.080, the state is barred from joining any offense other than the offenses alleged to be part of the pattern of criminal profiteering activity. When a defendant has been tried criminally for a violation of RCW 9A.82.060 or 9A.82.080, the state is barred from subsequently charging the defendant with an offense that was alleged to be part of the pattern of criminal profiteering activity for which he or she was tried.

Sec. 10. Section 9, chapter 270, Laws of 1984 and RCW 9A.82.090 are each amended to read as follows:

During the pendency of any criminal case charging ~~((an offense included in the definition of racketeering in RCW 9A.82.010))~~ a violation of RCW 9A.82.060 or a violation of RCW 9A.82.080, the superior court may, in addition to its other powers, issue an order pursuant to RCW 9A.82.100 (2) or (3). Upon conviction of a person for ~~((an offense included in the definition of racketeering))~~ a violation of RCW 9A.82.060 or a violation of RCW 9A.82.080, the superior court may, in addition to its other powers of disposition, issue an order pursuant to RCW 9A.82.100.

Sec. 11. Section 10, chapter 270, Laws of 1984 and RCW 9A.82.100 are each amended to read as follows:

(1) ~~(a)~~ A person who sustains injury to his or her person, business, or property by ~~((racketeering))~~ an act of criminal profiteering that is part of a pattern of criminal profiteering activity or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of ~~((treble))~~ damages and the costs of the suit, including reasonable investigative and attorney's fees.

~~(b)~~ The attorney general or county prosecuting attorney may file an action: ~~((a))~~ (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or ~~((b))~~ (ii) to prevent, restrain, or remedy ~~((racketeering))~~ a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080.

~~(c)~~ An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of ~~((treble))~~ damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy (~~racketeering~~) a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars (~~upon proof of the violation~~), in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy (~~racketeering~~) a pattern of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, (~~the~~) orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, (~~the~~) orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of (~~treble~~) actual damages sustained to those persons injured by (~~racketeering or~~) a violation of RCW 9A.82.060 or 9A.82.080 or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of (~~any offense included in the definition of racketeering in RCW 9A.82.010~~) a pattern of criminal profiteering activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county as appropriate (~~, to be paid to the antiracketeering revolving~~

~~fund of the state or county which brings the action. If the county has not established an antiracketeering revolving fund, the payment shall be deposited in the county current expense fund)) to the state general fund or the antiprofitteering revolving fund of the county.~~

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering then to the state general fund or ((antiracketeering)) antiprofitteering revolving fund of the ((state or)) county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained ((by a person)) in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any ((interest in, security of, claims against or property or contractual right of any kind affording a source of influence over)) property, contractual right, or claim against property used to influence any enterprise ((which)) that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the ((definition of racketeering in RCW 9A.82.010)) pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or ((antiracketeering)) antiprofitteering revolving fund of the ((state or)) county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of ((racketeering)) criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or ((antiracketeering)) antiprofitteering revolving fund of the ((state or)) county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any ((interest in, security of, claims against or property or contractual right of any kind affording a source of influence over)) property, contractual right, or claim against property used to influence any enterprise ((which)) that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the ~~((definition of racketeering))~~ pattern of criminal profiteering activity and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded ~~((from subsequently denying the essential allegations of the criminal offense of which the defendant was convicted))~~ in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that ~~((an appeal))~~ appellate review of the conviction and sentence has been or may be ~~((lodged upon any judgment and sentence entered thereon))~~ sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings ~~((related to violations of any offense included in the definition of racketeering or a violation of RCW 9A-82.080 shall be commenced within seven years after actual discovery of the violation))~~ under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the ~~((chief judge or))~~ presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in

the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section (~~((is remedial and))~~) does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) ~~((In bringing a civil action under this chapter, the attorney general or county prosecuting attorney may grant a witness immunity in exchange for testimony in the civil case. The immunity bars the use or derivative use of the witness' testimony in any subsequent criminal prosecution of the witness except for perjury or false swearing committed during the course of the testimony.))~~ Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1) (a) and (b)(i) of this section, either party has the right to a jury trial.

Sec. 12. Section 11, chapter 270, Laws of 1984 and RCW 9A.82.110 are each amended to read as follows:

(1) ~~((a) There is established in the custody of the state treasurer an antiracketeering revolving fund to be administered by the attorney general under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the attorney general. No appropriation is required for disbursements.~~

~~(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the attorney general as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering, whether by final judgment, settlement, or otherwise;~~

shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. When the fund exceeds seven hundred fifty thousand dollars, all funds in excess of the seven hundred fifty thousand dollars shall be deposited in the state general fund.

(c) ~~The moneys in the fund shall be used by the attorney general for the investigation and prosecution of any offense, within the jurisdiction of the attorney general, included in the definition of racketeering, including civil enforcement.~~

(2)) Any payments or forfeiture to the state general fund ordered under RCW 9A.82.100 (4) or (5) shall be deposited in the public safety and education account.

(2) In an action brought by the attorney general on behalf of the state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the public safety and education account.

(3) It is the intent of the legislature that the money deposited in the public safety and education account pursuant to this chapter be appropriated to promote crime victims' compensation.

(4)(a) The county legislative authority may establish an ((antiracketeering)) antiprofitereing revolving fund to be administered by the county prosecuting attorney under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the county prosecuting attorney. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the county prosecuting attorney as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of ((racketeering)) criminal profiteering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. In an action brought by a prosecuting attorney on behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the public safety and education account in the state general fund.

(c) The county legislative authority may prescribe a maximum level of moneys in the ((antiracketeering)) antiprofitereing revolving fund. Moneys exceeding the prescribed maximum shall be transferred to the county current expense fund.

(d) The moneys in the fund shall be used by the county prosecuting attorney for the investigation and prosecution of any offense, within the jurisdiction of the county prosecuting attorney, included in the definition of ((racketeering)) criminal profiteering, including civil enforcement.

(e) If a county has not established an antiprofitteering revolving fund, any payments or forfeitures ordered to the county under this chapter shall be deposited to the county current expense fund.

Sec. 13. Section 12, chapter 270, Laws of 1984 and RCW 9A.82.120 are each amended to read as follows:

(1) The state, upon filing a criminal action under RCW 9A.82.060 or 9A.82.080 or a civil action under RCW 9A.82.100, may file in accordance with this section a ~~((racketeering))~~ criminal profiteering lien. A filing fee or other charge is not required for filing a ~~((racketeering))~~ criminal profiteering lien.

(2) A ~~((racketeering))~~ criminal profiteering lien shall be signed by the attorney general or the county prosecuting attorney representing the state in the action and shall set forth the following information:

(a) The name of the defendant whose property or other interests are to be subject to the lien;

(b) In the discretion of the attorney general or county prosecuting attorney filing the lien, any aliases or fictitious names of the defendant named in the lien;

(c) If known to the attorney general or county prosecuting attorney filing the lien, the present residence or principal place of business of the person named in the lien;

(d) A reference to the proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number for the proceeding;

(e) The name and address of the attorney representing the state in the proceeding pursuant to which the lien is filed;

(f) A statement that the notice is being filed pursuant to this section;

(g) The amount ~~((which))~~ that the state claims in the action or, with respect to property or other interests ~~((which))~~ that the state has requested forfeiture to the state or county, a description of the property or interests sought to be paid or forfeited;

(h) If known to the attorney general or county prosecuting attorney filing the lien, a description of property ~~((which))~~ that is subject to forfeiture to the state or property in which the defendant has an interest ~~((which))~~ that is available to satisfy a judgment entered in favor of the state; and

(i) Such other information as the attorney general or county prosecuting attorney filing the lien deems appropriate.

(3) The attorney general or the county prosecuting attorney filing the lien may amend a lien filed under this section at any time by filing an amended ~~((racketeering))~~ criminal profiteering lien in accordance with this section ~~((which))~~ that identifies the prior lien amended.

(4) The attorney general or the county prosecuting attorney filing the lien shall, as soon as practical after filing a ~~((racketeering))~~ criminal

profiteering lien, furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection does not invalidate or otherwise affect a (~~racketeering~~) criminal profiteering lien filed in accordance with this section.

(5)(a) A (~~racketeering~~) criminal profiteering lien is perfected against interests in personal property (~~by filing the lien with the department of licensing~~) in the same manner a security interest in like property pursuant to RCW 62A.9-302, 62A.9-303, 62A.9-304, 62A.9-305, and 62A.9-306 or as otherwise required to perfect a security interest in like property under applicable law. In the case of perfection by filing, the state shall file, in lieu of a financing statement in the form prescribed by RCW 62A.9-402, a notice of lien in substantially the following form:

NOTICE OF LIEN

Pursuant to RCW 9A.82.120, the state of Washington claims a criminal profiteering lien on all real and personal property of:

Name:

Address:

.....

State of Washington

.....

By (authorized signature)

On receipt of such a notice from the state, a filing officer shall, without payment of filing fee, file and index the notice as if it were a financing statement naming the state as secured party and the defendant as debtor.

(b) A (~~racketeering~~) criminal profiteering lien is perfected against interests in real property by filing the lien (~~with the county auditor of the county in which the real property is located. The state may give such additional notice of the lien as it deems appropriate~~) in the office where a mortgage on the real estate would be filed or recorded. The filing officer shall file and index the criminal profiteering lien, without payment of a filing fee, in the same manner as a mortgage.

(6) The filing of a (~~racketeering~~) criminal profiteering lien in accordance with this section creates a lien in favor of the state in:

(a) Any interest of the defendant, in real property situated in the county in which the lien is filed, then maintained, or thereafter acquired in the name of the defendant identified in the lien;

(b) Any interest of the defendant, in personal property situated in this state, then maintained or thereafter acquired in the name of the defendant identified in the lien; and

(c) Any property identified in the lien to the extent of the defendant's interest therein.

(7) (~~The filing of a racketeering lien under this section is notice to all persons dealing with the person or property identified in the lien of the~~

state's claim:)) The lien created in favor of the state in accordance with this section ~~((is superior and prior to the claims or interests of any other person; except a person possessing:~~

~~(a) A valid lien perfected prior to the filing of the racketeering lien;~~

~~(b) In the case of real property, an interest acquired and recorded prior to the filing of the racketeering lien; or~~

~~(c) In the case of personal property, an interest acquired prior to the filing of the racketeering lien)), when filed or otherwise perfected as provided in subsection (5) of this section, has, with respect to any of the property described in subsection (6) of this section, the same priority determined pursuant to the laws of this state as a mortgage or security interest given for value (but not a purchase money security interest) and perfected in the same manner with respect to such property; except that any lien perfected pursuant to Title 60 RCW by any person who, in the ordinary course of his business, furnishes labor, services, or materials, or rents, leases, or otherwise supplies equipment, without knowledge of the criminal profiteering lien, is superior to the criminal profiteering lien.~~

(8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.

(9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:

(a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the ~~((racketeering))~~ criminal profiteering lien ~~((with the county auditor of the county in which the real property is located))~~ or, if no ~~((racketeering))~~ criminal profiteering lien is filed, then to the date of recording of the final judgment or the abstract thereof ~~((with the county auditor of the county in which the real property is located));~~ or

(b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a ~~((racketeering))~~ criminal profiteering lien in accordance with this section, whichever is earlier, but if the property was not seized and no ~~((racketeering))~~ criminal profiteering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.

(10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under RCW 9A.82.100 or appropriate to protect the interests of the state or available under other applicable law.

(1) In a civil or criminal action under this chapter, the superior court shall provide for the protection of bona fide interests in property, including community property, subject to liens of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f).

Sec. 14. Section 13, chapter 270, Laws of 1984 and RCW 9A.82.130 are each amended to read as follows:

~~((f+f)))~~ (1) A trustee who ~~((receives))~~ is personally served in the manner provided for service of legal process with written notice that a lien notice has been recorded or a civil proceeding or criminal proceeding has been instituted under this chapter against any person for whom the trustee holds legal or record title to real property, shall immediately furnish to the attorney general or county prosecuting attorney the following:

- (a) The name and address of the person, as known to the trustee;
- (b) To the extent known to the trustee, the name and address of all other persons for whose benefit the trustee holds title to the real property; and
- (c) If requested by the attorney general or county prosecuting attorney, a copy of the trust agreement or other instrument under which the trustee holds legal or record title to the real property.

(2) The recording of a lien notice shall not constitute a lien on the record title to real property owned by a trustee at the time of recording except to the extent that trustee is named in and served with the lien notice as provided in subsection (1) of this section. The attorney general or county prosecuting attorney may bring a civil proceeding in superior court against the trustee to recover from the trustee the amounts set forth in RCW 9A.82.150. In addition to amounts recovered under RCW 9A.82.150, the attorney general or county prosecuting attorney also may recover its investigative costs and attorneys' fees.

(3) The recording of a lien notice does not affect the use to which real property or a beneficial interest owned by the person named in the lien notice may be put or the right of the person to receive any avails, rents, or other proceeds resulting from the use and ownership except the sale of the property, until a judgment of forfeiture is entered.

(4) This section does not apply to any conveyance by a trustee under a court order unless the court order is entered in an action between the trustee and the beneficiary.

(5) ~~((Unless a trustee receives written notice that a person having a beneficial interest in the trust is named in a lien notice or is otherwise a defendant in a civil proceeding))~~ Notwithstanding that a trustee is served with notice as provided in subsection (1) of this section, this section does not apply to(:

~~(a)) a conveyance by a trustee required under the terms of any trust agreement ((if the trust agreement is a matter of public record before a lien notice is filed, or~~

~~(b) A conveyance by a trustee to all persons who have a beneficial interest in the trust)) in effect before service of such notice on the trustee.~~

Sec. 15. Section 14, chapter 270, Laws of 1984 and RCW 9A.82.140 are each amended to read as follows:

(1) The term of a lien notice shall be six years from the date the lien notice is recorded. If a renewal lien notice is filed by the attorney general or county prosecuting attorney, the term of the renewal lien notice shall be for six years from the date the renewal lien notice is recorded. The attorney general or county prosecuting attorney is entitled to only one renewal of the lien notice.

(2) The attorney general or county prosecuting attorney filing the lien notice may release in whole or in part any lien notice or may release any specific property or beneficial interest from the lien notice upon such terms and conditions as the attorney general or county prosecuting attorney considers appropriate and shall release any lien upon the dismissal of the action which is the basis of the lien or satisfaction of the judgment of the court in the action or other final disposition of the claim evidenced by the lien. A release of a lien notice executed by the attorney general or county prosecuting attorney shall be recorded in the official records in which the lien notice covering that property was recorded. No charge or fee may be imposed for recording any release of a lien notice.

(3) (a) A person named in the lien notice may move the court in which the civil proceeding giving rise to the lien notice is pending for an order extinguishing the lien notice.

(b) Upon the motion of a person under (a) of this subsection, the court immediately shall enter an order setting a date for hearing, which shall be not less than five nor more than ten days after the motion is filed. The order and a copy of the motion shall be served on the attorney general or county prosecuting attorney within three days after the entry of the court's order. At the hearing, the court shall take evidence on the issue of whether any property or beneficial interest owned by the person is covered by the lien notice or otherwise subject to forfeiture under RCW 9A.82.120. If the person shows by a preponderance of the evidence that the lien notice is not applicable to the person or that any property or beneficial interest owned by the person is not subject to forfeiture under RCW 9A.82.120, the court shall enter a judgment extinguishing the lien notice or releasing the property or beneficial interest from the lien notice.

(c) The court may enter an order releasing from the lien notice any specific real property or beneficial interest if, at the time the lien notice is recorded, there is pending an arms length sale of the real property or beneficial interest in which the parties are under no undue compulsion to sell or

buy and are able, willing, and reasonably well informed and the sale is for the fair market value of the real property or beneficial interest and the recording of the lien notice prevents the sale of the property or interest. The proceeds resulting from the sale of the real property or beneficial interest shall be deposited with the court, subject to the further order of the court.

(d) At ~~((the hearing held pursuant to (b) of this subsection, if))~~ any time after filing of a lien, the court ~~((releases))~~ may release from the lien ~~((notice))~~ any property ~~((or beneficial interest, the person shall post))~~ upon application by the defendant and posting of security equal to the ((fair market)) value of the property ((or beneficial interest owned by the person)) to be released.

Sec. 16. Section 15, chapter 270, Laws of 1984 and RCW 9A.82.150 are each amended to read as follows:

(1) If a trustee conveys title to real property for which, at the time of the conveyance, ~~((a lien notice has been recorded in the county in which the real property is situated and the notice names a person who the trustee knows holds a beneficial interest in the trust))~~ the trustee has been personally served with notice as provided in RCW 9A.82.130(1) of a lien under this chapter, the trustee shall be liable to the state for the greater of:

(a) The amount of proceeds received by the person named in the lien notice as a result of the conveyance;

(b) The amount of proceeds received by the trustee as a result of the conveyance and distributed by the trustee to the person named in the lien notice; or

(c) The fair market value of the interest of the person named in the lien notice in the real property so conveyed.

(2) If the trustee conveys the real property for which a lien notice has been ~~((recorded))~~ served on the trustee at the time of the conveyance and holds the proceeds that would otherwise be paid or distributed to the beneficiary or at the direction of the beneficiary or beneficiary's designee, the trustee's liability shall not exceed the amount of the proceeds so held so long as the trustee continues to hold the proceeds.

Sec. 17. Section 16, chapter 270, Laws of 1984 and RCW 9A.82.160 are each amended to read as follows:

A trustee who knowingly fails to comply with RCW 9A.82.130(1) is guilty of a gross misdemeanor. A trustee who conveys title to real property after service of the notice as provided in RCW 9A.82.130(1) with the intent to evade the provisions of RCW 9A.82.100 or 9A.82.120 with respect to such property is guilty of a class C felony.

Sec. 18. Section 17, chapter 270, Laws of 1984 and RCW 9A.82.170 are each amended to read as follows:

(1) ~~((A custodian of the records of a financial institution shall, at no expense to the financial institution, produce for inspection or copying the~~

~~records in the custody of the financial institution when requested to be inspected by the attorney general or a county prosecuting attorney, provided the person requesting the information has served a subpoena issued by a court or obtained a court order for the information. The attorney general or a county prosecuting attorney or any peace officer or other person designated by the county prosecuting attorney or the attorney general shall be prohibited from using or releasing the information except in the proper discharge of official duties. If directed by the court in the subpoena or court order, neither the custodian nor any other employee of the institution shall disclose to the institution's customer the fact that the customer's records have been examined or copied. The furnishing of records in compliance with this section by a custodian of records is a bar to civil or criminal liability against the custodian or financial institution in any action brought alleging violation of the confidentiality of the records.~~

(2)) Upon request of the attorney general or prosecuting attorney, a subpoena for the production of records of a financial institution may be signed and issued by a superior court judge if there is reason to believe that an act of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 has occurred or is occurring and that the records sought will materially aid in the investigation of such activity or appears reasonably calculated to lead to the discovery of information that will do so. The subpoena shall be served on the financial institution as in civil actions. The court may, upon motion timely made and in any event before the time specified for compliance with the subpoena, condition compliance upon advancement by the attorney general or prosecuting attorney of the reasonable costs of producing the records specified in the subpoena.

(2) A response to a subpoena issued under this section is sufficient if a copy or printout, duly authenticated by an officer of the financial institution as a true and correct copy or printout of its records, is provided, unless otherwise provided in the subpoena for good cause shown.

(3) Except as provided in this subsection, a financial institution served with a subpoena under this section shall not disclose to the customer the fact that a subpoena seeking records relating to the customer has been served. A judge of the superior court may order the attorney general, prosecuting attorney, or financial institution to advise the financial institution's customer of the subpoena. Unless ordered to do so by the court, disclosure of the subpoena by the financial institution or any of its employees to the customer is a misdemeanor.

(3) A financial institution shall be reimbursed in an amount set by the court for reasonable costs incurred in providing information pursuant to this section.

(4) This section does not preclude the use of other legally authorized means of obtaining records, nor preclude the assertion of any legally recognized privileges.

(5) Disclosure by the attorney general, county prosecuting attorney, or any peace officer or other person designated by the attorney general or the county prosecuting attorney, of information obtained under this section, except in the proper discharge of official duties, is ~~((a misdemeanor))~~ punishable as a misdemeanor.

~~((3) Disclosure by the custodian or employee of the financial institution contrary to subsection (1) of this section is a misdemeanor.~~

~~(4) This section does not preclude the use of any other legally authorized means of obtaining the information.)~~

(6) Upon filing of any civil or criminal action, the nondisclosure requirements of any subpoena or order under this section shall terminate, and the attorney general or prosecuting attorney filing the action shall provide to the defendant copies of all subpoenas or other orders issued under this section.

(7) A financial institution shall not be civilly liable for harm resulting from its compliance with the provisions of this chapter.

Sec. 19. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 18, chapter 270, Laws of 1984 and RCW 9A.04.080 are each amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within five years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, five, six, and ten years respectively: AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

Sec. 20. Section 21, chapter 270, Laws of 1984 and RCW 9A.82.901 are each amended to read as follows:

((This act)) Sections 12, 13, 14, 15, and 16, chapter 270, Laws of 1984 as amended by sections 13, 14, 15, 16, and 17 of this 1985 act shall take

effect on July 1, 1986, and the remainder of chapter 270, Laws of 1984 shall take effect on July 1, 1985.

NEW SECTION. Sec. 21. With the exception of sections 13, 14, 15, 16, and 17 of this act, this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

NEW SECTION. Sec. 22. The following acts or parts of acts as they now exist or are hereafter amended are each repealed effective July 1, 1995.

(1) Section 1, chapter 270, Laws of 1984, section 2 of this 1985 act and RCW 9A.82.010;

(2) Section 2, chapter 270, Laws of 1984, section 3 of this 1985 act and RCW 9A.82.020;

(3) Section 3, chapter 270, Laws of 1984, section 4 of this 1985 act and RCW 9A.82.030;

(4) Section 4, chapter 270, Laws of 1984, section 5 of this 1985 act and RCW 9A.82.040;

(5) Section 6 of this 1985 act and RCW 9A.82.____;

(6) Section 5, chapter 270, Laws of 1984 and RCW 9A.82.050;

(7) Section 6, chapter 270, Laws of 1984, section 7 of this 1985 act and RCW 9A.82.060;

(8) Section 7, chapter 270, Laws of 1984 and RCW 9A.82.070;

(9) Section 8, chapter 270, Laws of 1984, section 8 of this 1985 act and RCW 9A.82.080;

(10) Section 9 of this 1985 act and RCW 9A.82.____;

(11) Section 9, chapter 270, Laws of 1984, section 10 of this 1985 act and RCW 9A.82.090;

(12) Section 10, chapter 270, Laws of 1984, section 11 of this 1985 act and RCW 9A.82.100;

(13) Section 11, chapter 270, Laws of 1984, section 12 of this 1985 act and RCW 9A.82.110;

(14) Section 12, chapter 270, Laws of 1984, section 13 of this 1985 act and RCW 9A.82.120;

(15) Section 13, chapter 270, Laws of 1984, section 14 of this 1985 act and RCW 9A.82.130;

(16) Section 14, chapter 270, Laws of 1984, section 15 of this 1985 act and RCW 9A.82.140;

(17) Section 15, chapter 270, Laws of 1984, section 16 of this 1985 act and RCW 9A.82.150;

(18) Section 16, chapter 270, Laws of 1984, section 17 of this 1985 act and RCW 9A.82.160;

(19) Section 17, chapter 270, Laws of 1984, section 18 of this 1985 act and RCW 9A.82.170;

(20) Section 20, chapter 270, Laws of 1984 and RCW 9A.82.900;

(21) Section 21, chapter 270, Laws of 1984, section 20 of this 1985 act and RCW 9A.82.901; and

(22) Section 1 of this 1985 act and RCW 9A.82.____.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 456

[Engrossed Substitute House Bill No. 974]

ACID RAIN

AN ACT Relating to acid rain; amending RCW 70.94.800, 70.94.805, and 70.94.820; and adding new sections to chapter 70.94 RCW.

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

Sec. 1. Section 1, chapter 277, Laws of 1984 and RCW 70.94.800 are each amended to read as follows:

The legislature recognizes that:

(1) Acid deposition resulting from commercial, industrial or other emissions of sulphur dioxide and nitrogen oxides pose a threat to the delicate balance of the state's ecological systems, particularly in alpine lakes that are known to be highly sensitive to acidification;

(2) Failure to act promptly and decisively to mitigate or eliminate this danger may soon result in untold and irreparable damage to the fish, forest, wildlife, agricultural, water, and recreational resources of this state;

(3) There is a direct correlation between emissions of sulphur dioxides and nitrogen oxides and increases in acid deposition;

(4) Acidification is cumulative; and

(5) Once an environment is acidified, it is difficult, if not impossible, to restore the natural balance.

It is therefore the intent of the legislature to ~~((mitigate or eliminate the acid deposition problem by curbing sources of acid deposition within the state and to assure that adequate monitoring is conducted in alpine lakes in order to allow for early detection of acidification and the resulting environmental degradation))~~ provide for early detection of acidification and the resulting environmental degradation through continued monitoring of acid deposition levels and trends, and major source changes, so that the legislature can take any necessary action to prevent environmental degradation resulting from acid deposition.

Sec. 2. Section 2, chapter 277, Laws of 1984 and RCW 70.94.805 are each amended to read as follows:

As used in RCW 70.94.800 through 70.94.825, the following terms have the following meanings.

(1) "~~Acid deposition(;-)~~" (~~as used in RCW 70.94.800 through 70.94.815~~) means ~~((the))~~ wet or dry deposition from the atmosphere of chemical compounds with a pH of less than 5.6.

(2) "Critical level of acid deposition and lake, stream, and soil acidification" means the level at which irreparable damage may occur unless corrective action is taken.

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

The department of ecology, in consultation with the joint legislative committee on science and technology or the appropriate committees of the house of representatives and of the senate, shall:

(1) Continue evaluation of information and research on acid deposition in the Pacific Northwest region;

(2) Establish critical levels of acid deposition and lake, stream, and soil acidification; and

(3) Notify the legislature if acid deposition or lake, stream, and soil acidification reaches the levels established under subsection (2) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW to read as follows:

In establishing critical levels of acid deposition and lake, stream, and soil acidification, the department of ecology shall consider:

(1) Current acid deposition and lake, stream, and soil acidification levels;

(2) Changes in acid deposition and lake, stream, and soil acidification levels;

(3) Effects of acid deposition and lake, stream, and soil acidification on the environment; and

(4) The need to prevent environmental degradation.

Sec. 5. Section 6, chapter 277, Laws of 1984 and RCW 70.94.820 are each amended to read as follows:

The department of ecology ~~((is responsible for))~~ shall maintain a program of periodic monitoring of ((the alpine lakes and other appropriate areas of the state)) acid rain deposition and lake, stream, and soil acidification to ensure early detection of acidification and environmental degradation.

A report on changes in acid deposition and lake, stream, and soil acidification levels shall be provided to the parks and ecology committee of the

senate and the environmental affairs committee of the house of representatives, prior to each legislative session.

Passed the House April 22, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 457

[Engrossed Senate Bill No. 3067]

AQUATIC FARMING

AN ACT Relating to aquatic farming; amending RCW 15.65.020, 15.66.010, 43.23.030, 46.16.090, 75.08.080, 75.28.010, 75.28.280, 75.28.300, 77.08.020, 77.12.570, 77.12.590, 77.12.600, and 77.32.010; adding a new section to chapter 75.08 RCW; adding a new chapter to Title 15 RCW; adding a new chapter to Title 75 RCW; creating new sections; repealing RCW 75.28.265 and 75.28.282; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature declares that aquatic farming provides a consistent source of quality food, offers opportunities of new jobs, increased farm income stability, and improves balance of trade.

The legislature finds that many areas of the state of Washington are scientifically and biologically suitable for aquaculture development, and therefore the legislature encourages promotion of aquacultural activities, programs, and development with the same status as other agricultural activities, programs, and development within the state.

The legislature finds that aquaculture should be considered a branch of the agricultural industry of the state for purposes of any laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry within the state.

The legislature further finds that in order to ensure the maximum yield and quality of cultured aquatic products, the department of fisheries should provide diagnostic services that are workable and proven remedies to aquaculture disease problems.

It is therefore the policy of this state to encourage the development and expansion of aquaculture within the state. It is also the policy of this state to protect wildstock fisheries by providing an effective disease inspection and control program and prohibiting the release of salmon or steelhead trout by the private sector into the public waters of the state and the subsequent recapture of such species as in the practice commonly known as ocean ranching.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Aquaculture" means the process of growing, farming, or cultivating private sector cultured aquatic products in marine or freshwaters and includes management by an aquatic farmer.

(2) "Aquatic farmer" is a private sector person who commercially farms and manages the cultivating of private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(3) "Private sector cultured aquatic products" are native, nonnative, or hybrids of marine or freshwater plants and animals that are propagated, farmed, or cultivated on aquatic farms under the supervision and management of a private sector aquatic farmer or that are naturally set on aquatic farms which at the time of setting are under the active supervision and management of a private sector aquatic farmer. When produced under such supervision and management, private sector cultured aquatic products include, but are not limited to, the following plants and animals:

SCIENTIFIC NAME	COMMON NAME
Enteromorpha	green nori
Monostroma	awo-nori
Ulva	sea lettuce
Laminaria	konbu
Nereocystis	bull kelp
Porphyra	nori
Iridaea	
Haliotis	abalone
Zhlamys	pink scallop
Hinnites	rock scallop
Tatinopecten	Japanese or weathervane scallop
Protothaca	native littleneck clam
Tapes	manila clam
Saxidomus	butter clam
Mytilus	mussels
Crassostrea	Pacific oysters
Ostrea	Olympia and European oysters
Pacifasticus	crayfish
Macrobrachium	freshwater prawn
Salmo and Salvelinus	trout, char, and Atlantic salmon
Oncorhynchus	salmon
Ictalurus	catfish
Cyprinus	carp
Acipenseridae	sturgeon

(4) "Department" means the department of agriculture.

(5) "Director" means the director of agriculture.

NEW SECTION. Sec. 3. The department is the principal state agency for providing state marketing support services for the private sector aquaculture industry.

NEW SECTION. Sec. 4. The department shall exercise its authorities, including those provided by chapters 15.64, 15.65, 15.66, and 43.23 RCW, to develop a program for assisting the state's aquaculture industry to market and promote the use of its products. The department shall consult with the advisory council in developing such a program.

NEW SECTION. Sec. 5. The director shall establish identification requirements for private sector cultured aquatic products to the extent that identifying the source and quantity of the products is necessary to permit the departments of fisheries and game to administer and enforce Titles 75 and 77 RCW effectively. The rules shall apply only to those private sector cultured aquatic products the transportation, sale, processing, or other possession of which would otherwise be required to be licensed under Title 75 or 77 RCW if they were not cultivated by aquatic farmers. The rules shall apply to the transportation or possession of such products on land other than aquatic lands and may require that they be: (1) Placed in labeled containers or accompanied by bills of lading or sale or similar documents identifying the name and address of the producer of the products and the quantity of the products governed by the documents; or (2) both labeled and accompanied by such documents.

The director shall consult with the directors of the departments of fisheries and game to ensure that such rules enable the departments of fisheries and game to enforce the programs administered under those titles. If rules adopted under chapter 69.30 RCW satisfy the identification required under this section for shellfish, the director shall not establish different shellfish identification requirements under this section.

***NEW SECTION.** Sec. 6. (1) *There is hereby created the aquaculture advisory council. The council shall consist of the following voting members appointed by the governor: One representative of private sector freshwater fin fish farmers; one representative of private sector marine fin fish farmers who does not practice ocean ranching; one representative of private sector marine shellfish farmers; one representative of marine plant farmers; one representative of farmers of oysters native to the state; and one representative of a state-wide sports fishing association or group. Each member shall serve a term of three years. The following shall serve as voting, ex officio members of the advisory council: A representative of the department of agriculture; a representative of the department of game; a representative of the department of fisheries; and the veterinary pathologist referred to in section 8(5) of this act. A representative of the department of natural resources shall serve as a nonvoting member of the advisory council.*

(2) The council shall advise the departments of agriculture, fisheries, and game on all aspects of aquatic farming including the performance, operation, expansion, development, promotion, and interdepartmental coordination.

(3) Any vacancies on the council shall be filled in the same manner as the original appointment.

(4) The council shall select a chairman by vote of the council members. A quorum consisting of at least six voting members must be present to conduct council business. The council shall meet at the call of the chairman or at the request of the director.

(5) The council shall expire June 30, 1991.

*Sec. 6 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 7. The department shall adopt rules under chapter 34.04 RCW to implement this chapter.

*NEW SECTION. Sec. 8. (1) The director of agriculture and the director of fisheries shall jointly develop, in consultation with the aquaculture advisory council, a program of disease inspection and control for aquatic farmers as defined in section 2 of this act. The program shall be administered by the department of fisheries under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers;

and

- (l) Provision for disease history records.

(2) The director of fisheries shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.04 RCW and shall assist in conducting those hearings. The authorities granted the department of fisheries by these rules and by RCW 75.08.080(1)(g), 75.24-.080, 75.24.110, 75.28.125, and sections 9, 10, and 11 of this act constitute

the only authorities of the department of fisheries to regulate private sector cultured aquatic products and aquatic farmers as defined in section 2 of this act. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department of fisheries, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department of fisheries from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) It is unlawful for any person to violate the rules adopted under subsection (2) or (3) of this section or to violate section 11 of this act.

(5) In administering the program established under this section, the department of fisheries shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department of fisheries, the department of game, or other fish-rearing entities.

(7) Whenever a civil action for damages is brought by an aquatic farmer as defined in section 2 of this act against the department of fisheries as a result of the department's ordering and obtaining the destruction of the farmer's private sector cultured aquatic product as defined in section 2 of this act, the court may award the farmer damages not exceeding three times the actual damages sustained if the court determines that the department was unreasonable in concluding that the risks presented by the disease or infestation warranted the destruction of the product.

*Sec. 8 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 9. The directors of agriculture and fisheries shall jointly adopt by rule, in the manner prescribed in section 8(2) of this act, a schedule of user fees for the disease inspection and control program established under section 8 of this act. The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under section 8 of this act.

NEW SECTION. Sec. 10. (1) The director of fisheries shall consult regarding the disease inspection and control program established under section 8 of this act with the department of game, federal agencies, and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director of fisheries may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director of fisheries shall provide for the creation and distribution of a roster of biologists having a speciality in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

NEW SECTION. Sec. 11. All aquatic farmers as defined in section 2 of this act shall register with the department of fisheries. The director shall develop and maintain a registration list of all aquaculture farms. Registered aquaculture farms shall provide the department production statistical data. The state veterinarian and the department of game shall be provided with registration and statistical data by the department.

NEW SECTION. Sec. 12. A new section is added to chapter 75.08 RCW to read as follows:

(1) It is unlawful for any person other than the United States, an Indian tribe recognized as such by the federal government, the state, a subdivision of the state, or a municipal corporation or an agency of such a unit of government to release salmon or steelhead trout into the public waters of the state and subsequently to recapture and commercially harvest such salmon or trout. This section shall not prevent any person from rearing salmon or steelhead trout in pens or in a confined area under circumstances where the salmon or steelhead trout are confined and never permitted to swim freely in open water.

(2) A violation of this section constitutes a gross misdemeanor.

Sec. 13. Section 2, chapter 256, Laws of 1961 as amended by section 2, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.65.020 are each amended to read as follows:

The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director.

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

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable or animal product, including private sector cultured aquatic products as defined in section 2 of this 1985 act, either in its natural or processed state, including bees and honey but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer of an affected commodity. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a

bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity which was not produced by him. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so

determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) "Person" as used in this chapter shall mean any person, firm, association or corporation.

Sec. 14. Section 15.66.010, chapter 11, Laws of 1961 as last amended by section 6, chapter 288, Laws of 1983 and RCW 15.66.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

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

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including private sector cultured aquatic products as defined in section 2 of this 1985 act, within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intra-state commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

Sec. 15. Section 43.23.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 248, Laws of 1983 and RCW 43.23.030 are each amended to read as follows:

The director of agriculture shall exercise all the powers and perform all the duties relating to the development of markets, for agricultural products, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such

matters relate to the production, distribution and sale of agricultural commodities including private sector cultured aquatic products as defined in section 2 of this 1985 act.

Sec. 16. Section 46.16.090, chapter 12, Laws of 1961 as last amended by section 45, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard, or dairy products, or such farmer's own private sector cultured aquatic products as defined in section 2 of this 1985 act, from point of production to market or warehouse, and of supplies to be used on ~~((his))~~ the farmer's farm: PROVIDED, That fish other than those that are such private sector cultured aquatic products and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in ~~((his))~~ the farmer's neighborhood of products of the farm, orchard, ~~((or))~~ dairy, or aquatic farm owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between ~~((his))~~ the farmer's own farm or farms and for a distance of not more than thirty-five miles from ~~((his))~~ the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

Operation of such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section is a traffic infraction.

Sec. 17. Section 75.08.080, chapter 12, Laws of 1955 as last amended by section 15, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.080 are each amended to read as follows:

(1) The director may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of food fish or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of food fish or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take food fish or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of food fish or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting food fish or shellfish.

(f) Regulating the size, sex, species, and quantities of food fish or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of food fish or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of food fish and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to((:

~~(a) Licensed oyster farms or oysters produced thereon; or~~

~~(b)) private tideland owners and lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.~~

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in section 2 of this 1985 act. Subsection (1)(g) of this section does apply to such products.

Sec. 18. Section 75.28.010, chapter 12, Laws of 1955 as last amended by section 101, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.010 are each amended to read as follows:

(1) Except as otherwise provided by this title, a license or permit issued by the director is required to:

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver food fish or shellfish taken in offshore waters;

(c) Operate a charter boat; or

~~(d) ((Operate a commercial food fish or shellfish farm; or~~

~~(e))) Engage in processing or wholesaling food fish or shellfish.~~

(2) It is unlawful to engage in the activities described in subsection (1) of this section without having in possession the licenses or permits required by this title.

(3) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in section 2 of this 1985 act or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under section 5 of this 1985 act, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 19. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 125, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.280 are each amended to read as follows:

~~((1) A clam farm license is required for the licensee to operate a commercial clam farm of one or more tracts of lands on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents:~~

~~A clam farm license is not required for subtidal geoduck tracts for which licenses have been obtained under RCW 75.28.287:~~

~~(2) An oyster farm license is required for the licensee to operate a commercial oyster farm on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents:~~

~~(3) Separate clam farm and oyster farm licenses are required for each of the following districts as defined by rule of the director: Northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district:~~

~~(4)) A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. The annual license fee is three hundred dollars for residents and nonresidents.~~

Sec. 20. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 132, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen (~~or aquaculturists~~) who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

The annual license fee is thirty-seven dollars and fifty cents. A wholesale fish dealer's license is not required for persons (~~buying or selling oyster seed for transplant~~) engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in section 2 of this 1985 act. However, if a means of identifying such products is required by rules adopted under section 5 of this 1985 act, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 21. Section 77.08.020, chapter 36, Laws of 1955 as last amended by section 10, chapter 78, Laws of 1980 and RCW 77.08.020 are each amended to read as follows:

(1) As used in this title or rules of the commission, "game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the commission and includes:

SCIENTIFIC NAME	COMMON NAME
Ambloplites rupestris	rock bass
Coregonus clupeaformis	lake white fish
Ictalurus furcatus	blue catfish
Ictalurus melas	black bullhead
Ictalurus natalis	yellow bullhead
Ictalurus nebulosus	brown bullhead
Ictalurus punctatus	channel catfish
Lepomis cyanellus	green sunfish
Lepomis gibbosus	pumpkinseed
Lepomis gulosus	warmouth
Lepomis macrochirus	bluegill
Lota lota	burbot or fresh water ling
Micropterus dolomieu	smallmouth bass
Micropterus salmoides	largemouth bass
Oncorhynchus nerka (in its landlocked form)	kokanee or silver trout
Perca flavescens	yellow perch
Pomixis annularis	white crappie
Pomixis nigromaculatus	black crappie
Prosopium williamsoni	mountain white fish
Salmo aquabonita	golden trout

SCIENTIFIC NAME	COMMON NAME
Salmo clarkii	cutthroat trout
Salmo gairdnerii	rainbow or steelhead trout
Salmo salar	Atlantic salmon
Salmo trutta	brown trout
Salvelinus fontinalis	eastern brook trout
Salvelinus malma	Dolly Varden trout
Salvelinus namaycush	lake trout
Stizostedion vitreum	Walleye
Thymallus arcticus	arctic grayling

(2) Private sector cultured aquatic products as defined in section 2 of this 1985 act are not game fish.

Sec. 22. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 98, chapter 78, Laws of 1980 and RCW 77.12.570 are each amended to read as follows:

The commission shall adopt rules specifying the procedures, qualifications, and conditions for issuing a game farm license and governing the operation of game farms. Private sector cultured aquatic products as defined in section 2 of this 1985 act are exempt from regulation under this section.

Sec. 23. Section 77.28.080, chapter 36, Laws of 1955 as amended by section 100, chapter 78, Laws of 1980 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by the commission. Private sector cultured aquatic products as defined in section 2 of this 1985 act are exempt from regulation under this section.

Sec. 24. Section 77.28.090, chapter 36, Laws of 1955 as amended by section 101, chapter 78, Laws of 1980 and RCW 77.12.600 are each amended to read as follows:

A common carrier may transport wildlife shipped by a licensed game farmer if the wildlife is tagged, sealed, or invoiced as provided in RCW 77.12.590. Packages containing wildlife shall have affixed to them tags or labels showing the name of the licensee and the consignee. For purposes of this section, wildlife does not include private sector cultured aquatic products as defined in section 2 of this 1985 act. However, if a means of identifying such products is required by rules adopted under section 5 of this 1985 act, this exemption from the definition of wildlife applies only if the aquatic products are identified in conformance with those rules.

Sec. 25. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 2, chapter 284, Laws of 1983 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the commission is required to:

- (a) Hunt for wild animals or wild birds or fish for game fish;
- (b) Practice taxidermy for profit;
- (c) Deal in raw furs for profit;
- (d) Act as a fishing guide;
- (e) Operate a game farm;
- (f) Purchase or sell anadromous game fish; or
- (g) Use department-managed lands or facilities as provided by rule of the commission.

(2) A permit issued by the director is required to:

- (a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;
- (b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or
- (c) Stock game fish.

(3) Aquaculture as defined in section 2 of this 1985 act is exempt from the requirements of this section, except when being stocked in public waters under contract with the department of game.

*NEW SECTION. Sec. 26. (1) The department of fisheries shall report to the legislature on the expenditure of funds needed to implement the disease program called for in section 8 of this act. The report shall detail the percentage of the funds originating from user fees and the percentage of the funds from the state general fund. The report shall be delivered to the legislature by January 1, 1987.

(2) The department shall survey the boundaries of the state's Puget Sound oyster reserves and shall assess the ability of those lands to support aquatic products if actively cultivated. The department shall submit a report to the legislature by January 1, 1986, identifying its findings regarding the support capacity of the reserves and the optimum use of the reserves for cultivating aquatic products.

*Sec. 26 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 27. (1) Sections 1 through 7 of this act shall constitute a new chapter in Title 15 RCW.

(2) Sections 8 through 11 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 35, Laws of 1971, section 124, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.265; and

(2) Section 10, chapter 212, Laws of 1955, section 126, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.282.

Passed the Senate April 16, 1985.

Passed the House April 9, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to several portions, Substitute Senate Bill No. 3067, entitled:

"AN ACT Relating to aquatic farming."

Section 6 would create an aquaculture advisory council appointed by the Governor. I wholeheartedly support the purpose of the council, which will bring together private interests with the state agencies responsible for aquaculture promotion and regulation. This cooperation is essential to a successful program. However, the council should more appropriately be appointed by and report to the Director of the Department of Agriculture, who has the prime responsibility for promotion under the Act. The Director has authority under existing statute to appoint such an advisory body. The Director should consult the Departments of Fisheries and Natural Resources in making appointments.

Section 8(7) would provide treble damages in civil actions by aquatic farmers in cases where Department of Fisheries' orders for the destruction of aquatic products are held to be unreasonable. Treble damages against the state are without precedent and are, I believe, excessive and unnecessary. However, removing this provision in no way suggests that the Department should not be accountable for its actions. When the Department has committed an unreasonable act, the courts should continue, as under current law, to award actual and consequential damages.

Section 26(2) would require the Department of Fisheries to survey the boundaries of the state's Puget Sound oyster reserves, assess their ability to support aquaculture, and report to the legislature regarding their optimum use. The Department of Fisheries reports that the surveys required by this subsection would cost more than \$500,000, for which no funding has been provided. In recognition of the need to enhance Puget Sound oyster reserves, I have signed into law Substitute Senate Bill No. 4041. This requires that Fisheries categorize the reserves according to their best uses. It further requires that Fisheries undertake a pilot Olympia oyster cultivation project.

With the exception of Sections 6, 8(7) and 26(2), which I have vetoed, Substitute Senate Bill No. 3067 is approved."

CHAPTER 458

[Substitute Senate Bill No. 3384]

SALMON ENHANCEMENT

AN ACT Relating to salmon enhancement; amending RCW 75.08.065, 75.48.120, and 77.12.420; adding a new chapter to Title 75 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

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

NEW SECTION. Sec. 1. Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by

a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department of fisheries is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

NEW SECTION. Sec. 2. (1) The director shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The director shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the state;
- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The director shall review and update each policy statement at least once each year.

NEW SECTION. Sec. 3. (1) The director shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The director shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the director shall solicit and consider enhancement

project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the director in formulating the project proposals:

(a) Compatibility with the long-term policy statement;

(b) Benefit/cost analysis;

(c) Needs of all fishing interests;

(d) Compatibility with regional plans, including harvest management plans;

(e) Likely increase in resource productivity;

(f) Direct applicability of any research;

(g) Salmon advisory council recommendations;

(h) Compatibility with federal court orders;

(i) Coordination with the salmon and steelhead advisory commission program;

(j) Economic impact to the state;

(k) Technical feasibility; and

(l) Preservation of native salmon runs.

(3) The director shall not approve projects that serve as replacement funding for projects that exist prior to the effective date of this act, unless no other sources of funds are available.

(4) The director shall prioritize various projects and establish a recommended implementation time schedule.

NEW SECTION. Sec. 4. Upon approval by the legislature of funds for its implementation, the director shall monitor the progress of projects detailed in the salmon enhancement plan.

The director shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

NEW SECTION. Sec. 5. The director shall report to the legislature on or before October 30th of each year on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the committees on ways and means and the committees on natural resources of the senate and house of representatives.

NEW SECTION. Sec. 6. As used in this chapter, "enhancement project" means salmon propagation activities including, but not limited to, hatcheries, spawning channels, rearing ponds, egg boxes, fishways, fish

screens, stream bed clearing, erosion control, habitat restoration, net pens, applied research projects, and any equipment, real property, or other interest necessary to the proper operation thereof.

Sec. 7. Section 75.16.070, chapter 12, Laws of 1955 as amended by section 13, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.065 are each amended to read as follows:

(1) The director may enter into contracts and agreements with a person to secure food fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of food fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists food fish or shellfish with which to stock state waters.

*Sec. 8. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 173, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.120 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve a salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of a salmon propagation facility is very dependent on water quantity and quality. Due to the limited number of water sources which meet the critical needs of a facility, it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending moneys for the construction and development of a particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

(i) The department's management authority over propagated salmon;

(ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

(iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; ~~(and)~~

(iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game; and

(v) Compatibility with regional policy statements and the salmon enhancement plan under chapter 75.— RCW (sections 1 through 6 of this 1985 act).

(c) All facilities funded in full or in part by the salmon enhancement account shall operate at full production capacity. Facilities which drop below full production capacity shall be made available for volunteer cooperative

projects under chapter 75.52 RCW or on a contract basis for private salmon propagation solely to stock state waters. The salmon advisory council shall submit to the legislature by January 1, 1986, an evaluation of each facility funded by the 1977 salmon enhancement account, and a determination as to the full production capacity of each facility based on the objective of maximizing the number, pounds, quality, survival, and other pertinent factors affecting salmon smolt released.

(2) To aid and advise the department in the performance of its functions with regard to the salmon enhancement program, a salmon advisory council is created. The advisory council consists of ~~((thirteen))~~ six members appointed by the governor; four legislative ex officio nonvoting members, one appointed by each caucus in both the state senate and the house of representatives; and the director or his or her specifically appointed designee, who shall be the nonvoting chairman~~(; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate, and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries).~~ Of the members appointed by the governor, two shall represent non-Indian commercial fishermen, two shall represent sports fishermen, and two shall represent treaty Indian fishermen. Of the treaty Indian fishermen, one shall be selected from a list provided by the Washington state tribal coordinating body and one shall be selected from a list provided by the Columbia River tribal coordinating body defined in 16 U.S.C. 3302 (5) and (18).

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

The advisory council shall be convened by the director prior to the decision to expend funds for construction and development of any salmon ~~((propagation facility))~~ enhancement project. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and other factors the council deems relevant with respect to the proposed facility. The council shall actively participate in the development of regional policy statements and the salmon enhancement plan.

~~((Except for the director of the department of game and legislative members;))~~ Members shall receive reimbursement through the department

of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

~~((The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120.))~~

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

*Sec. 8 was partially vetoed, see message at end of chapter.

***Sec. 9. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:**

The commission may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, removing obstructions to migratory fish, and eradicating undesirable fish. Department hatcheries shall operate at full production capacity as determined by the commission in a formal policy statement based on maximizing the number, pounds, quality, survival, and other pertinent factors affecting fish released into state waters. Facilities which fall below full production capacity after January 1, 1986, shall be made available for volunteer cooperative projects under chapter 75.52 RCW, or for private fish propagation solely to stock state waters. The commission may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

*Sec. 9 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 10. Thirty-nine thousand dollars, or so much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1987, to the department of fisheries for the purposes of this act.

NEW SECTION. Sec. 11. Sections 1 through 6 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 28, 1985.

Passed the House April 28, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval of two portions of Substitute Senate Bill No. 3384, entitled:

"AN ACT Relating to salmon enhancement."

The first two sentences of Section 8(1)(c) would require all facilities funded by the Salmon Enhancement Account to operate at full production capacity or be made available for volunteer cooperative projects to produce salmon for stocking state waters. This provision is apparently based on the idea that any hatchery not operated at full capacity is surplus. This is not the case. There are many good reasons for operating at less than full capacity, including disease control, water quantity and quality, and compliance with federal court orders.

The remainder of Section 8(1)(c) requires that the Salmon Advisory Council evaluate the operation of certain salmon hatcheries and report to the Legislature. I will request that the Council comply with this language.

Section 9 contains similar language relating to the Game Department. I am vetoing it for the same reasons.

With the exception of Sections 8(1)(c) and 9, Substitute Senate Bill No. 3384 is approved."

CHAPTER 459

[Engrossed Senate Bill No. 3400]

MINERAL EXPLORATION—LEASES—RENTAL—STATE MINE RESCUE PLAN—MINE RESCUE GOOD SAMARITAN LIABILITY

AN ACT Relating to the exploration and extraction of nonrenewable resources; amending RCW 79.01.668, 79.14.020, 79.14.030, 79.14.050, and 78.44.110; adding new sections to chapter 38.52 RCW; and adding new sections to chapter 43.12 RCW.

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

Sec. 1. Section 167, chapter 255, Laws of 1927 and RCW 79.01.668 are each amended to read as follows:

At any time during the life of the option contract, the holder thereof may apply to the commissioner of public lands for a coal mining lease of the lands included therein, or such portion thereof as he may specify, for the purpose of mining and extraction of coal therefrom. Such coal mining lease shall be for such term, not more than twenty years, and in such form as may be prescribed by the commissioner of public lands, shall entitle the lessee to mine and sell and dispose of all coal underlying said lands and to occupy and use so much of the surface thereof as may be necessary for bunkers and other outside works, and for railroads, buildings, appliances

and appurtenances in connection with the mining operations. Such lease shall provide for the payment to the state of a royalty, according to the grade of coal, for each ton of two thousand (~~two hundred and forty~~) pounds of merchantable coal taken from the lands, as follows: For lignite coal of the class commonly found in Lewis and Thurston counties, not less than ten cents per ton; for subbituminous coal, not less than fifteen cents per ton; for high grade bituminous and coking coals, not less than twenty cents per ton; but such lease shall provide for the payment each year of a minimum royalty of not less than one nor more than ten dollars an acre for the lands covered thereby: PROVIDED, That the commissioner of public lands may agree with the lessee that said minimum royalty shall be graduated for the different years of said lease so that a lower minimum royalty shall be paid during the earlier years of the term. The minimum royalty fixed in the lease shall be paid in advance each year, and the lessee, at stated periods during the term of the lease, fixed by the commissioner, shall furnish to the commissioner of public lands a written report under oath showing the amount of merchantable coal taken from the land during the period covered by such report and shall remit therewith such sum in excess of the minimum royalty theretofore paid for the current year as may be payable as royalty for the period covered by such report.

~~((Failure on the part of any lessee to comply with the foregoing provisions, or of his lease, shall work a forfeiture of the lease, and no such forfeiture may be waived.))~~ The commissioner shall incorporate in every lease such provisions and conditions not inconsistent with the provisions of this chapter and not inconsistent with good coal mining practice as he shall deem necessary and proper for the protection of the state, and, in addition thereto, the commissioner shall be empowered to prescribe such rules and regulations, not inconsistent with this chapter and not inconsistent with good mining practice, governing the manner and methods of mining as in his judgment are necessary and proper.

Sec. 2. Section 2, chapter 131, Laws of 1955 and RCW 79.14.020 are each amended to read as follows:

The commissioner is authorized to lease public lands for the purpose of prospecting for, developing and producing oil, gas or other hydrocarbon substances. Each such lease is to be composed of not more than six hundred forty acres, except a lease on river bed, lake bed, tide and submerged lands which is to be composed of not more than one thousand nine hundred twenty acres. All leases shall contain such terms and conditions as may be prescribed by the rules and regulations adopted by the commissioner in accordance with the provisions of this chapter. ~~((Att))~~ Leases ~~((shall))~~ may be for an initial term ~~((s))~~ of from five up to ten years and may be extended for so long thereafter as lessee shall comply with the provisions hereof and (1) shall produce any of said substances from the leased lands, ((and shall comply with the provisions hereof;)) or (2) shall be engaged in drilling,

deepening, repairing, or redrilling any well thereon, or be thereafter excused therefrom but not to exceed a period of twenty years (~~(The lessee shall have preferential right to a new lease covering such lands for an additional twenty-year period on the same terms and conditions as set forth in such previous lease)~~), except the lease shall be continued for a producing well as long as it is producing or is covered by a unit plan to which the commissioner has consented to participate in under RCW 78.52.450.

Sec. 3. Section 3, chapter 131, Laws of 1955 as amended by section 1, chapter 151, Laws of 1980 and RCW 79.14.030 are each amended to read as follows:

The department of natural resources shall require as a prerequisite to the issuing of any lease a rental as set by the board of natural resources but not less than one dollar and twenty-five cents per acre or such prorated share of the rental per acre as the state's mineral rights ownership for the first year of such lease, payable in advance to the department of natural resources at the time the lease is awarded and a like rental annually in advance thereafter so long as such lease remains in force: PROVIDED, That such rental shall cease at such time as royalty accrues to the state from production from such lease. Commencing with the lease year beginning on or after oil, gas or other hydrocarbon substances are first produced in quantities deemed paying quantities by lessee on the land subject to such lease, lessee shall pay a minimum royalty as set by the board of natural resources but not less than five dollars per acre or fraction thereof or such prorated share of the rental per acre as the state's mineral rights ownership at the expiration of each year. Royalties payable by the lessee shall be the royalties from production as provided for in RCW 79.14.070 or the minimum royalty provided herein, whichever is greater: PROVIDED, That if such lease is unitized, the minimum royalty shall be payable only on the leased acreage after production is obtained in such paying quantities from such lease.

Sec. 4. Section 5, chapter 131, Laws of 1955 and RCW 79.14.050 are each amended to read as follows:

All leases shall provide that if oil, gas or other hydrocarbon substances are not encountered on or before the end of the initial (~~(five-year)~~) term, the lease shall not terminate if the lessee is then prosecuting drilling operations on the leased lands with due diligence, in which event the same shall remain in force so long as lessee shall keep one string of tools in operation on the leased lands, allowing not to exceed ninety days between the completion of one well and the commencement of the next until such substances are encountered in quantities deemed paying quantities by lessee. All leases shall further provide that if oil, gas or other hydrocarbon substances in paying quantities shall have been discovered on the leased lands prior to the expiration of the initial (~~(five-year)~~) term, then in the event at any time after the expiration of the initial (~~(five-year)~~) term production on the leased

land shall cease from any cause, the lease shall not terminate provided lessee resumes operations for the drilling of a well or the restoration of production within ninety days from such cessation. The lease shall remain in force during the prosecution of such operations, and if production results therefrom, then so long as production continues.

***Sec. 5. Section 12, chapter 64, Laws of 1970 ex. sess. as amended by section 4, chapter 215, Laws of 1984 and RCW 78.44.110 are each amended to read as follows:**

The permit fees required under this chapter shall be as follows:

(1) The basic fee for the permit shall be two hundred fifty dollars per permit year for each separate location, payable with submission of the application and annually thereafter with submission of the report required in RCW 78.44.130: PROVIDED, That permits for land not engaged in surface mining on or before June 7, 1984, shall be twenty-five dollars per permit year. A twenty-five dollar permit shall not constitute an operating permit. If a person holding a twenty-five dollar permit begins surface mining during the year, that person shall pay the remainder of the two hundred fifty dollar fee.

(2) In addition, there shall be a five dollar per acre fee for all acreage exceeding ten acres which was newly disturbed by surface mining during the previous permit year, which acreage fee shall be paid at the time of submission of the report required in RCW 78.44.130.

(3) All fees collected shall be deposited in the general fund.

***Sec. 5 was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 6. A new section is added to chapter 38.52 RCW to read as follows:

The department of emergency management shall consult with appropriate local, state, federal, and private sector officials in developing a comprehensive state mine rescue plan. The plan shall identify mine rescue resources, set forth a framework for a coordinated response to mine rescue emergencies, identify shortfalls, and recommend solutions.

The draft of the comprehensive state mine rescue plan and a schedule for submittal of the final plan shall be submitted to the legislature on January 13, 1986.

NEW SECTION. Sec. 7. A new section is added to chapter 43.12 RCW to read as follows:

The department of natural resources shall work with federal officials and private mine owners to ensure the prompt sealing of open holes and mine shafts that constitute a threat to safety.

NEW SECTION. Sec. 8. A new section is added to chapter 43.12 RCW to read as follows:

The owner of each mine shall make a map of the surface of the property. The owner of each active mine shall make a map of the underground workings. All maps shall be filed with the department of natural resources.

The department shall establish by rule the scale and contents required for the maps.

NEW SECTION. Sec. 9. A new section is added to chapter 38.52 RCW to read as follows:

No person engaged in mine rescue or recovery work who, in good faith, renders emergency care, rescue, assistance, or recovery services at the scene of any emergency at or in a mine in this state or who employs, sponsors, or represents any person rendering emergency care, rescue, assistance, or recovery services shall be liable for any civil damages as a result of any act or omission by any person in rendering emergency care, rescue, assistance, or recovery service.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one section, Engrossed Senate Bill No. 3400, entitled:

"AN ACT Relating to the exploration and extraction of nonrenewable resources."

Section 5 of this bill would change the fees for surface mining permits. The current fee structure was instituted only a year ago and has been very positively received. In addition, the change proposed in this section would result in the need for a higher general fund subsidy of this activity in a time of severe revenue shortfalls. I believe that the current fee structure should receive a longer trial and a thorough evaluation before we consider changing it again.

With the exception of Section 5, Engrossed Senate Bill No. 3400 is approved."

CHAPTER 460

[Engrossed Substitute Senate Bill No. 3920]
TRANSPORTATION BUDGET

AN ACT Relating to transportation; amending RCW 46.68.110, 46.68.120, 82.39.010, and 82.39.030; amending section 9, chapter 181, Laws of 1979 ex. sess. (uncodified); making appropriations and authorizing expenditures; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as may be necessary

to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1987.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State	\$	305,000
Highway Safety Fund Appropriation—Federal	\$	4,744,000
Total Appropriation	\$	5,049,000

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Pilotage Account Appropriation	\$	80,000
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*NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund—Rural Arterial Trust Account Appropriation	\$	21,042,000
Motor Vehicle Fund Appropriation	\$	676,000
Total Appropriation	\$	21,718,000

The appropriations in this section are subject to the following conditions and limitations: In utilizing the moneys provided by this section for implementation of a pavement management system, installation and training for a micro-computer network, and completion of the road jurisdiction and revenue distribution study, the county road administration board shall evaluate the cost-effectiveness of utilizing consultants or other nonagency personnel to undertake these projects. If the board finds it necessary to hire additional agency personnel for these activities, it shall be on the express understanding that such employment is on a project basis and temporary in nature. Prior to implementation, the board shall provide a detailed report to the legislative transportation committee.

*Sec. 4 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. FOR THE URBAN ARTERIAL BOARD
Motor Vehicle Fund—Urban Arterial Trust

Account Appropriation	\$	68,486,000
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The appropriation includes \$50,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

NEW SECTION. Sec. 6. FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway
Account Appropriation \$ 86,582,000

The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

NEW SECTION. Sec. 7. FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway
Account Appropriation \$ 31,696,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state patrol shall conduct a study to determine the level of fees that would be necessary to recover the actual costs incurred in providing training services to other law enforcement agencies at the state patrol academy.

(2) Up to \$250,000 is provided to implement the recommendations of the legislative transportation committee study of the budget, accounting, and other related systems of the state patrol. No moneys may be expended under this subsection without the prior approval of the legislative transportation committee.

(3) The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

NEW SECTION. Sec. 8. FOR THE STATE PATROL

(1) Minor repairs and improvements (CR-83-1-R02)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct	20,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
243,000		263,000

(2) Port of entry station: Bellingham (CI-83-R-006)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct	450,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
13,000		463,000

(3) Minor works request: Capital renewal (CR-86-1-002)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		525,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		525,000

(4) Minor works request (CI-86-3-003)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		166,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		166,000

(5) Asbestos removal: Tacoma office (CR-86-1-004)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		108,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		108,000

(6) Emergency repairs (CR-86-1-005)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		50,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		50,000

(7) Multi-purpose building: Patrol academy (CI-86-3-006)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		1,890,000

Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		1,890,000

(8) District headquarters: Bremerton (CI-86-3-013)

	Reappropriation	Appropriation
MV, St Patrol Hiwy Acct		1,042,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs
		1,042,000

***NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES**

Motor Vehicle Fund Appropriation	\$ 32,891,000
Game Fund Appropriation	\$ 323,000
Total Appropriation	\$ 33,214,000

The appropriations in this section are subject to the following conditions and limitations: *The motor vehicle fund appropriation includes an amount not to exceed \$6,270,100 for the county auditor and subagent automation project, of which not more than \$100,000 may be expended by the department for costs of implementing the county auditor and subagent automation project in counties of the fourth class or smaller.* Computer terminal equipment purchased for the county auditor automation project shall be provided only to the auditors or licensing divisions of the 39 counties, the presently authorized 157 subagents, and the department of licensing's vehicle licensing counter. The department shall by January 13, 1986, present to the legislative transportation committee a detailed report on implementation of the county auditor automation project, including equipment purchased and installed.

*Sec. 9 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education	
Account Appropriation	\$ 2,056,000
Highway Safety Fund Appropriation	\$ 30,005,000
Highway Safety Fund—Motorcycle Safety	
Education Account Appropriation.....	\$ 193,000
Total Appropriation	\$ 32,254,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the "predriver education program" operated by the department and no funds may be expended by the department for this purpose.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

Game Fund Appropriation	\$	7,000
Highway Safety Fund Appropriation	\$	4,461,000
Motor Vehicle Fund Appropriation	\$	2,361,000
Total Appropriation	\$	6,829,000

The appropriations in this section are subject to the following conditions and limitations: Not more than \$300,000 is provided for the micro-optic pilot project. The department shall report the status of the project to the legislative transportation committee by December 31, 1985.

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

Game Fund Appropriation	\$	4,000
Highway Safety Fund Appropriation	\$	3,538,000
Motor Vehicle Fund Appropriation	\$	11,687,000
Total Appropriation	\$	15,229,000

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund Appropriation	\$	1,800,000
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NEW SECTION. Sec. 14. FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Appropriation	\$	1,000
General Fund Appropriation	\$	2,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	15,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	49,000
Motor Vehicle Fund Appropriation	\$	401,000
Total Appropriation	\$	468,000

The appropriations in this section are provided for the salaries, wages, and other expenses necessary for the operation of the transportation commission and commission staff as provided by RCW 47.01.061.

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund Appropriation—State	\$	109,000,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	124,000,000
Total Appropriation	\$	233,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. Any amounts expended during the 1983–85 biennium from the motor vehicle fund—state appropriation in excess of the amount appropriated under section 21, chapter 53, Laws of 1983 1st ex. sess. as amended by chapter 2, Laws of 1984 shall be transferred to reserve status from amounts appropriated from the motor vehicle fund—state by this section.

If federal funds become available for the Mt. St. Helens road, the transportation commission, in consultation with the legislative transportation committee, shall seek unanticipated receipts for design and construction of the Mt. St. Helens road.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B

Motor Vehicle Fund Appropriation—State	\$	52,000,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	478,000,000
Total Appropriation	\$	530,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030.

The appropriation of \$52,000,000 in state funds includes \$32,600,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$19,400,000 in proceeds from the sale of bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

In the event federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	137,000,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000

Total Appropriation \$ 138,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030.

The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of \$65,000,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

\$4,000,000 of the motor vehicle fund—state appropriation or so much thereof as is necessary is provided for preconstruction activities on new projects to be selected by the transportation commission. Funding of these activities shall be derived from underexpenditures in motor vehicle fund—state appropriations in the 1983–1985 biennium to the extent they become available.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

Motor Vehicle Fund Appropriation \$ 28,583,000

The appropriation in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support of the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid.

\$2,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other related studies.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropria-		
tion—State	\$	1,270,000
General Fund—Aeronautics Account Appropria-		
tion—Federal	\$	91,000
Total Appropriation	\$	1,361,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as the first of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, cause No. 239168.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F
General Fund—Search and Rescue Account

Appropriation	\$	110,000
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The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation	\$	174,195,000
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The appropriation in this section is for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support. The appropriation includes \$300,000 to be used solely for increased maintenance and other operational activities designed to accommodate additional highway traffic and visitors to the state enroute to the 1986 World Exposition.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P

Motor Vehicle Fund Appropriation	\$	14,043,000
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The appropriation in this section is provided for the management and support of the highway programs, for any necessary increase in stores, for necessary pit and stockpile sites and write-off of obsolete stores, pits, and stockpiles.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	1,450,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	93,949,000
Total Appropriation	\$	95,399,000

The appropriations in this section are provided for the County–City Program—Program R. The appropriations are subject to the following conditions and limitations:

(1) The appropriations contain \$309,000 of state funds and \$93,549,000 of federal and local funds for reimbursable expenditures for the location, design, right of way, construction, and maintenance on city streets and county roads and other nonstate highways, and miscellaneous sales and services, including the unexpended balance of state funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and chapter 121, Laws of 1965, for reimbursable expenditures on cooperative projects authorized by state and/or federal laws, and for expenditures through federal emergency relief acts.

(2) The appropriations contain \$241,000 of state funds for expenditures in accordance with RCW 47.56.720 (Puget Island–Westport Ferry—Payments for operations and maintenance to Wahkiakum county).

(3) The appropriations contain \$900,000 for the guarantee, pursuant to RCW 47.56.712, for the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.

(4) The appropriations contain \$400,000 of local funds to guarantee bond payments in the Astoria–Megler bridge pursuant to RCW 47.56.646.

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation		\$	8,000
General Fund Appropriation		\$	19,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation		\$	167,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation		\$	473,000
Motor Vehicle Fund Appropriation		\$	23,707,000
Total Appropriation		\$	24,374,000

The appropriations in this section are provided for executive management, management services, and costs billed to the department of transportation by other agencies.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	536,000
General Fund Appropriation—Federal	\$	4,664,000

General Fund Appropriation—Local	\$	190,000
(2) For planning and research:		
Motor Vehicle Fund Appropriation—State	\$	3,438,000
Motor Vehicle Fund Appropriation—Federal	\$	12,619,000
Total Public Transportation and Planning Appropriation		\$ 21,447,000

The appropriations in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for studies which support local public transportation programs, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

General Fund Appropriation—State	\$	55,000
Motor Vehicle Fund Appropriation—Federal	\$	110,000
Total Appropriation		\$ 165,000

The appropriations in this section are provided for the completion of a cooperative study between the department of transportation and the Washington public ports association to develop a long-range strategic planning document for each mode of transportation and its impact on the future economic growth of the state as initially authorized in section 403, chapter 285, Laws of 1984.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W

Motor Vehicle Fund—Puget Sound Reserve Account Appropriation	\$	3,958,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	46,400,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State	\$	56,300,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—Federal	\$	7,300,000
Total Appropriation		\$ 113,958,000

The appropriations in this section are provided for the management and support of the marine transportation division of the department of

transportation and for the operation, maintenance, and capital improvements of the Washington state ferry system. The appropriations are subject to the following conditions and limitations:

(1) The Puget Sound reserve account appropriation is provided to carry out RCW 47.60.420.

(2) The Puget Sound ferry operations account appropriation is provided for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system. The Puget Sound ferry operations account appropriation includes up to \$14,500,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505.

(3) The Puget Sound capital construction account appropriation is provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriation of state funds from the Puget Sound capital construction account contains \$20,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out the projects presented to the transportation committees of the senate and house of representatives. The department of transportation shall consult with the legislative transportation committee prior to revising the programming of these projects or adding new projects.

(5) Savings realized in marine operations as of the end of the fiscal period shall be placed into reserve status and no expenditure shall be made from that reserve without consulting with the legislative transportation committee and obtaining the approval of the office of financial management pursuant to RCW 43.88.110.

(6) The results of the passenger-only ferry study using leased vessels shall be reported to the legislative transportation committee during the 1986 regular session of the legislature.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION

General Fund Appropriation—Federal \$ 1,200,000

The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED, That this appropriation shall be fully reimbursable from federal funds.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund—RV Account Appropriation Transfer:

For transfer to the Motor Vehicle Fund \$ 391,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system. This appropriation is part of the motor vehicle fund construction and maintenance appropriations.

NEW SECTION. Sec. 30. FOR THE STATE TREASURER—TRANSFER

Motor Vehicle Fund Appropriation—State \$ 3,000,000

The appropriation in this section is for transfer to the Puget Sound capital construction account on August 1, 1985: PROVIDED, That the amount appropriated for transfer shall not exceed the amount of the unexpended balance in the Puget Sound ferry operations account on June 30, 1985, which is subject to transfer from the account pursuant to RCW 47.60.540(2). The amount transferred shall be reported to the legislative transportation committee.

NEW SECTION. Sec. 31. Not more than \$60,000 of the department of transportation's appropriation contained in this act is provided for the SNO-LINE information system. It is the intent of the legislature that the department of transportation convert to a self-supporting SNO-LINE information system.

Sec. 32. Section 46.68.110, chapter 12, Laws of 1961 as last amended by section 161, chapter 151, Laws of 1979 and RCW 46.68.110 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation

for the purpose of funding the cities' share of the costs of highway jurisdiction studies and related studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 33. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 1, chapter ... (SHB 321), Laws of 1985 and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) From July 1, 1985, through June 30, 1987, twenty-four one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and related studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 34. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements.

NEW SECTION. Sec. 35. The department of transportation may, after consultation with the legislative transportation committee, transfer any

motor vehicle fund appropriations contained in sections 18, 22, and 24 of this act into sections 15 and 17 of this act.

NEW SECTION. Sec. 36. It is the intent of the legislature that the amounts assumed in this act and any other acts for all revolving funds for services provided by other agencies shall not be exceeded without the prior approval of the legislative transportation committee.

NEW SECTION. Sec. 37. The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 38. The legislature recognizes the economic importance to the state of maintaining highway facilities at and near international border crossings which promote the efficient movement of highway traffic through customs checkpoints with as little delay to the motorist and inconvenience to border communities as is reasonably possible. To the maximum extent feasible, the transportation commission and the department of transportation shall consider the unique transportation needs present on highway routes crossing the international border in determining priorities for capital expenditures.

NEW SECTION. Sec. 39. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 40. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 41. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 42. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 43. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1985.

Passed the House April 20, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to several portions, Engrossed Substitute Senate Bill 3920, entitled:

"AN ACT Relating to transportation."

The provisions I have vetoed and the reasons therefore are as follows:

1. County Road Administration Board

The proviso language in Section 4 requires the County Road Administration Board to hire, contract or project personnel for the Implementation of the Pavement Management System and the completion of the road jurisdiction and revenue distribution study. While such an approach is probably desirable, the proviso places restrictive conditions on the Board's hiring procedures before the implementation planning has begun. The new positions require persons who have specific expertise in road engineering; the Board's ability to recruit qualified personnel is limited by the necessity to hire only those applicants who would be willing to take a temporary position.

The proviso also requires the Board to provide a detailed report to the Legislative Transportation Committee on the cost effectiveness of utilizing consultants or other non-agency personnel to undertake the implementation of the projects. My veto eliminates this requirement; however, I strongly urge the Board to undertake this evaluation and to keep the legislature fully informed of its implementation plans.

2. Department of Licensing

Language in Section 9 requires that no more than \$6,270,100 be spent for the County Auditor and Subagent Automation project. Although this figure represents the additional appropriation authority necessary to support the project, the total cost is \$7.8 million, offset by \$1.5 million in savings. Because of the misleading project cost reflected in the proviso amount, and the accounting problems which would result from keeping track of both expenditures and savings, I am vetoing the proviso. It is expected that the Department of Licensing will nevertheless comply with legislative intent by keeping net expenditures to the amount stipulated and by complying with all other requirements of the original proviso.

With the exception of the provisos in the aforementioned sections, which I have vetoed, Engrossed Substitute Senate Bill No. 3920 is approved."

CHAPTER 461

[Engrossed House Bill No. 116]

PUBLIC EMPLOYMENT—REVISIONS

AN ACT Relating to public employees; amending RCW 41.06.020, 41.06.150, 41.06.169, 41.64.110, 28B.16.020, 28B.16.100, 28B.16.105, and 28B.50.030; adding new sections to chapter 28B.16 RCW; adding new sections to chapter 41.06 RCW; adding a new section to chapter 43.01 RCW; repealing RCW 28B.10.644, 28B.10.645, 28B.10.646, 28B.16.250, 28B.16.260,

28B.16.270, 28B.16.280, 28B.16.290, 28B.50.830, 28B.50.840, 28B.80.250, 28B.80.260, 28B.80.270, 41.06.175, 41.06.185, 41.06.195, 41.06.205, and 41.06.215; and making an appropriation.

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

Sec. 1. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 4, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

~~(6) ("Management employees" means those employees:~~

~~(a) Who are classified under this chapter and who are exempt employees under this chapter and have their salary and fringe benefits determined under RCW 41.06.070; and~~

~~(b) Who are specified as management by the state personnel board; but the board shall not go below range 49, as established in the October 1981 state personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication.~~

~~(7))~~ "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

~~((8))~~ (7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

~~((9))~~ (8) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training

that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

~~((++))~~ (9) "Training" means activities designed to develop job-related knowledge and skills of employees.

~~((++))~~ (10) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

Sec. 2. Section 4, chapter 53, Laws of 1982 1st ex. sess. as amended by section 5, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions ~~((and reemployment from layoff))~~, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day

following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment (~~or merit~~) increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter.

*Sec. 3. Section 6, chapter 152, Laws of 1977 ex. sess. as amended by section 5, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.169 are each amended to read as follows:

After consultation with state agency heads, employee organizations, and other interested parties, the state personnel director shall develop standardized employee performance evaluation procedures and forms which shall be used by state agencies for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual agencies may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. Performance evaluation procedures shall place primary emphasis on recording

how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling state agency and job objectives. (~~This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.~~) *The standardized performance evaluation procedure shall apply to both classified employees and employees who occupy exempt positions for which the board determines salaries.*

*Sec. 3 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 41.06 RCW to read as follows:

Each employee whose work is judged unsatisfactory shall be notified in writing of the areas in which the work is considered deficient. Unless the deficiency is extreme, the employee shall be given an opportunity to demonstrate improvement.

NEW SECTION. Sec. 5. A new section is added to chapter 41.06 RCW to read as follows:

The personnel board shall adopt rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

NEW SECTION. Sec. 6. A new section is added to chapter 41.06 RCW to read as follows:

The personnel board shall adopt rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under section 5 of this act have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

Sec. 7. Section 12, chapter 311, Laws of 1981 and RCW 41.64.110 are each amended to read as follows:

Hearings on such appeals shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his or her appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses, and give evidence before the board. Members of the board or the executive secretary may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and, if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The board shall prepare an official record of the

hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it may not be required to transcribe such record unless requested by the employee(~~(- If requested, the board shall furnish a complete transcript upon payment of a reasonable charge therefor. The employee shall be reimbursed by the employing agency for the cost of a transcript used on appeal if the employee prevails before the court)), who shall be furnished with a complete transcript upon payment of a reasonable charge. However, payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.~~

Sec. 8. Section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(2) "Board" means the higher education personnel board established under the provisions of RCW 28B.16.060;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established;

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions;

(6) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required(;

~~(8) "Management employees" mean those classified employees under this chapter specified as management by the higher education personnel board, but the board shall not go below range 49, as established in the October 1981 higher education personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication)).~~

Sec. 9. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.100 are each amended to read as follows:

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of

personnel administration, regarding the basis and procedures to be followed for:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including promotions (~~and reemployment from layoff~~), with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examination for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or

teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 28B.16.116 and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment ~~((or merit))~~ increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; ((and))

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and

their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Assuring that persons who are or have been employed in classified positions under chapter 41.06 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter; and

(21) Assuring that any person who is or has been employed in a classified position under this chapter will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions at any other institution of higher education or related board.

Sec. 10. Section 13, chapter 152, Laws of 1977 ex. sess. as amended by section 17, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.105 are each amended to read as follows:

After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher learning for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. ~~((This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.))~~

NEW SECTION. Sec. 11. A new section is added to chapter 28B.16 RCW to read as follows:

Each employee whose work is judged unsatisfactory shall be notified in writing of the areas in which the work is considered deficient. Unless the

deficiency is extreme, the employee shall be given an opportunity to demonstrate improvement.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.16 RCW to read as follows:

The higher education personnel board shall adopt rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.16 RCW to read as follows:

The personnel board shall adopt rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under section 12 of this act have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

Sec. 14. Section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.030 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community college education created by this chapter;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this chapter;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade;

(9) "Common school board" shall mean a public school district board of directors;

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education;

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute(;

~~(12) "Management employees" shall mean administrative exempt personnel of each community college who are specified by each community college as management)).~~

NEW SECTION. Sec. 15. A new section is added to chapter 43.01 RCW to read as follows:

It is the responsibility of each agency head to institute management procedures designed to identify any agency employee, either supervisory or nonsupervisory, whose performance is so inadequate as to warrant termination from state employment. In addition, it is the responsibility of each agency head to remove from a supervisory position any supervisor within the agency who has tolerated the continued employment of any employee under his or her supervision whose performance has warranted termination from state employment.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-10.644;

(2) Section 13, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-10.645;

(3) Section 11, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-10.646;

(4) Section 18, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-16.250;

(5) Section 21, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-16.260;

(6) Section 22, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-16.270;

(7) Section 20, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-16.280;

(8) Section 23, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-16.290;

(9) Section 25, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B-50.830;

(10) Section 26, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.840;

(11) Section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250;

(12) Section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260;

(13) Section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270;

(14) Section 6, chapter 53, Laws of 1982 1st ex. sess. and RCW 41-06.175;

(15) Section 8, chapter 53, Laws of 1982 1st ex. sess. and RCW 41-06.185;

(16) Section 9, chapter 53, Laws of 1982 1st ex. sess. and RCW 41-06.195;

(17) Section 7, chapter 53, Laws of 1982 1st ex. sess. and RCW 41-06.205; and

(18) Section 10, chapter 53, Laws of 1982 1st ex. sess. and RCW 41-06.215.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. To carry out the provisions of section 7 of this 1985 act, there is appropriated to the personnel appeals board from the department of personnel service fund for the period from July 1, 1985, through June 30, 1987, the sum of twenty-five thousand dollars or so much thereof as may be necessary.

Passed the House April 28, 1985.

Passed the Senate April 16, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one portion of a section, Engrossed House Bill No. 116, entitled:

"AN ACT Relating to public employees."

Section 3, in part, requires that the same standardized performance evaluation procedure applies to both classified and exempt positions. I feel that agency directors should have flexibility in establishing performance evaluation forms and procedures for their exempt employees. If a position meets the criteria for exemption, the supervisor of that sensitive position should have the flexibility to evaluate the employee's performance with the most appropriate process and form. I am also in favor of

maintaining a clear distinction between classified and exempt positions. Section 3, in part, is therefore vetoed.

With the exception of the part of Section 3 which I have vetoed, Engrossed House Bill No. 116 is approved.*

CHAPTER 462

[Engrossed Substitute House Bill No. 435]

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS—DISABILITY LEAVE SUPPLEMENT FOR TEMPORARY TOTAL DISABILITY

AN ACT Relating to county, municipal, and political subdivision employees; amending RCW 51.32.090; adding new sections to chapter 41.04 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

County, municipal, and political subdivision employers of full-time, commissioned law enforcement officers and full-time, paid fire fighters shall provide a disability leave supplement to such employees who qualify for payments under RCW 51.32.090 due to a temporary total disability.

***NEW SECTION.** Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

The disability leave supplement shall be an amount which, when added to the amount payable under RCW 51.32.090 will result in the employee receiving the same pay he or she would have received for full time active service, taking into account that industrial insurance payments are not subject to federal income or social security taxes , *as would have been received for full time active service* .

*Sec. 2 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

The disability leave supplement shall be paid as follows:

(1) The disability leave supplement shall begin on the sixth day of absence from work caused by the injury or illness which entitles the employee to benefits under RCW 51.32.090.

(2) One-half of the amount of the supplement as defined in section 2 of this act shall be charged against the accrued paid leave of the employee. In computing such charge, the employer shall convert accumulated days, or other time units as the case may be, to a money equivalent based on the base monthly salary of the employee at the time of the injury or illness. "Base monthly salary" for the purposes of this section means the amount earned by the employee before any voluntary or involuntary payroll deductions, and not including overtime pay.

(3) One-half of the amount of the supplement as defined in section 2 of this act shall be paid by the employer.

If an employee has no accrued paid leave at the time of an injury or illness which entitles him to benefits under RCW 51.32.090, or if accrued paid leave is exhausted during the period of disability, the employee shall receive only that portion of the disability leave supplement prescribed by subsection (3) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

The disability leave supplement provided by sections 1 through 5, 7, and 8 of this act shall continue as long as the employee is receiving benefits under RCW 51.32.090, up to a maximum of six months from the date of the injury or illness.

NEW SECTION. Sec. 5. A new section is added to chapter 41.04 RCW to read as follows:

While an employee is receiving disability leave supplement, the employee, subject to the approval of his or her treating physician, shall perform light duty tasks in the employee's previous department as the employer may require, with no reduction in the disability leave supplement.

Sec. 6. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 1, chapter 129, Laws of 1980 and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in ((subdivisions)) subsections (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent. However, during the period a worker returns to light-duty work, receives disability leave supplement payments pursuant to sections 1 through 5, 7, and 8 of this 1985 act, and is otherwise eligible for compensation under this section, the worker shall continue to receive such compensation at the rate provided under RCW 51.32.060 (1) through (13).

(4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as

able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages. This limitation does not apply to disability leave supplement payments made pursuant to sections 1 through 5, 7, and 8 of this 1985 act.

***NEW SECTION.** Sec. 7. A new section is added to chapter 41.04 RCW to read as follows:

(1) The employee shall continue to receive all benefits that are fully funded by the employer and are provided to active employees by the employer for the period of time the employee is eligible for disability leave supplement.

(2) The disability leave supplement provided in section 3(3) of this act shall not be considered salary or wages for personal services: PROVIDED, That the employee shall also continue to receive all insurance benefits provided in whole or in part by the employer, notwithstanding the fact that

some portion of the cost of those benefits is paid by the employee: PROVIDED FURTHER, That the portion of the cost not paid by the employer continues to be paid by the employee.

*Sec. 7 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 41.04 RCW to read as follows:

If an employee's accrued sick leave is exhausted during the period of disability, the employee may, for a period of two months following return to active service, draw prospectively upon sick leave the employee is expected to accumulate up to a maximum of three days or three work shifts, whichever is greater. Any sick leave drawn prospectively as provided in this section shall be charged against earned sick leave until such time as the employee has accrued the amount needed to restore the amount used. In the event an employee terminates active service without having restored the sick leave drawn prospectively, the employer shall deduct the actual cost of any payments made under this section from compensation or other money payable to the employee, or otherwise recover such payments.

NEW SECTION. Sec. 9. This act shall expire June 30, 1989.

NEW SECTION. Sec. 10. The legislative budget committee shall cause to be conducted a program and fiscal review of the program established by sections 1 through 5, 7, and 8 of this act. The review shall be conducted on or before June 30, 1987. In conducting the review, the legislative budget committee shall consider, but not be limited to, the following issues:

- (1) The fiscal impact of the program on local governmental entities;
- (2) The number of claims made and allowed, and duration of claims allowed, for disability leave supplement pursuant to sections 1 through 5, 7, and 8 of this act;
- (3) The number of claimants for disability leave supplement under sections 1 through 5, 7, and 8 of this act who have not returned to active service within six months from the injury or illness causing disability;
- (4) The number of local governmental entities who have entered into agreements with law enforcement officers and fire fighters which establish benefits which are greater than those prescribed by sections 1 through 5, 7, and 8 of this act, and the number of employees covered by such agreements.

NEW SECTION. Sec. 11. A new section is added to chapter 41.04 RCW to read as follows:

Nothing in sections 1 through 5, 7, and 8 of this act shall preclude employers of law enforcement officers and fire fighters and such employees from entering into agreements which provide benefits to employees which are greater than those prescribed by sections 1 through 5, 7, and 8 of this act, nor is there any intent by the legislature to alter or in any way affect any such agreements which may now exist.

NEW SECTION. Sec. 12. A new section is added to chapter 41.04 RCW to read as follows:

Cities and towns with a population of less than twenty-five hundred and counties with a population of less than ten thousand shall not be required to provide a disability leave supplement to their commissioned law enforcement officers and full-time paid fire fighters who qualify for payments pursuant to RCW 51.32.090, due to temporary total disability.

NEW SECTION. Sec. 13. A new section is added to chapter 41.04 RCW to read as follows:

This act neither grants employees a vested right to receive a disability leave supplement nor creates a contractual obligation on behalf of the state or its political subdivisions to provide a disability leave supplement.

NEW SECTION. Sec. 14. A new section is added to chapter 41.04 RCW to read as follows:

Disability leave supplement payments for employees covered by this act shall not be subject to interest arbitration as defined in RCW 41.56.430 through 41.56.905.

Passed the House April 22, 1985.

Passed the Senate April 16, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to two sections, Engrossed Substitute House Bill No. 435, entitled:

"AN ACT Relating to county, municipal and political subdivision employees."

The last portion of Section 2 after the word "taxes" is vetoed. This language makes no sense and appears to be a drafting error which only confuses the meaning of this section.

Section 7(1) provides that employees would continue to receive all other benefits given active employees. This language could include such things as uniform allowances, shift differential, shooting pay, sick and vacation leave accruals, and other compensation normally given only to working employees. The section attempted to parallel the LEOFF I program, hence my veto.

The balance of the bill is approved. It provides a needed benefit to a group of employees generally acknowledged by the public as subject to unusual duty related injuries. The cost appears not to be substantial.

I do not support the piecemeal or total readoption of the LEOFF I system for LEOFF II employees. This bill standardizes a practice similar to one voluntarily adopted by a number of counties and cities.

With the exceptions of Section 2 in part and Section 7(1), the remainder of Engrossed Substitute House Bill No. 435 is approved."

CHAPTER 463

[Substitute Senate Bill No. 3184]

STATE-OWNED HOUSING

AN ACT Relating to state-owned housing; adding a new chapter to Title 43 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature recognizes that significant benefits accrue to the state and that certain types of state operations are more efficient when personnel services are available on an extended basis. Such operations include certain types of facilities managed by agencies such as the departments of natural resources, corrections, fisheries, game, social and health services, transportation, veterans affairs, and the parks and recreation commission.

The means of assuring that such personnel are available on an extended basis is through the establishment of on-site state-owned or leased living facilities. The legislature also recognizes the restrictions and hardship placed upon those personnel who are required to reside in such state-owned or leased living facilities in order to provide extended personnel services.

The legislature further recognizes that there are instances where it is to the benefit of the state to have state-owned or leased living facilities occupied even though such occupancy is not required by the agency as a condition of employment.

NEW SECTION. Sec. 2. (1) Whenever an agency requires that an employee reside in state-owned or leased living facilities as a condition of employment, such living facilities shall be made available to the employee under the conditions set forth in sections 3 and 4 of this act.

(2) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) it would be to the agency's benefit to have the facility occupied by an employee of the agency whose duties involve extended personnel services associated with the work site upon which the living facility is located or at work site near to where the living facility is located, the agency may make the facility available to such employee.

(3) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) the facility has been made available to employees under subsection (2) of this section and that no such employees have opted to reside in the facility, the agency may make the facility available for occupancy to other interested parties.

***NEW SECTION.** Sec. 3. (1) No rent may be charged to persons living in facilities provided under section 2 (1) *and* (2) of this act. Such employees shall pay the costs of utilities associated with the living facility.

(2) *Rent and utility charges to residents of living facilities under section 2(3) of this act shall be established by the agency responsible for managing the living facility.*

(3) *Utility charges required by this section shall be based upon six cents per month per square foot to a maximum of thirteen hundred square feet, outside dimension. Utility costs may be adjusted by the department of general administration on a yearly basis to reflect an average of utility rate changes affecting all state-owned housing in the state. Individuals residing in living facilities available under section 2 of this act shall pay all utility costs attributable to the personal enhancements of the individual.*

(4) Any person occupying state-owned or leased living facilities shall do so with the understanding that he or she assumes custodial housekeeping responsibility as directed by the agency. Such responsibility shall not include maintenance, repairs, or improvements to the facilities. An occupant of a state-owned or leased facility is liable for damages to the facility in excess of normal wear and tear.

*Sec. 3 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. The state shall maintain living facilities occupied under section 2 of this act in a safe, healthful condition.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 27, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to three portions of Substitute Senate Bill No. 3184, entitled:

"AN ACT Relating to state-owned housing."

This bill would establish that no rent could be charged to state employees who are required to live in state-owned or leased living facilities as a condition of their employment. I have been advised this portion of the bill is mandated by a existing court order and the old rent structure varied from zero to \$100 per month. I have left this portion of the bill intact, but noting the free rent may count as income for retirement and other tax purposes.

However, Section 3(1) in part, requires that housing be made available rent free to employees who work at the site but are not required to live there. These employees

should pay rent since it is their option to live at the facilities. I have left intact the portion of the bill which allows employees the first option and non-employees the second option to occupy the housing if the agency chooses to rent the facility for its fair market rental value.

I have also vetoed Sections 3(2) and 3(3) which limited to \$78 per month or less, the discretion of the state to charge employees the actual cost of utilities and placed the rent determination at the agency level rather than at a centralized level as it had been in the past.

In all these situations, the state is acting as a landlord and should fulfill its obligations beyond just maintaining the facilities in a safe and healthful condition. The facilities should also be made reasonably energy efficient given their age and design and given regular maintenance. I feel requiring these measures makes more business sense than setting an arbitrary average maximum rate and house size on utility rates by statute. Other legislation passed this session takes a major step in requiring energy standards for new housing. I feel the state also should work to make all of its buildings as energy efficient as financially practical.

The Department of Personnel, General Administration and effected agencies will be asked to work together to resolve the above issues reference rental rates and improving the energy efficiency and maintenance of housing involved. If necessary, I will ask the Department of Personnel and General Administration to adopt regulations or draft an Executive Order to implement a uniform progressive policy in this area.

With the exceptions of Sections 3(1) in part, 3(2) and 3(3), Substitute Senate Bill No. 3184 is approved."

CHAPTER 464

[Substitute Senate Bill No. 4231]

GAME LICENSE AND PERMIT FEES MODIFIED

AN ACT Relating to game license and permit fees; amending RCW 77.32.060, 77.32-.101, 77.32.161, 77.32.191, 77.32.211, 77.32.230, 77.32.256, 77.32.340, 77.32.350, 77.32.360, and 77.32.380; repealing RCW 77.32.310; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 17, chapter 310, Laws of 1981 and RCW 77.32.060 are each amended to read as follows:

~~((Persons authorized to issue licenses, permits, tags, stamps, and punchcards may charge and keep up to fifty cents for each license issued, and up to))~~ The commission may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, stamp, or punchcard issued. The commission shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, stamp, or punchcard issued. The commission shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

Sec. 2. Section 20, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 20, chapter 310, Laws of 1981 and RCW 77.32.101 are each amended to read as follows:

(1) A hunting and fishing license allows a resident holder to hunt and fish throughout the state. The fee for this license is twenty-four dollars.

(2) A hunting license allows the holder to hunt throughout the state. The fee for this license is ~~((ten))~~ twelve dollars ~~((and fifty cents))~~ for residents and one hundred twenty-five dollars for nonresidents.

(3) A fishing license allows the holder to fish throughout the state. The fee for this license is ~~((twelve))~~ fourteen dollars for residents and ~~((thirty))~~ forty dollars for nonresidents.

Sec. 3. Section 27, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 22, chapter 310, Laws of 1981 and RCW 77.32.161 are each amended to read as follows:

A nonresident or resident may obtain a temporary fishing license, which allows the holder to fish throughout the state for three consecutive days. The fee for this license is ~~((nine))~~ seven dollars for residents and fourteen dollars ~~((and fifty cents))~~ for nonresidents. The resident temporary fishing license is not valid for an eight consecutive day period beginning on the opening day of the lowland lake fishing season.

Sec. 4. Section 23, chapter 310, Laws of 1981 and RCW 77.32.191 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state. A state trapping license is void on April 1st following the date of issuance. The fee for this license is ~~((twenty-five))~~ thirty dollars for residents: sixteen years of age or older, twelve dollars for residents under sixteen years of age, and one hundred ~~((twenty-five))~~ fifty dollars for nonresidents.

Sec. 5. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 284, Laws of 1983 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred fifty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred fifty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and ~~((two hundred fifty))~~ five hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the commission. The fee for this license is ~~((fifty))~~ sixty dollars for the first year and ~~((thirty))~~ forty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is ~~((ten))~~ twenty dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is ~~((ten))~~ twenty dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the commission. The fee for this license is one hundred fifty dollars.

Sec. 6. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 2, chapter ... (HB 479), Laws of 1985 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) Subject to subsection (7) of this section, a person seventy years of age or older who has been a resident for ten years ~~((or a))~~ may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71.20.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

~~((3))~~ (4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

~~((4))~~ (5) A fishing license is not required for persons under the age of ~~((sixteen))~~ fifteen.

~~((5))~~ (6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

(7) (a) By January 1, 1986, the game commission shall adopt a policy determining the fee, if any is charged, and residency requirement for fishing licenses for residents seventy years of age or older. Prior to adopting any policy, the commission shall hold state-wide hearings to learn concerns of interested citizens. The commission shall consider the needs of low-income senior citizens and appropriate residency requirements for senior citizens. If

the commission recommends a change in the fishing license fees for residents over seventy years of age, the commission shall report to the next regular session of the legislature the reasons for recommending the change.

(b) The department shall, in a timely manner, adopt by rule any fishing license fees and residency requirements recommended by the commission for persons seventy years of age or older.

Sec. 7. Section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 30, chapter 310, Laws of 1981 and RCW 77.32.256 are each amended to read as follows:

The commission shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is ~~((five))~~ eight dollars.

Sec. 8. Section 11, chapter 310, Laws of 1981 as amended by section 5, chapter 240, Laws of 1984 and RCW 77.32.340 are each amended to read as follows:

A supplemental stamp is required to hunt deer, elk, bear, cougar, sheep, mountain goat, moose, or wild turkey.

(1) The fee for a resident deer stamp is ~~((ten))~~ fifteen dollars. The fee for a nonresident deer stamp is fifty dollars.

(2) The fee for a resident elk stamp is ~~((fifteen))~~ twenty dollars. The fee for a nonresident elk stamp is ~~((seventy-five))~~ one hundred dollars.

(3) The fee for a resident bear stamp is ~~((ten))~~ fifteen dollars. The fee for a nonresident bear stamp is ~~((seventy-five))~~ one hundred fifty dollars.

(4) The fee for a resident cougar stamp is ~~((ten))~~ twenty dollars. The fee for a nonresident cougar stamp is ~~((one))~~ three hundred ((fifty)) dollars.

(5) The fee for a mountain goat stamp is ~~((thirty-five))~~ fifty dollars ~~((which))~~ for residents and one hundred fifty dollars for nonresidents. The fee shall be paid at the time of application. Applicants who are not selected for a mountain goat special season permit shall receive a refund of this fee, less five dollars.

(6) The fee for a sheep stamp is seventy-five dollars for residents and three hundred dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a sheep special season permit shall receive a refund of this fee, less five dollars.

(7) The fee for a moose stamp is one hundred fifty dollars for residents and three hundred dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a moose special season permit shall receive a refund of this fee, less five dollars.

(8) The fee for a wild turkey stamp is ~~((ten))~~ fifteen dollars.

(9) To be valid, supplemental stamps required under this section shall be permanently affixed to the transport tag at the time of purchase and the stamp numbers shall be legibly transferred to the hunting license.

(10) Supplemental stamps required under this section expire on March 31st following the date of issuance.

Sec. 9. Section 12, chapter 310, Laws of 1981 as amended by section 6, chapter 240, Laws of 1984 and RCW 77.32.350 are each amended to read as follows:

(1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is ~~((six))~~ ten dollars.

(2) An upland game bird stamp is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this stamp is ~~((six))~~ eight dollars.

~~(3) ((An archery stamp is required to hunt with a bow and arrow during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.~~

~~(4) A muzzleloading firearm stamp is required to hunt with a muzzleloading firearm during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.~~

~~(5))~~ A falconry ~~((stamp))~~ license is required to possess or hunt with a falcon ~~((during))~~, including seasons established exclusively for hunting in that manner. The fee for this ~~((stamp))~~ license is ~~((fifteen))~~ thirty dollars.

~~((6))~~ (4) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

~~((7))~~ (5) Stamps required by this section expire on March 31st following the date of issuance except for hound stamps, which expire December 31st following the date of issuance.

Sec. 10. Section 13, chapter 310, Laws of 1981 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is ~~((five))~~ fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule of the commission.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

(5) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is ~~((twelve))~~ fifteen dollars ~~((and fifty cents))~~.

~~((5))~~ (6) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

~~((6))~~ (7) Upland bird punchcards required under this section expire March 31st following the date of issuance.

Sec. 11. Section 15, chapter 310, Laws of 1981 and RCW 77.32.380 are each amended to read as follows:

~~((A conservation license is required to be displayed on all vehicles parked on game department lands or using game department access facilities which shall be clearly identified.))~~ Persons sixteen years of age or older who use clearly identified game department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ((five)) eight dollars annually. ((The license shall be issued to the registered owner of the vehicle and is nontransferable.

~~A conservation license shall be issued without charge to persons possessing a hunting, fishing, trapping, or free license.))~~

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use game department lands and access facilities when accompanied by the license holder.

Youth groups may use game department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified game department lands shall exhibit the required license.

NEW SECTION. Sec. 12. Section 118, chapter 78, Laws of 1980 and RCW 77.32.310 are each repealed.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the Senate April 28, 1985.

Passed the House April 27, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 465

[House Bill No. 66]

PLUMBERS

AN ACT Relating to plumbers; and amending RCW 18.106.070.

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

Sec. 1. Section 7, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 124, Laws of 1983 and RCW 18.106.070 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. A renewal fee shall be assessed for each certificate. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The certificate of competency and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber or specialty plumber in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a

journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) From the effective date of this 1985 act through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988, not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and (c) effective July 1, 1988, not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the commission for vocational education, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 466

[Substitute House Bill No. 625]

THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT RENAMED THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—SUNSET PROVISIONS REPEALED

AN ACT Relating to the department of commerce and economic development; amending RCW 43.31.373, 43.31.375, 43.31.377, 43.31.379, 43.31.381, 43.31.383, 43.31.385, 43.31.387, 43.31.390, 43.31.832, 43.31.833, 43.31.834, 19.02.040, 19.02.050, 24.46.010, 28C.04.440, 28C.04.460, 31.24.030, 35.21.800, 36.01.120, 39.19.040, 39.84.090, 43.17.010, 43.17.020, 43.21.260, 43.21A.170, 43.21A.510, 43.21A.515, 43.63A.075, 43.83.184, 43.96D.010, 43.96D.020, 43.96D.040, 43.160.020, 43.160.030, 43.170.020, 43.170.030, 43.175.010, 43.175.020, 43.210.050, 43.210.060, 50.38.030, 67.16.100, 67.34.010, 70.95.265, 76.09.030, 80.50.030, 43.131.315, and 43.131.316; adding new sections to chapter 41.06 RCW; adding new sections to chapter 43.31 RCW; creating new sections; recodifying RCW 43.31.400, 43.31.405, 43.31.410, 43.31.415, and 43.31.420; decodifying RCW 43.31.500, 43.31.510, 43.31.520, 43.31.525, 43.31.530, 43.31.540, 43.31.550, 43.31.560, 43.31.570, 43.31.580, 43.31.590, 43.31.620, 43.31.630, 43.31.640, 43.31.660, 43.31.670, 43.31.680, 43.31.690, 43.31.700, 43.31.710, 43.31.720, 43.31.730, 43.31.740, 43.31.750, 43.31.760, 43.31.770, and 43.31.865; repealing RCW 43.31.010, 43.31.020, 43.31.030, 43.31.040, 43.31.050, 43.31.060, 43.31.070, 43.31.080, 43.31.110, 43.31.120, 43.31.140, 43.31.150, 43.31.160, 43.31.170, 43.31.180, 43.31.350, 43.31.360, 43.31.370, 43.31.831, 43.31.860, 43.31.870, 43.31.875, 43.31.880, 43.31.885, 43.31.890, 43.31.895, 43.31.900, 43.31.910, 43.31.915, 43.31.920, 43.31.925, 43.31.930, 43.31.935, 43.31.940, 43.31.942, 43.31.944, 43.31.946, 43.31.948, 43.31B.010, 43.31B.020, 43.31B.030, 43.31B.040, 43.31B.050, 43.31B.900, 43.131.257, 43.131.258, 43.131.317, and 43.131.318; making an

appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, and to foster the formation of new businesses. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage and promote a more diversified and healthy economy.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must articulate a consistent, long-term trade policy. It is the responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

NEW SECTION. Sec. 2. There is established a department of state government to be known as the department of trade and economic development. The department shall be vested with all powers and duties authorized under this chapter and such other powers and duties as may be provided by law.

NEW SECTION. Sec. 3. As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of trade and economic development.
- (2) "Director" means the director of trade and economic development.
- (3) "Office" means the office of small business within the department of trade and economic development.

(4) "Small business" means any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

NEW SECTION. Sec. 4. **ECONOMIC DEVELOPMENT COORDINATION AND COOPERATION.** The department shall pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs in the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state and the continual update of information and strategies contained in the long-term economic program for the state.

NEW SECTION. Sec. 5. **FOREIGN AND DOMESTIC INVESTMENT OUTREACH.** The department shall conduct a program to identify and attract both domestic and foreign businesses to locate job-creating plant and facility investments within the state. The department's activities shall include, but not be limited to:

(1) Implementing programs to attract domestic and international investors, and providing technical assistance to potential investors on the advantages of Washington state for business location and expansion.

(2) Coordinating business investment efforts with other state agencies, local governments, and public and private local economic development groups in order to assist communities seeking new business activity and the expansion of existing businesses.

(3) Using private sector organizations and individuals from Washington's businesses to facilitate outreach and investment efforts.

NEW SECTION. Sec. 6. **BUSINESS EXPANSION AND TRADE DEVELOPMENT.** The department shall assist in expanding the state's role as a major international gateway for landing and transshipping goods bound for domestic and foreign markets. The department shall identify and work

with Washington businesses which can utilize state assistance to increase domestic and foreign exports and are capable of increasing production of goods and services, including but not limited to manufactured goods, raw materials, services, and retail trade. The department shall participate in trade and industry exhibitions both foreign and domestic to promote and market state products and services. The department's activities shall include, but not be limited to:

(1) Operating an active and vigorous effort to market the state's products and services internationally, coordinated with private and public international trade efforts throughout the state.

(2) Coordinating with the domestic and foreign export market development activities of the state department of agriculture.

(3) Sending delegations to foreign countries and other states to promote trade with Washington.

(4) Acting as a centralized location for the assimilation and distribution of trade information.

****NEW SECTION. Sec. 7. The legislature declares that the long-term trade policy of the state of Washington will have the largest impact on the volume of trade moving through our state by providing leadership and vision, and by concentrating on traditional state functions, such as transportation, infrastructure, education, taxation, regulation, and public expenditures. It is the responsibility of the state to ensure that these traditional functions contribute to the international focus Washington must develop.***

**Sec. 7 was vetoed, see message at end of chapter.*

****NEW SECTION. Sec. 8. In order to implement this long-term trade policy, to ensure traditional functions contribute to an international focus, the department of trade and economic development:***

(1) Should support federal government efforts to work directly with foreign governments in reducing real and artificial trade barriers;

(2) Should coordinate its efforts with agencies in other states to affect regional and national policy. Washington has a common destiny with other free trade states. The governor, department heads, and legislative leaders should coordinate efforts with their counterparts in these other states;

(3) Should develop international trade goals, policies, and strategies with the full support and counsel of the private sector;

(4) Should monitor Washington's competitive status regarding taxation, transportation, education, and other public policies related to international trade;

(5) Should adopt policies which increase the efficiency and competitiveness of the state's transportation system, so products arrive to the end consumer quicker, and at a lower, predictable cost;

(6) Should recognize the critical need for constant, detailed, federal-state coordination in planning and implementing business outreach information programs; and

(7) Should recognize the appropriate role of the state, and only provide business assistance which is not duplicative, and which is responding to a tangible private sector demand not already being met by the private sector.

***Sec. 8 was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 9. TOURISM DEVELOPMENT AND COORDINATION. The department shall market and coordinate the attraction of visitors and conventions to the state and the expansion of the tourism industry throughout the state in cooperation with the visitor industry, as well as public and private tourism development organizations. The department's activities shall include, but not be limited to:

(1) Developing cooperative marketing programs with local public and private tourism promotion organizations throughout the state for dissemination both domestically and internationally.

(2) Participating in select tourism industry trade shows as part of a program to increase the state's attractiveness to all segments of the visitor market.

(3) Encouraging and stimulating the development of specific local tourism attractions and tourism destination facilities throughout the state.

NEW SECTION. Sec. 10. FILM AND VIDEO PRODUCTION. The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials, within the state. The department's activities shall include, but not be limited to, providing liaison, coordination, and referral assistance between film and video production companies, the state and local agencies, and private sector businesses.

NEW SECTION. Sec. 11. SMALL BUSINESS ASSISTANCE AND COORDINATION. The department shall create an office of small business and through the office of small business shall:

(1) Serve as an advocate for the development and conservation of small businesses and coordinate the delivery of state programs to assist small businesses.

(2) Serve as the small business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist small businesses.

NEW SECTION. Sec. 12. DEVELOPMENT SERVICES AND SUPPORT. The department shall undertake research, analysis, and strategic planning in order to further the state economic development program. Direct financial and technical assistance shall be provided to stimulate new private sector investment, increase employment, and increase economic activity. The department's activities shall include, but not be limited to:

(1) Identifying for the governor and the legislature those strategies, policies, and programs that will best achieve economic stabilization, diversification, and growth.

(2) Maintaining current information on market and economic trends as they affect different industries, geographic regions, and communities with special economic problems in the state, as well as maintaining an information management system to service the programs administered by the department and other development organizations.

NEW SECTION. Sec. 13. The executive head and appointing authority of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 14. The director shall have the power to appoint a confidential secretary, two deputy directors, and seven assistant directors as may be required to carry out the functions and duties of the department. The director shall have the power to employ such professional, technical, and clerical employees as may be necessary for the general administration of the department in accordance with chapter 41.06 RCW, except as otherwise provided.

The director may also delegate such functions, powers, and duties to other officers and employees of the department as the director deems necessary to further the purposes of this chapter, but the director shall be responsible for the official acts of the officers and employees of the department. The director shall ensure that yearly work plans are developed for all offices and divisions within the department.

NEW SECTION. Sec. 15. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter shall not apply in the department of trade and economic development to the director, to one confidential secretary, the deputy directors, and all assistant directors.

NEW SECTION. Sec. 16. The director may establish such advisory groups as in the director's discretion are necessary to carry out the purposes of this chapter. Members of and vacancies in such advisory groups shall be filled by appointment by the director. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 17. (1) In addition to other duties and responsibilities assigned under this chapter:

(a) The director may:

(i) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(ii) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter; and

(iii) Accept gifts and grants, whether such grants be of federal or other funds;

(b) The director shall:

(i) Prepare and submit for executive and legislative action thereon the budget for the department;

(ii) Submit a biennial report to the governor and to the legislature on the activities of the department and the nature of existing economic development problems;

(iii) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter; and

(iv) Adopt rules in accordance with chapter 34.04 RCW and do all other things necessary and proper to carry out the purposes of this chapter.

(2) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(3) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials when such a request imposes any additional expenses upon any such agency, department, or official.

(4) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, as to allow the department to carry out its purposes under this chapter.

NEW SECTION. Sec. 18. The department is charged with the primary role within state government for the establishment and operation of foreign offices created for the purpose of promoting overseas trade and commerce. The department shall serve as the state's official liaison and protocol office with foreign governments.

NEW SECTION. Sec. 19. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce and economic development shall be delivered to the custody of the department of trade and economic development. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce and economic development shall be made available to the department of trade and economic development. All funds, credits, or other assets held by the department of commerce and economic development shall be assigned to the department of trade and economic development.

Any appropriations made to the department of commerce and economic development shall, on the effective date of this act, be transferred and credited to the department of trade and economic development.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 20. All classified employees of the department of commerce and economic development are transferred to the jurisdiction of the department of trade and economic development. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of trade and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 21. All rules and all pending business before the department of commerce and economic development shall be continued and acted upon by the department of trade and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of trade and economic development.

NEW SECTION. Sec. 22. The transfer of the powers, duties, functions, and personnel of the department of commerce and economic development shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 23. If apportionments of budgeted funds are required because of the transfers directed by sections 19 through 22 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

Sec. 24. Section 1, chapter 175, Laws of 1984 and RCW 43.31.373 are each amended to read as follows:

The Washington state legislature finds that there are various nations that may not be fully aware of the competitive products and services, and opportunities for investment, available in the state of Washington. The legislature further finds that the cost to the state of maintaining numerous offices and employees abroad to promote the products, services, and

investment opportunities available in this state may be prohibitive. The legislature finds that there are numerous opportunities within the state, domestically and internationally, to utilize individuals to promote investment and economic development in Washington.

The legislature recognizes that there are numerous distinguished and civic minded individuals residing in this state as well as citizens of the United States and other nations who have a broad knowledge of this state and its products. The legislature acknowledges that certain of these individuals may be willing to act as ~~((honorary commercial attaches))~~ Washington ambassadors for the state of Washington.

Sec. 25. Section 2, chapter 175, Laws of 1984 and RCW 43.31.375 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~((“Attache” means an honorary commercial attache))~~ “Ambassador” means a Washington ambassador.

(2) “Department” means the department of ~~((commerce))~~ trade and economic development, or its successor agency.

(3) “Director” means the director of ~~((commerce))~~ trade and economic development, or its successor agency.

(4) ~~((“Office” or “office of international trade” means the office of international trade of the department of commerce and economic development, or its successor agency.~~

~~(5))~~ “Program” means the ((honorary commercial attache)) Washington ambassador program.

Sec. 26. Section 3, chapter 175, Laws of 1984 and RCW 43.31.377 are each amended to read as follows:

There is established within the ~~((office of international trade))~~ department the ~~((honorary commercial attache))~~ Washington ambassador program.

The ~~((office))~~ department in administering the program, shall:

(1) Identify candidate ~~((attaches))~~ ambassadors by accepting recommendations and soliciting referrals from Washington state businesses having extensive overseas trade involvement, state universities with foreign student exchange programs, local internationally oriented societies and trade groups, international consulates, various levels of government, and other sources.

(2) Screen applicants to determine their suitability to ably represent the state as ~~((honorary commercial attaches))~~ Washington ambassadors, including:

(a) Making formal inquiry to the United States commercial attache in the appropriate United States embassy or consulate general;

(b) Conducting background research and reference evaluation as necessary to ensure that the applicant is a distinguished and respected member of his or her profession;

(3) Make its report and recommendations to the governor and the president of the senate regarding applicants;

(4) Provide a comprehensive orientation on state products and services and opportunities for investment in the state on an ongoing basis to ~~((attaches))~~ ambassadors;

(5) Prepare and provide the necessary brochures, pamphlets, and materials for use and distribution by ~~((attaches))~~ ambassadors;

(6) Target those regions and countries in which an ~~((attache))~~ ambassador would be most beneficial; and

(7) Assist the ~~((attaches))~~ ambassadors in the execution of their duties including providing guidance on developing trade and investment leads and acting as a focal point for all resulting communications between international companies and individuals with the state.

The department may administer the ~~((honorary-commercial-attache))~~ Washington ambassador program in conjunction with other similar programs.

Sec. 27. Section 4, chapter 175, Laws of 1984 and RCW 43.31.379 are each amended to read as follows:

~~((Honorary-commercial-attaches))~~ Washington ambassadors shall be appointed by the governor, with approval by the president of the senate, from recommendations submitted by the director of ~~((commerce))~~ trade and economic development. Upon appointment, ~~((an-honorary-commercial-attache))~~ a Washington ambassador shall receive from the governor an official certificate and letter of appointment and the state flag. These articles may be used by the ~~((attache))~~ ambassador in the conduct of his or her official duties.

Sec. 28. Section 5, chapter 175, Laws of 1984 and RCW 43.31.381 are each amended to read as follows:

~~((Honorary-commercial-attaches))~~ Washington ambassadors shall act as representatives of the state in promoting international investment, trade, and tourism in Washington state in a manner consistent with this chapter.

The ~~((office))~~ department shall coordinate the development of the ~~((attaches'))~~ ambassadors' agendas and long-term and short-term plans for the activities of the ~~((attaches))~~ ambassadors. An ~~((attache))~~ ambassador shall avoid conducting private or personal business when acting as a representative of the state of Washington. In any situation presenting a possible or apparent conflict of interest, the ~~((attache))~~ ambassador shall notify the director who shall recommend appropriate action. ~~((Honorary-commercial-attaches))~~ Washington ambassadors shall not receive compensation, or reimbursement for travel or any other expenses associated with their duties.

Sec. 29. Section 6, chapter 175, Laws of 1984 and RCW 43.31.383 are each amended to read as follows:

The department (~~((through the office))~~) may:

(1) Receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement RCW 43.31.373 through 43.31.387;

(2) Receive such gifts, grants, and endowments from private or public sources as may be made available, in trust or otherwise, for the use and benefit of the (~~((honorary commercial attache))~~) Washington ambassador program, and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and

(3) Charge reasonable fees or other appropriate charges for using the (~~((office's))~~) department's services, attendance at workshops and conferences sponsored by the (~~((office))~~) department, and for various publications and materials which it is authorized to prepare and distribute for the purpose of defraying all or part of the costs of the (~~((office))~~) department in administering the (~~((honorary commercial attache))~~) Washington ambassador program.

Sec. 30. Section 7, chapter 175, Laws of 1984 and RCW 43.31.385 are each amended to read as follows:

The director (~~((of commerce and economic development, or its successor agency;))~~) shall report annually to the appropriate legislative committees with special emphasis on the (~~((honorary commercial attache))~~) Washington ambassador program's impact on the economy of the state; the number of (~~((honorary commercial attaches))~~) Washington ambassadors; and recommendations regarding the program.

Sec. 31. Section 8, chapter 175, Laws of 1984 and RCW 43.31.387 are each amended to read as follows:

(~~((Honorary commercial attaches))~~) Washington ambassadors shall serve at the pleasure of the governor who may revoke their certificates of appointment at any time, after consultation with the president of the senate.

NEW SECTION. Sec. 32. RCW 43.31.377 through 43.31.387 shall only apply to Washington ambassadors who travel or reside in other countries and who represent the interests of the state of Washington in those countries.

Sec. 33. Section 4, chapter 94, Laws of 1984 and RCW 43.31.390 are each amended to read as follows:

The department (~~((of commerce and economic development))~~) shall incorporate information from the environmental profile developed by the department of ecology in accordance with RCW 43.21A.510 in preparing promotional brochures and in its presentations to businesses considering locating in Washington state. It shall also make the information available to local economic development groups for use in local economic development efforts.

Sec. 34. Section 2, chapter 93, Laws of 1972 ex. sess. as last amended by section 1, chapter 2, Laws of 1981 2nd ex. sess. and RCW 43.31.832 are each amended to read as follows:

~~((In addition to the sum transferred in RCW 43.31.831, additional))~~
Funds determined to be surplus funds by the director ~~((of the department of commerce and economic development))~~ may be transferred from the state trade fair fund to the general fund upon the recommendation of the director ~~((of the department of commerce and economic development))~~ and the state treasurer: PROVIDED, That the director may also elect to expend up to one million dollars of such surplus on ~~((the department of commerce and economic development))~~ foreign trade related activities, including, but not limited to, promotion of investment ~~((pursuant to RCW 43.31.060))~~, tourism ~~((pursuant to RCW 43.31.050))~~, and foreign trade ~~((pursuant to RCW 43.31.350 through 43.31.370))~~.

Sec. 35. Section 3, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.833 are each amended to read as follows:

RCW ~~((43.31.831))~~ 43.31.832 through 43.31.834 shall not be construed to interfere with the state financial aid made available under the provisions of RCW 43.31.790 through 43.31.860 regardless of whether such aid was made available before or after May 23, 1972.

Sec. 36. Section 4, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.834 are each amended to read as follows:

RCW ~~((43.31.831))~~ 43.31.832 through 43.31.834 shall be construed to supersede any provision of existing law to the contrary.

Sec. 37. Section 4, chapter 319, Laws of 1977 ex. sess. as last amended by section 5, chapter 182, Laws of 1982 and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of licensing as it establishes and operates the business registration and licensing system. The board of review shall be composed of the following officials or their designees:

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, employment security department;
- (d) Director, department of agriculture;
- (e) Director, department of ~~((commerce))~~ trade and economic development;
- (f) Director, department of licensing;
- (g) Director, office of financial management;
- (h) Chairman, liquor control board;
- (i) Secretary, department of social and health services;
- (j) Secretary of state;
- (k) The governor; and

(l) As ex officio members:

- (i) The president of the senate or the president's designee;
- (ii) The speaker of the house or the speaker's designee; and
- (iii) A representative of a recognized state-wide organization of employers, representing a large cross section of the Washington business community, to be appointed by the governor.

(2) The governor shall be the chairperson. In the governor's absence, the secretary of state shall act as chairperson.

(3) The board shall meet at the call of the chairperson at least semi-annually or at the call of a member to:

- (a) Establish interagency policy guidelines for the system;
- (b) Review the findings, status, and problems of system operations and recommend courses of action;
- (c) Receive reports from industry and agency task forces;
- (d) Determine in questionable cases whether a specific license is to be included in the master license system;
- (e) Review and make recommendations on rules proposed by the business license center and any amendments to or revisions of the center's rules.

(4) The board shall submit a report to the legislature each biennium identifying the licenses that the board believes should be added to the list of those processed under the master license system.

Sec. 38. Section 5, chapter 319, Laws of 1977 ex. sess. as amended by section 78, chapter 158, Laws of 1979 and RCW 19.02.050 are each amended to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this chapter:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of fisheries;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of (~~commerce~~) trade and economic development;
- (i) Liquor control board;
- (j) Board of pharmacy;
- (k) Department of licensing;
- (l) Utilities and transportation commission; and
- (m) Other agencies as determined by the governor.

Sec. 39. Section 1, chapter 196, Laws of 1977 ex. sess. and RCW 24.46.010 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this

purpose is to be encouraged. It is the further intent of the legislature that the department of ((commerce)) trade and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 40. Section 6, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.440 are each amended to read as follows:

The department of ((commerce)) trade and economic development or its successor and the employment security department shall each enter into an interagency agreement with the commission on vocational education to establish cooperative working arrangements for the purposes of RCW 28C.04.410 through 28C.04.480.

Sec. 41. Section 8, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C.04.460 are each amended to read as follows:

The department of ((commerce)) trade and economic development or its successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

- (1) Work cooperatively with the commission on vocational education to market the job skills program to business and economic development agencies and other firms;
- (2) Recruit industries from outside the state to participate in the job skills training program; and
- (3) Refer business and industry interested in developing a job skills training program to the commission on vocational education.

Sec. 42. Section 3, chapter 162, Laws of 1963 as amended by section 51, chapter 3, Laws of 1983 and RCW 31.24.030 are each amended to read as follows:

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

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

(2) To borrow money from its members and the small business administration and any other similar federal agency, for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval: PROVIDED,

That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

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

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

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

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

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

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

and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

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

Sec. 43. Section 3, chapter 196, Laws of 1977 ex. sess. and RCW 35-.21.800 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of (~~commerce~~) trade and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 44. Section 5, chapter 196, Laws of 1977 ex. sess. and RCW 36-.01.120 are each amended to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of (~~commerce~~) trade and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

Sec. 45. Section 4, chapter 120, Laws of 1983 and RCW 39.19.040 are each amended to read as follows:

(1) There is hereby created an advisory committee on minority and women's business enterprises to assist the director with the development of policies to carry out this chapter, consisting of the director of the office of financial management as a voting member and the following nonvoting members: The executive director of the human rights commission, a representative of the council of state college and university presidents, the commissioner of employment security, the secretary of social and health services, the secretary of transportation, the director of general administration, and the director of (~~commerce~~) trade and economic development. The president of the senate and the speaker of the house shall appoint two members each, one from the majority, and one from the minority party of each body. The governor shall appoint nine voting members from the private sector who shall be representative of both sexes and who shall also be ethnically and geographically diverse. Six of the private sector members shall represent minority and women-owned businesses; three members shall be from the business community.

(2) The initial terms of the private sector members shall commence on July 1, 1983. Five private sector members shall be appointed for an initial term of two years; four private sector members shall be appointed for an

initial term of four years. Thereafter, all private sector members shall be appointed for four years or until their respective successors are appointed. Appointments to fill vacancies shall be for the balance of any unexpired term, and shall be filled in the same manner as the original appointments.

(3) Private sector members shall serve without pay, but all committee members shall be entitled to reimbursement for travel expenses incurred in performance of their duties as members of the committee under RCW 43.03.050 and 43.03.060, except that legislative members shall be entitled to reimbursement under RCW 44.04.120.

(4) Six voting members constitute a quorum for the conduct of official business. The advisory committee shall elect a chairperson from among the private sector members.

Sec. 46. Section 9, chapter 300, Laws of 1981 and RCW 39.84.090 are each amended to read as follows:

(1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of ((commerce)) trade and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of ((commerce)) trade and economic development shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.

(3) The department of ((commerce)) trade and economic development shall report annually to the legislature and the governor on the amount of capital investment undertaken under this chapter and the amount of permanent employment reasonably related to the existence of such industrial development facilities.

(4) The department of ((commerce)) trade and economic development shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of ((commerce)) trade and economic development considers appropriate.

Sec. 47. Section 1, chapter 10, Laws of 1979 as last amended by section 12, chapter 125, Laws of 1984 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of ((commerce)) trade and economic development, (11) the department of

veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) the department of community development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 48. Section 2, chapter 10, Laws of 1979 as last amended by section 13, chapter 125, Laws of 1984 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of ~~((commerce))~~ trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01-.041, and the director of game shall be appointed by the game commission.

Sec. 49. Section 43.21.260, chapter 8, Laws of 1965 and RCW 43.21-.260 are each amended to read as follows:

Before the director of conservation shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, he shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director of conservation thereof within ten days after the last date of publication of such notice. If the director of conservation determines that it is in the best public interest that the director of conservation proceed with such construction rather than the public utility or operating agency, he shall so notify the director of ~~((commerce))~~ trade and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of ~~((commerce))~~ trade and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out

such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, he shall enter an order so finding and such order shall divest the director of conservation of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director of conservation or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director of conservation shall have the same authority to proceed as though the director had originally entered an order so authorizing the director of conservation to proceed. If, after considering the evidence introduced, the director of ~~((commerce))~~ trade and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, he shall then enter an order so finding and authorizing the director of conservation to proceed with the construction or acquisition of the facility.

Sec. 50. Section 17, chapter 62, Laws of 1970 ex. sess. as amended by section 68, chapter 141, Laws of 1979 and RCW 43.21A.170 are each amended to read as follows:

There is hereby created an ecological commission. The commission shall consist of seven members to be appointed by the governor from the electors of the state who shall have a general knowledge of and interest in environmental matters. No persons shall be eligible for appointment who hold any other state, county or municipal elective or appointive office.

(a) One public member shall be a representative of organized labor.

(b) One public member shall be a representative of the business community.

(c) One public member shall be a representative of the agricultural community.

(d) Four persons representing the public at large.

The members of the initial commission shall be appointed within thirty days after July 1, 1970. Of the members of the initial commission, two shall be appointed for terms ending June 30, 1974, two shall be appointed for terms ending on June 30, 1973, two shall be appointed for terms ending on June 30, 1972, and one shall be appointed for a term ending June 30, 1971. Thereafter, each member of the commission shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the commission shall continue in office until his successor is appointed. No member shall be appointed for

more than two consecutive terms. The chairman of the commission shall be appointed from the members by the governor.

The governor may remove any commission member for cause giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense. There shall be no right of review in any court whatsoever. The director or administrator, or a designated representative, of each of the following state agencies:

- (1) The department of agriculture;
- (2) The department of ((commerce)) trade and economic development;
- (3) The department of fisheries;
- (4) The department of game;
- (5) The department of social and health services;
- (6) The department of natural resources; and
- (7) The state parks and recreation commission shall be given notice of

and may attend all meetings of the commission and shall be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

Sec. 51. Section 2, chapter 94, Laws of 1984 and RCW 43.21A.510 are each amended to read as follows:

In order to assist the department of ((commerce)) trade and economic development in providing information to businesses interested in locating in Washington state, the department shall develop an environmental profile of the state. This profile shall identify the state's natural resources and describe how these assets are valuable to industry. Examples of information to be included are water resources and quality, air quality, and recreational opportunities related to natural resources.

Sec. 52. Section 3, chapter 94, Laws of 1984 and RCW 43.21A.515 are each amended to read as follows:

In order to emphasize the importance of the state's environmental laws and regulations and to facilitate compliance with them, the department of ecology shall provide assistance to businesses interested in locating in Washington state. When the department of ((commerce)) trade and economic development receives a query from an interested business through its industrial marketing activities, it shall arrange for the department of ecology to provide information on the state's environmental laws and regulations and methods of compliance. This section shall facilitate compliance with state environmental laws and regulations and shall not weaken their application or effectiveness.

Sec. 53. Section 6, chapter 125, Laws of 1984 and RCW 43.63A.075 are each amended to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) Develop expertise in federal, state, and local community and economic development programs;

(2) assist communities and businesses to secure available financing; and (3) work closely with the department of ((commerce)) trade and economic development on financial and technical assistance programs available to small and medium sized businesses. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

Sec. 54. Section 1, chapter 54, Laws of 1983 1st ex. sess. and RCW 43.83.184 are each amended to read as follows:

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, and for the purpose of land acquisitions by the department of transportation, grants and loans by the department of ((commerce)) trade and economic development, and facilities of the department of corrections and other state agencies, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-four million two hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

Sec. 55. Section 1, chapter 177, Laws of 1983 and RCW 43.96D.010 are each amended to read as follows:

The 1962 world fair held in Seattle and the 1974 world fair held in Spokane resulted in the influx of thousands of visitors from all over the world and aided in promoting the state and its large variety of products and its great trade potential. They also served to strengthen the social, cultural, and economic ties between the state and its Canadian provincial neighbor to the north, British Columbia. In 1986 British Columbia will host a world exposition. Recent experience has proven that participation in such events benefits all those concerned.

Therefore, it is the declared intent of the Washington state legislature that the state of Washington should participate in Expo '86 in Vancouver, British Columbia, between May and October, 1986. The on-site presence of the state of Washington will conform to the theme of Expo '86, "Man in Motion, Transportation and Communication," and will be coordinated with efforts of the department of ((commerce)) trade and economic development, the department of transportation, the Washington state patrol, and other agencies to insure maximum hospitality and benefit for the millions of additional visitors who will co-visit Washington state.

Sec. 56. Section 2, chapter 177, Laws of 1983 and RCW 43.96D.020 are each amended to read as follows:

(1) There is hereby created the world fair commission to consist of nine members to be selected as follows: Five by the governor, two senators (being one from the senate majority and one from the senate minority) by the president of the senate, and two representatives (being one from the house majority and one from the house minority) by the speaker of the house of representatives, to serve until June 30, 1987. The governor shall designate one member to serve as chairman of the commission. Members of the commission shall serve without compensation but shall be reimbursed for travel expenses while on commission business under RCW 43.03.050 and 43.03.060. The commission shall meet at such time as it is called by the governor or by the chairman of the commission.

(2) The governor shall appoint an executive director for the commission. The executive director shall serve at the governor's pleasure or until completion of state participation in the British Columbia exposition of 1986. The department of ((commerce)) trade and economic development shall provide administrative and staff support to the commission.

Sec. 57. Section 4, chapter 177, Laws of 1983 and RCW 43.96D.040 are each amended to read as follows:

Reimbursement of commissioners for expenses as authorized in subsection (1) of RCW 43.96D.020 shall be paid by the director of ((commerce)) trade and economic development as a proper charge to the state trade fair fund.

Sec. 58. Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 12, chapter 6, Laws of 1985 and RCW 43.160.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of ((commerce)) trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

***Sec. 59. Section 3, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 13, chapter 6, Laws of 1985 and RCW 43.160.030 are each amended to read as follows:**

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of nine persons appointed by the governor and the director of ~~((commerce))~~ trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, and the chairmen of the committee on ~~((commerce))~~ trade and economic development of the house of representatives and the committee on commerce and labor of the senate, or the equivalent standing committees, for a total of seventeen members. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of ~~((the department of commerce))~~ trade and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of ~~((commerce))~~ trade and economic development.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

*Sec. 59 was vetoed, see message at end of chapter.

Sec. 60. Section 2, chapter 44, Laws of 1982 and RCW 43.170.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ~~((commerce))~~ trade and economic development.

(2) "Director" means the director of ~~((commerce))~~ trade and economic development.

(3) "Program" means the small business innovators' opportunity program.

(4) "Inventor" or "innovator" means one who thinks of, imagines, or creates something new which may result in a device, contrivance, or process for the first time, through the use of the imagination or ingenious thinking and experimentation.

(5) "Proposal" means a plan provided by an inventor or innovator on an idea for an invention or an improvement.

(6) "Higher education" means any university, college, community college, or technical institute in this state.

Sec. 61. Section 3, chapter 44, Laws of 1982 and RCW 43.170.030 are each amended to read as follows:

The department of ~~((commerce))~~ trade and economic development, in cooperation with institutions of higher education, shall establish as a pilot project a small business innovators' opportunity program to provide a professional research and counseling service on a user fee basis to inventors, innovators, and the business community.

The composition and organizational structure of the program shall be determined by the department in a manner which will foster the continuation of the program without state funding at the end of the pilot project established by this chapter. The department shall provide staff support for the program for the duration of the pilot project. The program shall:

(1) Receive proposals from inventors and innovators;

(2) Review proposals for accuracy and evaluate their prospects for marketability;

(3) Cooperate with institutions of higher education to evaluate proposals for marketability, suitability for patent rights, and for the provision of professional research and counseling;

(4) Provide assistance to the innovators and inventors as appropriate; and

(5) Have the power to receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement this chapter.

The user fee shall be set by the director in an amount which is designed to recover the cost of the services provided.

Sec. 62. Section 7, chapter 282, Laws of 1984 and RCW 43.175.010 are each amended to read as follows:

(1) There is established the small business improvement council to consist of at least fifteen but not more than thirty members to be appointed by the governor. In making the appointments, the governor shall consider the recommendations of business organizations and persons operating small businesses. At least fifteen percent of the members of the council shall be women or members of minority groups, and at least one member of the council shall represent agribusiness concerns. Members of the small business improvement council shall be appointed for terms of four years, but the governor may modify the terms of the initial members as necessary to achieve staggered terms.

(2) Members of the small business improvement council shall not be compensated or be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The department of ~~((commerce))~~ trade and economic development or its successor agency shall provide staff support and administrative assistance to the council.

Sec. 63. Section 8, chapter 282, Laws of 1984 and RCW 43.175.020 are each amended to read as follows:

The small business improvement council shall seek to identify regulatory, administrative, and legislative proposals that will improve the entrepreneurial environment for small businesses. In consultation with the department of ~~((commerce))~~ trade and economic development and the appropriate standing committees of the senate and house of representatives, the small business improvement council shall submit its proposals to the governor and the legislature prior to the convening of each regular session of the legislature. ~~((The proposals shall include the recommendations of the council's subcommittees established under section 9 of this act.))~~

Sec. 64. Section 5, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.050 are each amended to read as follows:

The export assistance center formed under RCW 43.210.020 and 43.210.030 is eligible to receive consideration for a contract under this chapter

from the department of ~~((commerce))~~ trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services and may not have a duration of longer than two years. ~~((The center, including its branch, for the biennium ending June 30, 1985, may not have more than one contract with the department of commerce and economic development or its statutory successor.))~~

Sec. 65. Section 6, chapter 20, Laws of 1983 1st ex. sess. and RCW 43.210.060 are each amended to read as follows:

The department of ~~((commerce))~~ trade and economic development or its statutory successor shall adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter.

Sec. 66. Section 3, chapter 43, Laws of 1982 as amended by section 18, chapter 6, Laws of 1985 and RCW 50.38.030 are each amended to read as follows:

The employment security department shall consult with the following agencies prior to the issuance of the state occupational forecast:

- (1) Office of financial management;
- (2) Department of ~~((commerce))~~ trade and economic development;
- (3) Department of labor and industries;
- (4) State board for community college education;
- (5) Superintendent of public instruction;
- (6) Department of social and health services;
- (7) Department of community development;
- (8) Commission for vocational education; and
- (9) Other state and local agencies as deemed appropriate by the commissioner of the employment security department.

These agencies shall cooperate with the employment security department, submitting information relevant to the generation of occupational forecasts.

Sec. 67. Section 1, chapter 16, Laws of 1980 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next

business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of (~~commerce~~) trade and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 68. Section 1, chapter 27, Laws of 1982 1st ex. sess. and RCW 67.34.010 are each amended to read as follows:

The legislature recognizes that:

(1) Interest in outdoor recreation has been steadily increasing, and that the facilities that now exist are inadequate to meet the growing demands of the people of Washington and the out-of-state tourist trade;

(2) The state is becoming a popular winter recreation area and has not fully developed its winter tourism industry adequately to respond to the increasing demand, as has been successfully done in the mountain states, Idaho, and British Columbia;

(3) The state of Washington presently has a flourishing winter recreation industry which adds more than twenty-five thousand new skiers each year. Far greater potential exists for year-round resort development which should include an emphasis on all winter recreation activities. Expansion of the winter recreation industry will attract tourist trade from other states and countries and will have a substantial positive impact on both the state and national economies; and

(4) The economic well-being of the state will be improved upon the introduction of new industry to provide employment, income to the state, and revenue for government.

The legislature recognizes the need to identify areas appropriate for recreational development on state lands or on federal lands which can be exchanged for state lands under state and federal laws.

Therefore, the legislature hereby establishes the Washington state winter recreation commission which shall be composed as follows: Two members of the senate appointed by the president of the senate, including one member from each caucus; two members of the house of representatives appointed by the speaker of the house of representatives, including one

member from each caucus; one representative to be appointed by the governor from each of the following state departments: The parks and recreation commission, department of (~~commerce~~) trade and economic development, and department of natural resources; two representatives of industry appointed by the governor; two representatives of the environmental community appointed by the governor; one representative of cities appointed by the governor; and one representative of counties appointed by the governor. The commission shall choose one of its legislative members as chair.

Commission members and legislative staff shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Members of the legislature serving on the commission shall be reimbursed for travel expenses under RCW 44.04.120.

Sec. 69. Section 6, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.265 are each amended to read as follows:

The department shall work closely with the department of (~~commerce~~) trade and economic development, the department of general administration, and with other state departments and agencies, the Washington state association of counties, the association of Washington cities, and business associations, to carry out the objectives and purposes of this 1976 amendatory act.

Sec. 70. Section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 108, chapter 287, Laws of 1984 and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

- (a) The commissioner of public lands or his designee;
- (b) The director of the department of (~~commerce~~) trade and economic development or his designee;
- (c) The director of the department of agriculture or his designee;
- (d) The director of the department of ecology or his designee;
- (e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and
- (f) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as

the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.240 and in addition they shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

Sec. 71. Section 151, chapter 7, Laws of 1985 RCW 80.50.030 are each 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))~~ trade 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 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.

Sec. 72. Section 12, chapter 175, Laws of 1984 and RCW 43.131.315 are each amended to read as follows:

The (~~honorary commercial attache~~) Washington ambassador program shall be reviewed under the process provided in chapter 43.131 RCW before December 1, (~~1985~~) 1987. Unless extended by law, the program shall be terminated on June 30, (~~1986~~) 1988.

Sec. 73. Section 13, chapter 175, Laws of 1984 and RCW 43.131.316 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~1987~~) 1989:

(1) Section 1, chapter 175, Laws of 1984, section 24 of this 1985 act and RCW 43.31.373;

(2) Section 2, chapter 175, Laws of 1984, section 25 of this 1985 act and RCW 43.31.375;

(3) Section 3, chapter 175, Laws of 1984, section 26 of this 1985 act and RCW 43.31.377;

(4) Section 4, chapter 175, Laws of 1984, section 27 of this 1985 act and RCW 43.31.379;

(5) Section 5, chapter 175, Laws of 1984, section 28 of this 1985 act and RCW 43.31.381;

(6) Section 6, chapter 175, Laws of 1984, section 29 of this 1985 act and RCW 43.31.383;

(7) Section 7, chapter 175, Laws of 1984, section 30 of this 1985 act and RCW 43.31.385; ((and))

(8) Section 8, chapter 175, Laws of 1984, section 31 of this 1985 act and RCW 43.31.387; and

(9) Section 32 of this 1985 act and RCW 43.31.---

NEW SECTION. Sec. 74. RCW 43.31.400, 43.31.405, 43.31.410, 43.31.415, and 43.31.420 are recodified as sections in chapter 43.21F RCW.

NEW SECTION. Sec. 75. RCW 43.31.500 43.31.510 43.31.520 43.31.525 43.31.530 43.31.540 43.31.550 43.31.560 43.31.570 43.31.580 43.31.590 43.31.620 43.31.630 43.31.640 43.31.660 43.31.670 43.31.680 43.31.690 43.31.700 43.31.710 43.31.720 43.31.730 43.31.740 43.31.750 43.31.760 43.31.770, and 43.31.865 are each decodified.

NEW SECTION. Sec. 76. The following acts or parts of acts are each repealed:

(1) Section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010;
 (2) Section 43.31.020, chapter 8, Laws of 1965 and RCW 43.31.020;
 (3) Section 43.31.030, chapter 8, Laws of 1965 and RCW 43.31.030;
 (4) Section 43.31.040, chapter 8, Laws of 1965, section 2, chapter 10, Laws of 1965, section 2, chapter 221, Laws of 1967, section 6, chapter 70, Laws of 1977 ex. sess., section 13, chapter 295, Laws of 1981 and RCW 43.31.040;

(5) Section 43.31.050, chapter 8, Laws of 1965, section 53, chapter 75, Laws of 1977 and RCW 43.31.050;

(6) Section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060;

(7) Section 43.31.070, chapter 8, Laws of 1965 and RCW 43.31.070;

(8) Section 43.31.080, chapter 8, Laws of 1965 and RCW 43.31.080;

(9) Section 43.31.110, chapter 8, Laws of 1965, section 109, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.110;

(10) Section 43.31.120, chapter 8, Laws of 1965 and RCW 43.31.120;

(11) Section 43.31.140, chapter 8, Laws of 1965 and RCW 43.31.140;

(12) Section 43.31.150, chapter 8, Laws of 1965 and RCW 43.31.150;

(13) Section 43.31.160, chapter 8, Laws of 1965, section 54, chapter 75, Laws of 1977 and RCW 43.31.160;

(14) Section 43.31.170, chapter 8, Laws of 1965 and RCW 43.31.170;

(15) Section 43.31.180, chapter 8, Laws of 1965 and RCW 43.31.180;

(16) Section 1, chapter 221, Laws of 1967 and RCW 43.31.350;

(17) Section 3, chapter 221, Laws of 1967 and RCW 43.31.360;

(18) Section 4, chapter 221, Laws of 1967, section 9, chapter 175, Laws of 1984 and RCW 43.31.370;

(19) Section 1, chapter 93, Laws of 1972 ex. sess. and RCW 43.31-.831;

(20) Section 10, chapter 148, Laws of 1965 and RCW 43.31.860;

- (21) Section 1, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.870;
- (22) Section 2, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.875;
- (23) Section 3, chapter 68, Laws of 1975-'76 2nd ex. sess., section 46, chapter 7, Laws of 1984 and RCW 43.31.880;
- (24) Section 4, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.885;
- (25) Section 5, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.890;
- (26) Section 6, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.895;
- (27) Section 7, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.900;
- (28) Section 8, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.910;
- (29) Section 1, chapter 70, Laws of 1977 ex. sess. and RCW 43.31-.915;
- (30) Section 2, chapter 70, Laws of 1977 ex. sess. and RCW 43.31-.920;
- (31) Section 3, chapter 70, Laws of 1977 ex. sess., section 9, chapter 6, Laws of 1982 and RCW 43.31.925;
- (32) Section 4, chapter 70, Laws of 1977 ex. sess. and RCW 43.31-.930;
- (33) Section 5, chapter 70, Laws of 1977 ex. sess. and RCW 43.31-.935;
- (34) Section 2, chapter 197, Laws of 1979 ex. sess. and RCW 43.31-.940;
- (35) Section 3, chapter 197, Laws of 1979 ex. sess. and RCW 43.31-.942;
- (36) Section 4, chapter 197, Laws of 1979 ex. sess. and RCW 43.31-.944;
- (37) Section 5, chapter 197, Laws of 1979 ex. sess. and RCW 43.31-.946;
- (38) Section 6, chapter 197, Laws of 1979 ex. sess. and RCW 43.31-.948;
- (39) Section 1, chapter 176, Laws of 1984 and RCW 43.31B.010;
- (40) Section 2, chapter 176, Laws of 1984 and RCW 43.31B.020;
- (41) Section 3, chapter 176, Laws of 1984 and RCW 43.31B.030;
- (42) Section 4, chapter 176, Laws of 1984 and RCW 43.31B.040;
- (43) Section 5, chapter 176, Laws of 1984 and RCW 43.31B.050;
- (44) Section 8, chapter 176, Laws of 1984 and RCW 43.31B.900;
- (45) Section 2, chapter 197, Laws of 1983 and RCW 43.131.257;
- (46) Section 28, chapter 197, Laws of 1983 and RCW 43.131.258;

(47) Section 9, chapter 176, Laws of 1984 and RCW 43.131.317; and

(48) Section 10, chapter 176, Laws of 1984 and RCW 43.131.318.

NEW SECTION. Sec. 77. As used in this act, section headings constitute no part of the law.

NEW SECTION. Sec. 78. Sections 1 through 14, 16 through 18, and 32 of this act are added to chapter 43.31 RCW.

***NEW SECTION.** Sec. 79. *There is hereby created the forest products market development task force. The task force shall consist of the commissioner of public lands, the director of trade, and economic development, two members of the senate, one from each major political party to be appointed by the president of the senate, two members of the house of representatives, one from each major political party to be appointed by the speaker of the house of representatives, a representative of the University of Washington center for international trade for forest products, and fourteen members appointed by the governor including at least one member from each of the following forest product sectors: Log exports, manufactured wood products, pulp and paper, and hardwood mills. Also included shall be a representative of the port districts and other persons who have expertise in forest product trade export, financing, and marketing matters. The task force shall include at least one member from each congressional district in the state. Appointments under this section shall be made within twenty-one days after the effective date of this act. Task force members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, except legislative members shall be reimbursed under RCW 44.04.120.*

The commissioner of public lands shall temporarily chair the task force until such time as the group organizes and selects a permanent chair. The task force shall be staffed by the department of natural resources and the department of trade and economic development. The task force may hold meetings at least once a month or when determined advisable by the committee. The initial meeting of the task force shall be held within forty-five days after the effective date of this act.

*Sec. 79 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 80. *The purposes of the forest products market development task force are:*

(1) To identify foreign and domestic trade and market-related problems affecting the state of Washington's forest products industry;

(2) To identify strategies that could be employed which would improve the state's forest products industry's competitive position in domestic and international markets;

(3) To provide coordination of present efforts by state agencies, institutions, and the forest products industry to minimize the effects of trade barriers;

(4) To consult with national institutions and industry organizations and the state's congressional delegation regarding federal initiatives which affect the competitive position of the state's forest products industry; and

(5) To identify and prioritize areas in which additional research is needed and to provide recommendations on the funding of high-priority programs.

**Sec. 80 was vetoed, see message at end of chapter.*

***NEW SECTION. Sec. 81.** *The forest products development task force shall:*

(1) Issue a preliminary report by December 1, 1985, to the legislature and to the state's congressional delegation which includes recommendations for state and federal legislation, strategies, and a report on the trade status of forest products produced in the state; and

(2) Issue a final report by June 1, 1986, to the legislature and the state's congressional delegation with any additional recommendations and an outline of the activities and accomplishments of the task force.

The task force shall terminate on June 30, 1986, unless reactivated by the legislature after a determination of the task force's effectiveness.

**Sec. 81 was vetoed, see message at end of chapter.*

***NEW SECTION. Sec. 82.** *A new section is added to chapter 43.31 RCW to read as follows:*

(1) The department of trade and economic development shall establish an international trade and investment information program. The program shall act as a centralized location for the assimilation and distribution of trade and investment information, including:

(a) International trade leads and potential trade opportunities which may assist Washington businesses in the export of their products and services;

(b) International investment leads and potential opportunities which may assist in attracting investments to Washington state;

(c) A listing of trade-related organizations in Washington state providing background information on their location, services, and calendar of events. The list shall be developed and distributed in cooperation with participating organizations;

(d) A listing of businesses in Washington state involved in international trade and of businesses that have the potential to engage in international trade with background information on their products and services;

(e) A listing of international trade shows and opportunities for participation by Washington state businesses;

(f) Information on trade tariffs, quotas, and other trade restrictions encountered by Washington products in major international markets;

(g) Export and import statistics which will assist the private and public sector in identifying economic trends and the cost-effectiveness of state trade and investment programs; and

(h) A state-wide industrial site inventory to assist in the location of businesses throughout the state including but not limited to information on

site costs, land use requirements, proximity to labor markets, and the availability of transportation and utilities. The department of ecology and department of community development will, on request, assist the department in developing the industrial site inventory.

(2) State and local government agencies involved in international trade or investment shall on request assist the department in compiling and distributing the information outlined in this section.

(3) The department shall actively promote the distribution and use of the information listed in this section. The director shall report to the legislature annually by December 1, on the program's activities, the effectiveness of the program in promoting international trade and investment, and legislative recommendations concerning the program.

*Sec. 82 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 83. To carry out section 82 of this act, the sum of forty-nine thousand five hundred dollars, or as much thereof as may be necessary, is appropriated to the department of trade and economic development from the general fund for the biennium ending June 30, 1987.

*Sec. 83 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 84. There is hereby created an advisory commission to the department of trade and economic development to be known as the tourism partnership commission. The commission shall be composed of nine members. The commission members shall include: (1) The director of the department of trade and economic development or the director's designee; (2) two members of the senate appointed by the president of the senate from different political parties; (3) two members of the house of representatives appointed by the speaker of the house of representatives from different political parties; and (4) four public members appointed by the governor. The governor shall designate the chairman of the commission.

The public members shall serve terms of three years.

*Sec. 84 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 85. For purposes of sections 84 through 91 of this act:

(1) "Department" means the department of trade and economic development or its statutory successor.

(2) "Commission" means the tourism partnership commission.

(3) "Tourism partnership project" means projects determined by the commission to meet the criteria established by sections 86 and 87 of this act.

*Sec. 85 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 86. The tourism partnership commission has the following powers and duties:

(1) To assist the department in conducting studies on the feasibility, design, and benefits to the state of establishing one or more destination tourism attractions or state marketing facilities;

(2) To assist the department and sponsoring municipal or nonprofit corporations in assessing the feasibility of projects and in administering the planning, design, construction, rehabilitation, or acquisition of real property, facilities, artifacts, and equipment for feasible projects that have demonstrated:

(a) Sponsorship by a municipal corporation or nonprofit corporation that has qualified under section 501(c)(3) of the federal internal revenue code;

(b) That at least fifty percent of the cost of the project has or can be raised from private or local government sources;

(c) That the project will increase state tax revenues enough to repay the state for its investment in the project; and

(d) That the project will be self-supporting once constructed;

(3) To assist the department in the development of a demonstration project that shall be monitored to assess its contribution to the economy of the state;

(4) To assist the department in evaluating the potential funding sources for qualifying projects;

(5) To advise the department in the adoption of rules in accordance with chapter 34.04 RCW governing the administration of the state funding of the tourism partnership projects. The rules shall specify that funding of tourism partnership projects may be administered by the local government participating in the project or by the department, with the advice of the commission, in cooperation with the affected municipal or nonprofit corporation; and

(6) To enter into contracts with the department as appropriate to carry out the powers and duties granted in sections 81 through 88 of this act.

*Sec. 86 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 87. Projects that meet the criteria established by section 86(2) of this act shall be known as qualifying tourism partnership projects. The department, on the advice of the commission, may select for special consideration those qualifying tourism partnership projects that accomplish one or more of the following objectives:**

(1) Develop tourism in depressed areas;

(2) Increase employment;

(3) Attract new industry;

(4) Attract new out-of-state tourists;

(5) Encourage the redevelopment of economically depressed areas;

(6) Assist in educating citizens and visitors about the economic potential of the state;

(7) Highlight the heritage of the state in honor of the 1989 centennial;

(8) Honor and promote the future of the state, including Washington's role as the nation's gateway to the Pacific; or

(9) Assist in marketing the products of the state.

*Sec. 87 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 88. (1) The commission may employ such staff and administrative support as the commission deems appropriate for the administration of sections 84 through 91 of this act.**

(2) The department shall make available to the commission additional staff and administrative support as it considers appropriate for the commission to carry out the requirements of sections 84 through 91 of this act. In order to implement sections 84 through 91 of this act, the governor may designate other employees of any agency to assist the commission.

***Sec. 88 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 89. The department and the commission shall carry out sections 84 through 91 of this act in cooperation with the private sector, sponsoring municipal or nonprofit corporations identified in section 86 of this act.**

***Sec. 89 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 90. On January 1 of each year, the commission shall report on its activities, the results of the demonstration project, and the results of its studies, including any recommendations and proposed legislation, to the director of the department, the secretary of the senate, and the chief clerk of the house of representatives. The commission may include within its recommendations proposed contracts relating to the acquisition of land or the construction of facilities.**

***Sec. 90 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 91. The tourism development partnership capital fund is created in the custody of the department of trade and economic development.**

(1) Moneys in the fund may be spent only for the purposes of sections 84 through 90 of this act. Disbursements from the fund shall be on authorization of the director of the department on the advice of the commission and with the approval of the legislative budget committee.

(2) Moneys may be deposited into the fund by legislative appropriation. The department may accept and expend moneys for the tourism development partnership capital fund from both public and private sources.

***Sec. 91 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 92. Sections 84 through 91 and 94 of this act shall expire on December 31, 1990. Moneys remaining in the tourism development partnership capital fund on that date shall be deposited in the state general fund.**

***Sec. 92 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 93. Sections 84 through 92 of this act are each added to chapter 43.31 RCW.**

***Sec. 93 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 94. A new section is added to chapter 41.06 RCW to read as follows:**

This chapter does not apply to the employees of the tourism partnership commission created under section 84 of this act.

*Sec. 94 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 95. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 96. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1985.

Passed the House April 26, 1985.

Passed the Senate April 26, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to several sections, Substitute House Bill No. 625, entitled:

"AN ACT Relating to the Department of Commerce and Economic Development."

The Department of Commerce and Economic Development is scheduled to be terminated on June 30, 1985, pursuant to RCW 43.131.257 of the Washington Sunset Act of 1977, as amended.

Substitute House Bill 625 would reauthorize the Department to continue after June 30, 1985. The Department's name would be changed to the Department of Trade and Economic Development.

The bill would also create two new advisory groups and a new international trade and investment information system.

I am delighted that the Department is being reauthorized. The encouragement of state economic growth and job creation are major public policy goals of both the executive and legislative branches of state government. Competition with other states to attract new, job creating investments is at a high level. The efficient and wise use of our resources to accomplish our economic goals requires that we maintain a focal point in state government for economic development-related activities. This Act would not only allow the Department to continue, but it would also provide its management with the necessary flexibility to respond to changing circumstances in the state's economic development environment.

Although I agree with the primary purpose of this Act, several sections require veto.

I believe that strong private sector involvement in state government economic development activities is good public policy. The authority and the responsibility for appointing advisory groups is provided to the Director of the Department of Trade and Economic Development in Section 16 of this Act. I concur with this provision because I believe that the Director is in the best position to determine when advisory groups used to be formed, as well as to provide adequate budget and other resources required to support their work.

Accordingly, I have vetoed Sections 79 through 81, which would create the Forest Products Market Development Task Force. This proposed new statutory body

does not have an appropriation, and its functions could be implemented by the Department without a new statutory body.

I do concur with the need for the state to develop coordinated strategies to enhance its competitive export trade position in the forest products industry, which is the primary purpose of Sections 79-81 of Substitute House Bill No. 625. However, I believe this purpose could be addressed by the Department of Trade and Economic Development in concert with others through the interagency "coordination" and "trade development" provisions, Sections 4 and 6 respectively of Substitute House Bill 625, without the creation of a new statutory board as specified in Sections 79-81. Alternatively, the Department of Natural Resources, within its existing responsibilities and authorities, could appropriately initiate such an advisory committee. Further, the University of Washington's Center for International Trade in Forest Products, which the legislature has now made a permanent part of the College of Forest Resources, is charged with the responsibility for drawing upon public and private sector resources to expand the State's export of forest products.

Similarly, Sections 84-94 would create an advisory group to be known as the Tourism Partnership Commission, which does not have an appropriation. The intent of Sections 84-94 can be accomplished under Section 16 of Substitute House Bill 625 which authorizes the Director of the Department of Trade and Economic Development to appoint advisory groups as needed, and, therefore, a new statutory body without an appropriation is not warranted at this time.

In addition to the vetoes of Section 79-81 and 84-94, I have also vetoed several sections of this Act for technical reasons.

I have vetoed Sections 7 and 8 because they duplicate international trade policy statements and objectives contained in other sections of the Act.

I have vetoed Section 59 because it is a triple amendment to RCW 43.160.030 pertaining to membership on the Community Economic Revitalization Board (CERB). Sections 2 and 3 of Substitute House Bill No. 863 and Sections 1 and 2 of Substitute House Bill No. 461, both which also passed the legislature this session, also amend RCW 43.160.030. Sections 2 and 3 of Substitute House Bill 863 have also been vetoed by separate action.

I have also vetoed Sections 82 and 83 which would establish an international trade and investment information system within the Department of Trade and Economic Development. Similar but broader responsibilities are provided to the Department by Sections 5, 6 and 12 of Substitute House Bill No. 625.

With the exception of Sections 7, 8, 59 and 79-94, Substitute House Bill No. 625 is approved."

CHAPTER 467

[Engrossed Second Substitute House Bill No. 627]

WASHINGTON STATE ECONOMIC DEVELOPMENT BOARD—LONG-TERM ECONOMIC DEVELOPMENT STRATEGY

AN ACT Relating to economic development; adding a new chapter to Title 43 RCW; adding a new chapter to Title 44 RCW; adding a new chapter to Title 67 RCW; creating new sections; declaring an emergency; and providing an effective date.

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

****NEW SECTION. Sec. 1. The creation of a commission to promote competition and research in mental sports such as chess, checkers, bridge, go, scholastic olympiads, and others will provide many benefits to the people of the state. Such a commission will benefit the public by:***

(1) Promoting education, competition, and research in mental sports in the common schools and institutions of higher education of the state, as well as among the general public; and

(2) Promoting tourism and economic development through the hosting of regional, national, and international tournaments in mental sports.

The legislature finds that mental sports promote intellectual development and offer the ultimate combination of art, science, and sport.

*Sec. 1 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 2. As used in this chapter:**

(1) "Mental sports" includes chess, checkers, go, bridge, scholastic olympiads, and other nongambling games.

(2) "Commission" means the mental sports competition and research commission.

*Sec. 2 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 3. (1)** *There is established the mental sports competition and research commission. The commission consists of five persons appointed by the governor. In making the appointments, the governor shall select one person who is primarily a chess player, one person who is primarily a bridge player, one person who has experience promoting scholastic olympiads, and one person who is primarily a go player.*

(2) The members of the commission shall serve terms of four years. However, in making the initial appointments, the governor may provide for staggered terms. Vacancies shall be filled by appointment for the remainder of the unexpired term.

(3) Members of the commission shall not be compensated but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The commission may adopt such rules as may be necessary in the administration of this chapter. The rules shall be adopted under chapter 34-.04 RCW.

*Sec. 3 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 4.** *The commission shall to the maximum extent feasible rely on volunteer labor. The department of commerce and economic development shall provide staff support if necessary.*

*Sec. 4 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 5.** *The commission may solicit, accept, and expend such gifts, grants, and endowments from public and private sources as may be made available to the commission.*

*Sec. 5 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 6. (1)** *The commission may promote and sponsor tournaments in any mental sport. Entry fees and prize funds may be set by the commission with a view toward maximizing public participation and raising revenue for the commission and promotional activities of the commission.*

(2) The commission may sponsor exhibitions, lectures, and tournament participation by visiting mental sports masters.

(3) In conducting mental sports tournaments and events, the commission shall consult with and seek the cooperation of local and national mental sports clubs and federations.

*Sec. 6 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 7. By January 12, 1987, the mental sports competition and research commission shall submit to the legislature a report that includes:*

(1) A summary of the commission's achievements;

(2) Recommendations on enhancing the status of mental sports within the common schools;

(3) Recommendations on promoting tournaments for the benefit of the general public; and

(4) Recommendations regarding possible future state financial support of the commission.

*Sec. 7 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 67 RCW."*

*Sec. 8 was vetoed, see message at end of chapter.

NEW SECTION. *Sec. 9. The legislature finds that unemployment remains persistently high in Washington. The economy, although diversifying, is shifting to a service-based economy and is still highly vulnerable to fluctuations in the national economy. In fact, unemployment has been consistently higher than the national average. Washington does not have a long-term economic development policy and has suffered from lack of a long-term plan in its attempt to resolve the economic problems which continue to plague the state.*

Washington's economic development effort has not matched the scope of the problem. An essential first step is to establish a public and private consensus on a long-term economic development strategy which recognizes both the competitive position and needs of our key businesses and industries and the need to establish new businesses and industries. A unique partnership between the private and public sectors can attract new businesses and encourage greater investment in Washington state.

NEW SECTION. *Sec. 10. There is hereby established the Washington state economic development board, referred to in this chapter as the board. The board is charged with the responsibility for creating a long-term economic development strategy for the state.*

NEW SECTION. *Sec. 11. The board shall be composed of citizens from both the private and public sectors who are actively engaged in organizations and businesses which support economic expansion and job creation. The board shall be composed as follows:*

- (1) The governor;
- (2) Four members of the legislature, including one member from each of the four largest caucuses in the legislature;
- (3) One representative of a manufacturing company employing more than one thousand persons;
- (4) One representative of a manufacturing company employing fewer than one hundred persons;
- (5) One representative of a manufacturing company employing between one hundred and one thousand persons;
- (6) One representative from organized labor;
- (7) One representative from a major financial institution;
- (8) One representative from agriculture;
- (9) One representative from education;
- (10) One representative from the tourism industry;
- (11) One representative from the forest products industry;
- (12) One economic development professional;
- (13) One owner of a women-owned business enterprise certified under chapter 39.19 RCW;
- (14) One owner of a minority-owned business enterprise certified under chapter 39.19 RCW; and
- (15) Five citizens at large.

The director of commerce and economic development, the director of revenue, the director of financial management, and the director of community development shall serve as ex officio members of the board.

The governor shall, within fourteen days of the effective date of this act, appoint all members of the board, except those in subsection (2) of this section who shall be appointed by their respective caucuses. The first meeting of the board shall occur within thirty days of the effective date of this act.

The governor shall serve as the chairperson and shall designate a citizen member to serve as vice-chairperson of the board. Members shall serve four-year terms. Members are subject to dismissal by the governor due to the lack of attendance or contribution. The position of a legislative member shall become vacant if the member ceases to be a member of the legislature. A vacancy in a legislative position shall be filled by the original appointing authority.

The board shall include at least two representatives from each of the state's congressional districts.

The board shall meet regularly and shall create subcommittees as needed to deal with specific issues and concerns. Members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, except legislative members shall be reimbursed under RCW 44.04.120.

NEW SECTION. Sec. 12. (1) The board shall develop a long-term economic development plan based on a strategic analysis. The objective of

the plan shall be to spur new job creation and investment that is consistent with the preservation of the state's quality of life and environment. The board shall submit an initial plan to the governor and the legislature by January 10, 1987, and shall submit revisions to the plan based on continuing analysis and oversight on January 10 of each year thereafter.

(2) The board shall produce a report by January 10, 1986, submitting the report to the governor and the legislature, addressing the following issues:

(a) Methods of facilitating economic activity and adjustment policies toward distressed communities and to enhance the employment opportunities of the economically disadvantaged;

(b) Methods of improving the competitive environment by removing unnecessary regulations and other barriers to the development process; and

(c) Methods of increasing the effectiveness and coordination of existing economic development programs and agencies, state and local.

NEW SECTION. Sec. 13. The board has the following responsibilities and powers:

(1) To secure and encourage substantial private sector, community, and citizen support in the analysis of economic development opportunities and development of specific recommendations for economic growth;

(2) To identify and analyze key traded businesses and industries to determine their potential for expansion, diversification, and production of high value-added goods;

(3) To propose an appropriate state role in new product development, venture capital formation, and research and development;

(4) To evaluate the performance of existing state economic development efforts for consistency and coordination, as well as for their effect on job creation, and to evaluate the long-term benefits to the state of these efforts;

(5) To propose, along with other state, local, and private groups, new methods to increase public and private partnerships to foster economic development efforts;

(6) To develop a long-term economic development strategy based on consensus goals and principles, an in-depth analysis of market opportunities, private sector support and investment, and specific private and public economic development measures which have a substantial potential to increase employment;

(7) To study the key components of the state's business climate as they relate to the long-term development strategy including, but not limited to, education and training, energy, existing environmental conditions, research and development, capital, land, transportation, advanced communications, taxes, and regulations with an analysis of their linkages to the key traded sectors;

(8) To review the various economic development policy recommendations made by other agencies or organizations and recommend to the governor and legislature those strategies, policies and programs it deems to be in the best interest of the state;

(9) To make specific recommendations for the establishment of public-private cooperative efforts in economic development and state-local cooperative efforts including but not limited to the need for establishing formal working relationships, whether by contract or otherwise, for purposes of engaging in joint, cooperative economic development activities;

(10) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other associations affected by or concerned with the business of the commission; and

(11) To accept gifts and grants upon such terms as the board may deem proper.

NEW SECTION. Sec. 14. The board may employ such staff as it requires and may contract for services as it deems necessary in order to carry out its duties and responsibilities. The governor and the legislature may provide additional staff and facilities as may be reasonably required to assist the board in carrying out its duties and responsibilities.

NEW SECTION. Sec. 15. Sections 9 through 14 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 16. The board shall implement sections 9 through 14 of this act only to the extent that funds are available.

NEW SECTION. Sec. 17. (1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development which shall consist of six senators and six representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature

prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority.

NEW SECTION. Sec. 18. The committee shall by majority vote establish subcommittees, and prescribe rules of procedure for itself and its subcommittees which are consistent with this chapter. The committee shall at a minimum establish a subcommittee on international trade and a subcommittee on industrial development.

NEW SECTION. Sec. 19. The committee or its subcommittees are authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the legislature in developing a comprehensive and consistent economic development policy. The issues under review by the committee shall include, but not be limited to:

(1) Evaluating existing state policies, laws, and programs which promote or affect economic development with special emphasis on those concerning international trade, tourism, and investment and determine their cost-effectiveness and level of cooperation with other public and private agencies.

(2) Monitoring economic trends, and developing for review by the legislature such appropriate state responses as may be deemed effective and appropriate.

(3) Monitoring economic development policies and programs of other states and nations and evaluating their effectiveness.

(4) Determining the economic impact of international trade, tourism, and investment upon the state's economy.

(5) Assessing the need for and effect of federal, regional, and state cooperation in economic development policies and programs.

(6) Developing and evaluating legislative proposals concerning the issues specified in this section.

NEW SECTION. Sec. 20. The committee shall receive the necessary staff support from both the senate and house staff resources.

NEW SECTION. Sec. 21. The members of the committee shall serve without additional compensation, but shall be reimbursed for their travel expenses, in accordance with RCW 44.04.120, incurred while attending sessions of the committee or meetings of any subcommittee of the committee, while engaged on other committee business authorized by the committee, and while going to and coming from committee sessions or committee meetings.

NEW SECTION. Sec. 22. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor and signed by the chairperson or vice

chairperson of the committee and attested by the secretary of the committee, and the authority of the chairperson and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

NEW SECTION. Sec. 23. The committee shall cooperate, act, and function with legislative committees, executive agencies, and with the councils or committees of other states similar to this committee and with other interstate research organizations.

NEW SECTION. Sec. 24. Sections 17 through 23 of this act shall constitute a new chapter in Title 44 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the House April 26, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 1 through 8, Engrossed Second Substitute House Bill No. 627, entitled:

"AN ACT Relating to economic development."

Sections 1 through 8 of this bill would establish a Mental Sports Competition and Research Commission. While the intent of these sections is laudable and I heartily endorse competition in chess, bridge and other intellectual games, I feel that it is more appropriate for communities and school districts to support and promote these activities at the local level, or through state associations.

With the exception of Sections 1 through 8, which I have vetoed, Engrossed Second Substitute House Bill No. 627 is approved."

CHAPTER 468

[Engrossed Substitute Senate Bill No. 3066]

GAMBLING—PUBLIC CARDROOMS—FIVE TABLE LIMITATION—PUNCH BOARD AND PULL-TAB LIMIT RAISED

AN ACT Relating to the control of gambling; and amending RCW 9.46.020 and 9.46.110.

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

Sec. 1. Section 1, chapter 139, Laws of 1981 as amended by section 1, chapter 207, Laws of 1984 and RCW 9.46.020 are each amended to read as follows:

(1) "Amusement game" means a game played for entertainment in which:

- (a) The contestant actively participates;
- (b) The outcome depends in a material degree upon the skill of the contestant;
- (c) Only merchandise prizes are awarded;
- (d) The outcome is not in the control of the operator;
- (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
- (f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter: PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this chapter.

(2) "Bingo" means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide

charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this subsection the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981 shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than fifteen bona fide active members each

with the right to an equal vote in the election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16

RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of this section shall not constitute gambling.

(10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not

apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member" and "bona fide member". As used in this chapter, member and bona fide member each mean a person accepted for membership in an organization eligible to be licensed by the commission under this chapter upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

Member or bona fide member shall include only members of an organization's specific chapter or unit licensed by the commission or otherwise actively conducting the gambling activity: PROVIDED, That

(a) Members of chapters or local units of a state, regional or national organization may be considered members of the parent organization for the purpose of a gambling activity conducted by the parent organization, if the rules of the parent organization so permit;

(b) Members of a bona fide auxiliary to a principal organization may be considered members of the principal organization for the purpose of a gambling activity conducted by the principal organization. Members of the principal organization may also be considered members of its auxiliary for the purpose of a gambling activity conducted by the auxiliary; and

(c) Members of any chapter or local unit within the jurisdiction of the next higher level of the parent organization, and members of a bona fide auxiliary to that chapter or unit, may assist any other chapter or local unit of that same organization licensed by the commission in the conduct of gambling activities.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

(16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in

the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

(18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players. However, no business with a public cardroom on its premises may have more than five separate tables at which card games are played; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of ~~((one dollar))~~ two dollars per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed ~~((twenty=~~ fifty ~~five))~~ fifty dollars, including all separate fees which might be paid by a player for various phases or events of the tournament: PROVIDED FURTHER, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any seventy-two consecutive hours but exceeding twenty-four consecutive hours and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than twenty-four consecutive hours each time by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed ten thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Bona fide charitable or nonprofit organizations holding a license to conduct a fund raising event may joint [join] together to jointly conduct a fund raising event if:

(i) Approval to do so is received from the commission; and

(ii) The method of dividing the income and expenditures and the method of recording and handling of funds are disclosed to the commission in the application for approval of the joint fund raising event and are approved by the commission.

The gross wagers and bets received by the organizations less the amount of money paid by the organizations as winnings and for the purchase costs of prizes given as winnings may not exceed ten thousand dollars during the total calendar days of such event. The net receipts each organization receives shall count against the organization's annual limit stated in this subsection.

A joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the net receipts for the purposes of the number of such events an organization may conduct each year.

The commission may issue a joint license for a joint fund raising event and charge a license fee for such license according to a schedule of fees adopted by the commission which reflects the added cost to the commission of licensing more than one licensee for the event.

Sec. 2. Section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a ~~((twenty-five))~~ fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and

(4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: **AND PROVIDED FURTHER**, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: **PROVIDED FURTHER**, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.020(3), which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games.

Passed the Senate April 28, 1985.

Passed the House April 28, 1985.

Approved by the Governor May 21, 1985.

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

CHAPTER 469

[Senate Bill No. 3800]

LEGAL PUBLICATIONS—UNIFORMITY

AN ACT Relating to publication; amending RCW 4.28.090, 4.28.110, 8.12.300, 8.12.430, 8.12.460, 12.04.100, 15.28.300, 16.04.050, 17.08.020, 17.08.070, 19.76.100, 25.12.040, 27.40.034, 28B.60.050, 30.44.210, 32.04.040, 35.03.020, 35.07.240, 35.16.020, 35.21.320, 35.21.530, 35.22.060, 35.22.170, 35.23.352, 35.24.220, 35.27.300, 35.33.061, 35.42.080, 35.43.140, 35.44.090, 35.47.010, 35.61.030, 35.61.190, 35.61.260, 35.61.270, 35.70.060, 35.68.030, 35.68.050, 35.70.080, 35.94.020, 35A.09.050, 35A.12.160, 35A.33.060, 36.29.060, 36.34.020, 36.34.090, 36.40.060, 36.40.100, 36.55.040, 36.82.190, 53.20.010, 53.20.050, 53.25.040, 53.25.120, 54.08.010, 56.24.070, 56.24.080, 57.04.030, 57.28.040, 65.12.135, 79.92.090, 80.32.010, 81.64.020, 84.24.030, 85.05.030, 85.05.040, 85.05.072, 85.05.110, 85.05.560, 85.06.030, 85.06.040, 85.06.110, 85.07.020, 85.08.070, 85.15.040, 85.18.040, 85.20.030, 85.20.090, 85.22.030, 85.22.080, 85.24.040, 85.24.070, 85.24.150, 85.32.060, 85.36.010, 86.16.067, 87.03.310, 87.03.430, 87.03.655, 87.03.755, 87.53.080, 87.56.060, 87.56.080, 87.56.130, 88.32.070, 91.08.070, 91.08.310, and 91.08.500; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.30 RCW; and adding a new section to chapter 35A.21 RCW.

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

Sec. 1. Section 8, chapter 127, Laws of 1893 and RCW 4.28.090 are each amended to read as follows:

Whenever any corporation, created by the laws of this state, or late territory of Washington, does not have an officer in this state upon whom legal service of process can be made, an action or proceeding against ~~((such))~~ the corporation may be commenced in any county where the cause of action may arise, or ~~((said))~~ the corporation may have property, and service may be made upon ~~((such))~~ the corporation by depositing a copy of the summons, writ, or other process, in the office of the secretary of state, which shall be taken, deemed and treated as personal service on ~~((such))~~ the corporation: PROVIDED, A copy of ~~((said))~~ the summons, writ, or other process, shall be deposited in the post office, postage paid, directed to the secretary or other proper officer of ~~((such))~~ the corporation, at the place where the main business of ~~((such))~~ the corporation is transacted, when ~~((such))~~ the place of business is known to the plaintiff, and be published at least once a week for six weeks in ~~((some))~~ a newspaper ~~((printed and published))~~ of general circulation at the seat of government of this state, before ~~((such))~~ the service shall be deemed perfect.

Sec. 2. Section 10, chapter 127, Laws of 1893 as amended by section 2, chapter 86, Laws of 1895 and RCW 4.28.110 are each amended to read as follows:

The publication shall be made in a newspaper ~~((printed and published))~~ of general circulation in the county where the action is brought ~~((and if there be no newspaper in the county, then in a newspaper printed and published in an adjoining county, and if there is no such newspaper in an adjoining county, then in a newspaper printed and published at the capital of the state)))~~ once a week for six consecutive weeks: PROVIDED, That publication of summons shall not be ~~((had))~~ made until after the filing of the complaint, and the service of the summons shall be deemed complete at the expiration of the time prescribed for publication ~~((as aforesaid))~~. The summons must be subscribed by the plaintiff or his attorney or attorneys. The summons shall contain the date of the first publication, and shall require the defendant or defendants upon whom service by publication is desired, to appear and answer the complaint within sixty days from the date of the first publication of ~~((such))~~ the summons; and ~~((said))~~ the summons for publication shall also contain a brief statement of the object of the action. ~~((Said))~~ The summons for publication shall be substantially as follows:

In the superior court of the State of Washington for the county of

.....

....., Plaintiff,
vs. No.
....., Defendant.

The State of Washington to the said (naming the defendant or defendants to be served by publication):

You are hereby summoned to appear within sixty days after the date of the first publication of this summons, to wit, within sixty days after the day of, 1....., and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff, and serve a copy of your answer upon the undersigned attorneys for plaintiff, at his (or their) office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court. (Insert here a brief statement of the object of the action.)

.....
Plaintiff's Attorneys.
P.O. Address
County
Washington.

Sec. 3. Section 25, chapter 153, Laws of 1907 and RCW 8.12.300 are each amended to read as follows:

After the return of such assessment roll, the court shall make an order setting a time for the hearing thereof before the court, which day shall be at least twenty days after return of ((such)) the roll. It shall be the duty of ((such)) the commissioners to give notice of ((such)) the assessment and of the day fixed by the court for the hearing thereof in the following manner:

(1) They shall at least twenty days prior to the date fixed for the hearing on ((said)) the roll, mail to each owner of the property assessed, whose name and address is known to them, a notice substantially in the following form:

"Title of Cause. To: Pursuant to an order of the superior court of the State of Washington, in and for the county of, there will be a hearing in the above entitled cause on at upon the assessment roll prepared by the commissioners heretofore appointed by said court to assess the property specially benefited by the (here describe nature of improvement); and you are hereby required if you desire to make any objections to ((said)) the assessment roll, to file your objections to the same before the date herein fixed for the hearing upon ((said)) the roll, a description of your property and the amount assessed against it for the

aforesaid improvement is as follows: (Description of property and amount assessed against it.)

.....
.....
.....

Commissioners."

(2) They shall cause at least twenty days' notice to be given by posting notice of the hearing on ~~((such))~~ the assessment roll in at least three public places in ~~((such))~~ the city, one of which shall be in the neighborhood of ~~((such))~~ the proposed improvement, and ~~((when a daily newspaper is published in such city;))~~ by publishing the same ~~((in))~~ at least ~~((five successive issues of said paper, or if no daily newspaper is published in such city and a weekly newspaper is published therein, then in at least each issue of such weekly newspaper))~~ for two successive weeks ~~((or if no daily or weekly newspaper is published in such city, then))~~ in ~~((a))~~ the official newspaper ~~((published in the county in which such city is situated. Such))~~ of the city. The notice so required to be posted and published, may be substantially as follows:

"Title of Cause. Special assessment notice. Notice is hereby given to all persons interested, that an assessment roll has been filed in the above entitled cause providing for the assessment upon the property benefited of the cost of (here insert brief description of improvement) and that ~~((said))~~ the roll has been set down for hearing on the day of at The boundaries of ~~((said))~~ the assessment district are substantially as follows: (here insert an approximate description of the assessment district). All persons desiring to object to ~~((said))~~ the assessment roll are required to file their objections before ~~((said))~~ the date fixed for the hearing upon ~~((said))~~ the roll, and appear on the day fixed for hearing before said court.

.....
.....
.....

Commissioners."

Sec. 4. Section 14, chapter 154, Laws of 1915 as amended by section 3, chapter 115, Laws of 1925 ex. sess. and RCW 8.12.430 are each amended to read as follows:

Whenever the assessment for any such improvement shall be payable in installments, the owner of any lot, tract, or parcel of land or other property charged with any such assessment may pay ~~((such))~~ the assessment or any portion thereof, without interest, within thirty days after such notice of ~~((such))~~ the assessment.

The city treasurer shall, as soon as the certified copy of the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city for two consecutive daily or two consecutive

weekly issues, that the ((said)) roll is in his hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time within thirty days from the date of the first publication of ((said)) the notice without penalty, interest or costs, and the unpaid balance, if any, may be paid in equal annual installments, or any such assessment may be paid at any time after the first thirty days following the date of the first publication of ((such)) the notice by paying the entire unpaid portion thereof with all penalties and costs attached, together with all interest thereon to the date of delinquency of the first installment thereof next falling due.

((Such)) The notice shall further state that the first installment of ((such)) the assessment shall become due and payable during the thirty day period succeeding a date one year after the date of first publication of ((such)) the notice, and annually thereafter each succeeding installment shall become due and payable in like manner.

If the whole or any portion of any assessment remains unpaid after the first thirty day period herein provided for, interest upon the whole unpaid sum shall be charged at the bond rate, and each year thereafter one of ((said)) the installments, together with interest due upon the whole of the unpaid balance, shall be collected, except that where the assessment is payable in twenty years, installments of interest only shall be collected for the first ten years, as provided in RCW 8.12.420.

Any installment not paid prior to the expiration of the thirty day period during which ((such)) the installment is due and payable, shall thereupon become delinquent. All delinquent installments shall be subject to a charge of five percent penalty levied upon both principal and interest due on ((such)) the installments, and all delinquent installments, except installments of interest when the assessment is payable in twenty years, as provided in RCW 8.12.420, shall, until paid, be subject to a charge for interest at the bond rate.

The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days first above mentioned, but may be issued at any time thereafter. In all cases where any sum is paid as herein provided, the same shall be paid to the city treasurer, or to the officer whose duty it is to collect ((said)) the assessments, and all sums so paid shall be applied solely to the payment of the awards, interest and costs of ((such)) the improvements or the redemption of the bonds issued therefor.

~~((In case any city has no official newspaper, any publication required under the provisions of this chapter may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city is located and of general circulation in such city:))~~

Sec. 5. Section 18, chapter 154, Laws of 1915 as amended by section 15, chapter 167, Laws of 1983 and RCW 8.12.460 are each amended to read as follows:

The city treasurer shall pay the interest on the bonds authorized to be issued by this chapter out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this chapter, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds. ~~((Such))~~ The bonds shall be called in and paid in their numerical order, commencing with number one. ~~((Such))~~ The call shall be made by publication in the city official newspaper in its first publication following the delinquency of the installment of the assessment or as soon thereafter as is practicable, and shall state that bonds No. (giving the serial numbers of the bonds called) will be paid on the day the next interest payments on ~~((said))~~ the bonds shall become due, and interest on ~~((said))~~ the bonds shall cease upon such date~~((PROVIDED, That in any city not having an official newspaper, such publication may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city is located and of general circulation in such city))~~.

Sec. 6. Section 27, page 337, Laws of 1873 as amended by section 1720, Code of 1881 and RCW 12.04.100 are each amended to read as follows:

In case personal service cannot be had by reason of the absence of the defendant from the county in which the action is sought to be commenced, it shall be proper to publish the summons or notice with a brief statement of the object and prayer of the claim or complaint, in some ~~((weekly))~~ newspaper ~~((published))~~ of general circulation in the county wherein the action is commenced~~((; or if there is no paper published in such county, then in some newspaper published in the nearest adjoining county))~~, which notice shall be published not less than once a week for three weeks prior to the time fixed for the hearing of the cause, which shall not be less than four weeks from the first publication of ~~((said))~~ the notice.

~~((Said))~~ The notice may be substantially as follows:

The State of Washington, }
County of } ss.

In justice's court, justice.

To

You are hereby notified that has filed a complaint (or claim as the case may be) against you in said court which will come on to be heard at my office in, in county, state of

Washington, on the day of, A.D. 19.., at the hour of o'clock m., and unless you appear and then and there answer, the same will be taken as confessed and the demand of the plaintiff granted. The object and demand of said claim (or complaint, as the case may be) is (here insert a brief statement).

Complaint filed, A.D. 19..

., J. P.

Sec. 7. Section 15.28.300, chapter 11, Laws of 1961 as amended by section 38, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.28.300 are each amended to read as follows:

Every rule, regulation, or order promulgated by the commission shall be filed with the director, and shall be published in a legal ((daily)) newspaper of general circulation in each of the three districts. All such rules, regulations, or orders shall become effective pursuant to the provisions of RCW 34.04.040.

Sec. 8. Section 7, chapter 31, Laws of 1893 and RCW 16.04.050 are each amended to read as follows:

If the owner or keeper of such offending animals is unknown to plaintiff at the commencement of the action, or if on the trial it appears that the defendant is not the proper party, defendant, and the proper party is unknown, service of the summons or notice shall be made by publication, by publishing a copy of the summons or notice, with a notice attached, stating the object of the action and giving a description of the animals seized, in a ((weekly)) newspaper ((published nearest to the residence of)) of general circulation in the area where the plaintiff((, if there be one published in the county; and if not, by posting said summons or notice with said notice attached in three public places in the county, in either case not)) resides less than ten days previous to the day of trial.

Sec. 9. Section 2, chapter 194, Laws of 1937 as amended by section 3, chapter 169, Laws of 1977 ex. sess. and RCW 17.08.020 are each amended to read as follows:

Upon petition of registered land owners representing not less than five percent of the number of farms in the county as shown by the last United States census, the ((boards of)) county ((commissioners)) legislative authorities of the respective counties and the director of the state department of agriculture shall thoroughly investigate, which investigation shall include a public hearing, notice of which shall be posted under the direction of the director of the state department of agriculture, in at least five conspicuous places within the posted area at least fifteen days prior to the hearing. If ((such)) the investigation shall indicate a need therefor there shall be created, by a regularly promulgated order, a weed extermination area or areas, within their counties or within the state of Washington for the purpose of destroying, preventing, and exterminating any particular weed, weeds or

plants, or all weeds or plants, which are now or may hereafter be classed by the agricultural experiment station of Washington State University as noxious or poison weeds or plants detrimental to agriculture or to livestock, when the ~~((boards of))~~ county ~~((commissioners))~~ legislative authorities and the director of the department of agriculture of the state of Washington find the creation of such an area and the extermination of noxious or poison weeds or plants growing thereon to be in the interest of the general public welfare of their respective counties or of the state of Washington, and when ~~((such))~~ the investigation shows that conditions are such as to prevent the organization of a weed district in the manner prescribed in RCW 17.04.010 through 17.04.070, 17.04.240 and 17.04.250. If the ~~((boards of))~~ county ~~((commissioners))~~ legislative authorities and the director of the state department of agriculture cannot agree on the establishment or in other matters pertaining to weed extermination areas, the decision of the director shall be final. Upon the establishing of any weed extermination area or areas as provided in this section, the ~~((boards of))~~ county ~~((commissioners))~~ legislative authorities and the director of the state department of agriculture shall cause this fact to be published once a week for three consecutive weeks in a newspaper ~~((published in the county in which such weed extermination area is situated and))~~ of general circulation in ~~((such))~~ the county in which the weed extermination area is situated and ~~((such))~~ the notice shall state the boundaries of the weed extermination area so established. A weed extermination area when established as provided herein shall be maintained as such for a period of not less than five years. Any weed district organized or reorganized as provided in RCW 17.04.010 through 17.04.070, 17.04.240 and 17.04.250 is hereby authorized to maintain its status and organization and to exercise all powers and subject to the limitations granted to it in prior sections of this chapter, even when part or all of such weed district is also included in a weed extermination area.

Sec. 10. Section 8, chapter 13, Laws of 1957 and RCW 17.08.070 are each amended to read as follows:

Methods and rules to be followed in extermination areas may be changed or modified by the authority setting up the areas whenever in their judgment a change is justified, practical, and in the interest of the public welfare. Upon the determination of methods, rules and regulations to be followed in any area, the boards and the director shall publish ~~((such))~~ the methods, rules, and regulations weekly for three consecutive weeks in a newspaper ~~((published in the county in which the area is located and))~~ of general circulation in the county.

Sec. 11. Section 1, chapter 38, Laws of 1897 as amended by section 1, chapter 302, Laws of 1981 and RCW 19.76.100 are each amended to read as follows:

All persons engaged in the manufacture, bottling or selling of ale, porter, lager beer, soda, mineral water, or other beverages in casks, kegs, bottles or boxes, with their names or other marks of ownership stamped or marked thereon, may file in the office of the secretary of state a description of names or marks so used by them, and ~~((cause))~~ publish the same ~~((to be printed for six successive weeks))~~ in a ~~((weekly newspaper, printed in the English language, in counties where no daily newspaper is printed or published, and in counties where a daily newspaper is printed and published, the same shall be published in a daily))~~ newspaper of general circulation in the county, printed in the English language, ~~((six times))~~ once a week for six successive weeks, in counties where ~~((such))~~ the articles are manufactured, bottled or sold.

Sec. 12. Section 25.12.040, chapter 15, Laws of 1955 and RCW 25.12.040 are each amended to read as follows:

~~((Such))~~ The partnership cannot commence before the filing of the certificate of partnership, and if a false statement is made in ~~((such))~~ the certificate, all the persons subscribing thereto are liable as general partners for all the debts of the partnership. The partners shall, for four consecutive weeks immediately after the filing of the certificate of partnership, publish a copy of it in some ~~((weekly))~~ newspaper ~~((published))~~ of general circulation in the county where the principal place of business of the partnership is, ~~((or if no such paper be published therein, then in some newspaper of general circulation therein;))~~ and until ~~((such))~~ the publication is made and completed, the partnership is to be deemed general.

Sec. 13. Section 1, chapter 159, Laws of 1975 1st ex. sess. and RCW 27.40.034 are each amended to read as follows:

The board of regents may provide, by rule or regulation, for:

(1) The permanent acquisition of documents or materials on loan to the state museum at the University of Washington, if ~~((such))~~ the documents or materials have not been claimed by the owner thereof within ninety days after notice is sent by certified mail, return receipt requested, to the owner at his last known address by the board of regents and if ~~((such))~~ the certified letter be returned because it could not be delivered to the addressee, public notice shall be published by the University of Washington once each week during two successive weeks in a ~~((daily))~~ newspaper circulating in the city of Seattle and the county of King describing the unclaimed documents or materials, giving the name of the reputed owner thereof and requesting all persons who may have any knowledge of the whereabouts of ~~((such))~~ the owner to contact the office of the museum of the University of Washington: PROVIDED HOWEVER, That more than one item may be described in each of ~~((such))~~ the notices;

(2) The return to the rightful owner of documents or materials in the possession of the museum, which documents or materials are determined to have been stolen: PROVIDED, That any person claiming to be the rightful

legal owner of ~~((such))~~ the documents or materials who wishes to challenge ~~((such))~~ the determination by ~~((said))~~ the board shall have the right to commence a declaratory judgment action pursuant to chapter 7.24 RCW in the superior court for King county to determine the validity of his claim of ownership to ~~((such))~~ the documents or materials.

***Sec. 14. Section 28B.60.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.050 are each amended to read as follows:**

For the purpose of organizing a development district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district shall be presented to the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority of the county in which the proposed district or the greater portion thereof, is situated, which petition shall contain the following:

(1) A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which ~~((said))~~ the lands are situated.

(2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by ~~((said))~~ the respective petitioners.

(3) A general statement of the probable location of the community college facilities, either existing or planned, and a brief outline of the plan of improvements contemplated by the organization of the district.

(4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

(5) Any other matter deemed material.

(6) A prayer requesting the ~~((board))~~ county legislative authority to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the costs in case ~~((such))~~ the organization ~~((shall))~~ is not ~~((be-effected. Said))~~ affected. The petition shall be presented at a regular meeting of the ~~((said-board))~~ county legislative authority, or at any special meeting ordered to consider and act upon ~~((said))~~ the petition, and shall be published at least once a week during the three weeks (three issues) before the time at which the same is to be presented, in ~~((some))~~ a newspaper of general circulation ~~((printed-and-published))~~ in the county or counties where ~~((said))~~ the petition is to be presented, together with a notice signed by the clerk of the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority stating the time of the meeting at which the same will be presented. The ~~((board))~~ county legislative authority shall, in addition to publishing as provided herein, cause a copy of the notice to be mailed to the address for each parcel of property located within the district as set forth in the property

rolls of each county treasurer's office servicing land within the district. However, failure to receive actual notice shall not exempt any land or property from being included in the district.

In the event that the boundaries of the contemplated development district lie within more than one county, the petition shall be presented in the same manner before the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority of each county and the procedures for notice and publication prescribed for one county shall be followed in each county. However, the time of hearing shall be arranged so that the members of the county ~~((commissioners))~~ legislative authority from the county which has the smallest area of the proposed district may attend the hearing in the other county, if they should so desire. The ~~((said))~~ notice, together with a map of the district, shall also be served by registered mail at least thirty days before the ~~((said))~~ hearing upon the chief educational officer for community colleges at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' bondsmen, make ~~((such))~~ an investigation of the proposed plans of the community college development district as he may deem necessary, and file a report of his findings together with a statement of his costs, with the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority at or prior to the time or times set for ~~((said))~~ the hearing or hearings.

*Sec. 14 was vetoed, see message at end of chapter.

Sec. 15. Section 30.44.210, chapter 33, Laws of 1955 and RCW 30.44.210 are each amended to read as follows:

After the expiration of two years from the time of mailing the notice, the supervisor shall mail in a securely closed postpaid registered letter, addressed to ~~((such))~~ the person at his last known address, a final notice stating that two years have elapsed since the sending of the notice referred to in RCW 30.44.200, and that the supervisor will sell all the property or articles of value set out in the notice, at a specified time and place, not less than thirty days after the time of mailing ~~((such))~~ the final notice. Unless ~~((such))~~ the person shall, on or before the day mentioned, claim the property, identify himself and offer evidence of his right thereto, to the satisfaction of the supervisor, the supervisor may sell all the property or articles of value listed in the notice, at public auction, at the time and place stated in the final notice: PROVIDED, That a notice of the time and place of sale has been published once within ten days prior to the sale in a newspaper ~~((published))~~ of general circulation in the county where the sale is held. Any such property held by the supervisor, the owner of which is not known, may be sold at public auction after it has been held by the supervisor for two years, provided, that a notice of the time and place of sale has been published once within ten days prior to the sale in a newspaper ~~((published))~~ of general circulation in the county where the sale is held.

Sec. 16. Section 32.04.040, chapter 13, Laws of 1955 and RCW 32-.04.040 are each amended to read as follows:

Any savings bank may make a written application to the supervisor for leave to change its place of business to another place in the same county. The application shall state the reasons for ~~((such))~~ the proposed change, and shall be signed and acknowledged by a majority of its board of trustees. If the proposed place of business is within the limits of the city or town in which the present place of business of the savings bank is located, ~~((such))~~ the change may be made upon the written approval of the supervisor; if beyond ~~((such))~~ the limits, notice of intention to make ~~((such))~~ the application, signed by two principal officers of the savings bank, shall be published once a week for two successive weeks immediately preceding ~~((such))~~ the application in a ~~((daily))~~ newspaper ~~((published))~~ of general circulation in the city of Olympia and shall be published in like manner in a newspaper to be designated by the supervisor, ~~((published))~~ of general circulation in the county in which the present place of business of the bank is located. If the supervisor grants his certificate authorizing the change of location, which in his discretion he may do, the savings bank shall cause ~~((such))~~ the certificate to be published once in each week for two successive weeks in the newspapers in which the notice of application was published. When the requirements of this section have been fully complied with, the savings bank may, upon or after the day specified in the certificate, remove its property and effects to the location designated therein, and thereafter its principal place of business shall be the location so specified; and it shall have all the rights and powers in ~~((such))~~ the new location which it possessed at its former location.

Sec. 17. Section 35.03.020, chapter 7, Laws of 1965 as amended by section 2, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.020 are each amended to read as follows:

A petition shall first be presented under the provisions of RCW 35.03-.005 through 35.03.050 to the county auditor of ~~((such))~~ the county, signed by at least five hundred qualified electors of the county, residents within the limits of ~~((such))~~ the proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of ~~((such))~~ the corporation, state the name of the proposed corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this chapter. The county auditor shall within thirty days from the time of receiving ~~((said))~~ the petition determine that the legal description of the area proposed to be incorporated is correct and that there is a sufficient number of valid signatures. Upon such determination, the county auditor shall transmit ~~((said))~~ the petitions accompanied by the certificate of sufficiency to the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority except that in counties in which a

boundary review board exists under chapter 36.93 RCW, ~~((said))~~ the petition and the certificate of sufficiency shall be transmitted to the boundary review board. If a period of sixty days shall elapse from the filing of the ~~((said))~~ petition with the boundary review board without ~~((such))~~ the board's jurisdiction having been invoked, as provided in RCW 36.93.100, the proposed incorporation shall be deemed to have been approved by the board. Upon presentation of ~~((said))~~ the petition in counties in which there is no boundary review board, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall ascertain the number of inhabitants residing within ~~((said))~~ the proposed boundaries. If, in the opinion of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, the population within ~~((such))~~ the proposed boundaries can be ascertained from the figures compiled from the last federal state census for ~~((said))~~ the county, ~~((such))~~ those population figures shall be used, otherwise ~~((said board of))~~ the county ~~((commissioners))~~ legislative authority shall make an enumeration of all persons residing within ~~((said))~~ the proposed boundaries. If the ~~((board of))~~ county ~~((commissioners shall))~~ legislative authority ascertains that there are twenty thousand or more inhabitants within ~~((said))~~ the proposed boundaries, ~~((they))~~ it shall set a date for hearing on ~~((said))~~ the petition, the same to be published in accordance with the notice required by RCW 29.27.080 prior to ~~((such))~~ the hearing in some newspaper ~~((published in said))~~ of general circulation in the county, together with a notice stating the time and place of the meeting at which ~~((said))~~ the petition will be heard. ~~((Such))~~ The hearing may be adjourned from time to time, not to exceed one month in all, and, on the final hearing, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall make such changes in the proposed boundaries as ~~((they))~~ it may find to be proper, but may not enlarge the same, nor reduce the same so that the population therein would be less than twenty thousand inhabitants: PROVIDED, That if the jurisdiction of the boundary review board has been invoked and it has approved the proposed incorporation or has modified it so that the statutory requirements for incorporation have still been satisfied, then the ~~((said))~~ petition shall not be referred to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority for action and hearing thereon as provided above. Within thirty days after the conclusion of the final hearing on the proposed incorporation before a boundary review board, that board shall file its written decision of approval, modification, or rejection with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority.

Sec. 18. Section 35.07.240, chapter 7, Laws of 1965 and RCW 35.07-.240 are each amended to read as follows:

Upon the filing of a petition for the involuntary dissolution of a town, the superior court shall enter an order fixing the time for hearing thereon at a date not less than thirty days from date of filing. The state auditor shall give notice of ~~((such))~~ the hearing by publication in a ~~((weekly))~~ newspaper

of general circulation in the county, once a week for three successive (~~issues~~) weeks, and by posting in three public places in the town, stating therein the purpose of the petition and the date and place of hearing thereon.

Sec. 19. Section 35.16.020, chapter 7, Laws of 1965 and RCW 35.16-.020 are each amended to read as follows:

Notice of a special corporate limit reduction election shall be published for at least four weeks prior to the election in ((~~α~~) the official newspaper ((~~printed and published in~~)) of the city or town. The notice shall distinctly state the proposition to be submitted, shall designate specifically the area proposed to be excluded and the boundaries of the city or town as they would be after the proposed exclusion of territory therefrom and shall require the voters to cast ballots which contain the words "For reduction of corporate limits" and "Against reduction of corporate limits" or words equivalent thereto. This notice shall be in addition to the notice required by chapter 29.27 RCW.

Sec. 20. Section 35.21.320, chapter 7, Laws of 1965 and RCW 35.21-.320 are each amended to read as follows:

All city and town warrants shall draw interest from and after their presentation to the treasurer, but no compound interest shall be paid on any warrant directly or indirectly. The city or town treasurer shall pay all warrants in the order of their number and date of issue whenever there are sufficient funds in the treasury applicable to the payment. If five hundred dollars (or any sum less than five hundred dollars as may be prescribed by ordinance) is accumulated in any fund having warrants outstanding against it, the city or town treasurer shall publish a call for warrants to that amount in the next issue of ((~~α~~) the official newspaper ((~~published in~~)) of the city or town ((~~or posted in three conspicuous places in the municipality if no newspaper is published therein~~) describing)). The notice shall describe the warrants so called by number and specifying the fund upon which they were drawn: PROVIDED, That no call need be made until the amount accumulated is equal to the amount due on the warrant longest outstanding: PROVIDED FURTHER, That no more than two calls shall be made in any one month.

Any city or town treasurer who knowingly fails to call for or pay any warrant in accordance with the provisions of this section shall be fined not less than twenty-five dollars nor more than five hundred dollars and conviction thereof shall be sufficient cause for removal from office.

Sec. 21. Section 35.21.530, chapter 7, Laws of 1965 and RCW 35.21-.530 are each amended to read as follows:

When a city or town codifies its ordinances, it shall file a typewritten or printed copy of ((~~such~~)) the codification in the office of the city or town clerk. After the first reading of the title of the adopting ordinance and of

the title of the code to be adopted thereby, the legislative body of the city or town shall schedule a public hearing thereon. Notice of the hearing shall be published once not more than fifteen nor less than ten days prior to the hearing in the official newspaper of the city (~~published in such city or town~~), indicating that its ordinances have been compiled, or codified and that a copy of such compilation or codification is on file in the city or town clerk's office for inspection. (~~If there is no official newspaper, then the notice shall be published in some other newspaper published in the city or town, and if there is no newspaper published in the city or town, then it shall be published or posted in at least three public places in such city or town as the city or town legislative body may direct.~~) The notice shall state the time and place of the hearing.

Sec. 22. Section 35.22.060, chapter 7, Laws of 1965 as amended by section 8, chapter 47, Laws of 1965 ex. sess. and RCW 35.22.060 are each amended to read as follows:

The board of freeholders shall convene within ten days after their election and frame a charter for the city and within thirty days thereafter, they, or a majority of them, shall submit the charter to the legislative authority of the city, which, within five days thereafter, shall cause it to be published in the (~~daily newspaper of largest general circulation published in the city, or if no daily newspaper is published therein, then it shall be published in the~~) newspaper having the largest general circulation within the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

Sec. 23. Section 35.22.170, chapter 7, Laws of 1965 as amended by section 12, chapter 47, Laws of 1965 ex. sess. and RCW 35.22.170 are each amended to read as follows:

The proposed new, altered or revised charter shall be published in the (~~daily newspaper of largest general circulation published in the city, or if no daily newspaper is published therein, then it shall be published in the~~) newspaper having the largest general circulation within the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

Sec. 24. Section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 89, Laws of 1979 ex. sess. and RCW 35.23.352 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of (~~such~~) the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of fifteen thousand dollars. Whenever the cost of (~~such~~) the public work or improvement, including materials, supplies and equipment, will exceed

fifteen thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. ~~((Such))~~ The notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. ~~((If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town.))~~ The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call. When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish ~~((such))~~ a bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform ~~((such))~~ the work or improvement by day labor.

(2) In addition to the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster and award contracts under this subsection for contracts of twenty thousand dollars or less.

(a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is twenty thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the city or town shall invite at least one proposal from a minority contractor who shall

otherwise qualify under this section. ~~((Such))~~ The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is twenty thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.

(3) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof.

(4) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(5) For advertisement and competitive bidding to be dispensed with as to purchases between two thousand and four thousand dollars, the city legislative authority must authorize by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding ~~((such))~~ the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

Sec. 25. Section 35.24.220, chapter 7, Laws of 1965 and RCW 35.24.220 are each amended to read as follows:

Every ordinance of a city of the third class shall be published at least once in ~~((a newspaper published in the city, such publication to be made in))~~ the city's official newspaper ~~((if there is one. If there is no official newspaper or other newspaper published in the city then publication shall be made by printing and posting the ordinance in at least three public places in the city in such manner as the city council may direct))~~.

Sec. 26. Section 35.27.300, chapter 7, Laws of 1965 and RCW 35.27.300 are each amended to read as follows:

Every ordinance shall be published at least once in ~~((a))~~ the official newspaper ~~((published in))~~ of the town ~~((or, if there is no such newspaper, it shall be printed and posted in at least three public places therein))~~.

Sec. 27. Section 8, chapter 95, Laws of 1969 ex. sess. as amended by section 2, chapter 67, Laws of 1973 and RCW 35.33.061 are each amended to read as follows:

Immediately following the filing of the preliminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk; that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city or town will meet on or before the first Monday of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of ~~((such))~~ the notice shall be made in the official newspaper of the city or town ~~((if there is one, otherwise in a newspaper of general circulation in the city or town or if there be no newspaper of general circulation in the city or town, then by posting in three public places fixed by ordinance as the official places for posting the city's or town's official notices))~~.

Sec. 28. Section 35.42.080, chapter 7, Laws of 1965 and RCW 35.42-.080 are each amended to read as follows:

A lease and lease back agreement requiring a lessee to build on city or town property shall be made pursuant to a call for bids upon terms most advantageous to the city or town. The call for bids shall be given by posting notice thereof in a public place in the city or town and by publication in the official newspaper of the city or town once each week for two consecutive weeks before the date fixed for opening the bids. ~~((If there is no official newspaper, the notice shall be published in a newspaper of general circulation in the city or town.))~~ The city council or commission of the city or town may by resolution reject all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the city council or commission may readvertise and make a second call, or may execute a lease without any further call for bids.

Sec. 29. Section 35.43.140, chapter 7, Laws of 1965 as amended by section 1, chapter 203, Laws of 1984 and RCW 35.43.140 are each amended to read as follows:

Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city or town council or other legislative authority of the city or town, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, subsewer and branches of trunk water main and laterals are to be constructed.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or additions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, (~~(or if there is no official newspaper, in any legal newspaper of general circulation therein;))~~ the first publication to be at least fifteen days before the day fixed for the hearing.

The hearing herein required may be held before the city or town council, or other legislative authority, or before a committee thereof. The legislative authority of a city having a population of fifteen thousand or more may designate an officer to conduct the hearings. The committee or hearing officer shall report recommendations on the resolution to the legislative authority for final action.

Sec. 30. Section 35.44.090, chapter 7, Laws of 1965 and RCW 35.44-.090 are each amended to read as follows:

At least fifteen days before the date fixed for hearing, notice thereof shall be mailed to the owner or reputed owner of the property whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list. In addition thereto the notice shall be published at least five times in (~~(a daily))~~ the official newspaper (~~(or at least two times in a weekly newspaper))~~ of the city or town, the last publication to be at least fifteen days before the date fixed for hearing.

~~((If the city or town has an official newspaper, the notice must be published therein; otherwise it may be published in any legal newspaper of general circulation in the city or town.))~~

Sec. 31. Section 1, chapter 6, Laws of 1965 ex. sess. and RCW 35.47-.010 are each amended to read as follows:

Any city or town having any outstanding and unpaid local improvement bonds or warrants issued in connection with a local improvement therein to which the local guaranty fund law is not applicable and that have been delinquent for more than fifteen years, by ordinance, may direct that the money, if any, remaining in a given local improvement fund for which no real property is held in trust shall be distributed by the city or town on a pro rata basis, without any reference to numerical order, to the holders of outstanding bonds or warrants for each such fund, excluding the accrued

interest thereon. If ~~((such))~~ the outstanding bonds or warrants are not presented for payment within one year after the last date of publication of notice provided for herein, the money being held in the local improvement fund of a city or town shall be deemed abandoned, and shall be transferred to the city or town general fund: PROVIDED, That ~~((such))~~ the city or town shall publish a notice once each week for two successive weeks in ~~((a))~~ the official newspaper ~~((published in such))~~ of the city or town in which it is indicated that L.I.D. bonds for L.I.D. improvement Nos. to inclusive must be presented to the city or town for payment not later than one year from this date or the money being held in the local improvement fund of the city or town shall be transferred to the city or town general fund.

Sec. 32. Section 35.61.030, chapter 7, Laws of 1965 and RCW 35.61-.030 are each amended to read as follows:

In submitting the ~~((said))~~ question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published once a week for ~~((at least five days))~~ two consecutive weeks in ~~((a daily))~~ the official newspaper ~~((published in))~~ of the city, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place, the proposition which shall be expressed in the following terms:

- "For the formation of a metropolitan park district."
- "Against the formation of a metropolitan park district."

Sec. 33. Section 35.61.190, chapter 7, Laws of 1965 and RCW 35.61-.190 are each amended to read as follows:

Whenever there is money in the metropolitan park district fund and the commissioners of the park district deem it advisable to apply any part thereof to the payment of bonded indebtedness, they shall advertise in a ~~((daily))~~ newspaper ~~((published))~~ of general circulation within ~~((said))~~ the park district for the presentation to them for payment of as many bonds as they may desire to pay with the funds on hand, the bonds to be paid in numerical order, beginning with the lowest number outstanding and called by number.

Thirty days after the first publication of the notice by the board calling in bonds they shall cease to bear interest, and this shall be stated in the notice.

Sec. 34. Section 35.61.260, chapter 7, Laws of 1965 and RCW 35.61-.260 are each amended to read as follows:

Upon the filing of an annexation petition with the board of park commissioners, if the commissioners concur in the petition, they shall provide for a hearing to be held for the discussion of the proposed annexation at the

office of the board of park commissioners, and shall give due notice thereof by publication at least ~~((five days))~~ once a week for two consecutive weeks before the hearing in a ~~((daily))~~ newspaper ~~((published))~~ of general circulation in the park district.

Sec. 35. Section 35.61.270, chapter 7, Laws of 1965 and RCW 35.61-.270 are each amended to read as follows:

If the park commissioners concur in the petition, they shall cause the proposal to be submitted to the electors of ~~((such))~~ the territory proposed to be annexed, at an election to be held in ~~((such))~~ the territory, which shall be called, canvassed and conducted in accordance with the general election laws. The board of park commissioners by resolution shall fix a time for the holding of the election to determine the question of annexation, and in addition to the notice required by RCW 29.27.080 shall give notice thereof by causing notice to be published ~~((for five days in five))~~ once a week for two consecutive ~~((issues of))~~ weeks in a ~~((daily))~~ newspaper ~~((published in said))~~ of general circulation in the park district, and by posting notices in five public places within the territory proposed to be annexed in ~~((said))~~ the district.

The ballot to be used at ~~((such))~~ the election shall be in the following form:

- "For annexation to metropolitan park district."
- "Against annexation to metropolitan park district."

Sec. 36. Section 35.70.060, chapter 7, Laws of 1965 and RCW 35.70-.060 are each amended to read as follows:

The notice shall be served:

(1) By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the owners, or

(2) By leaving a copy thereof at the usual place of abode of ~~((such))~~ the owner in the city or town with a person of suitable age and discretion residing therein, or

(3) If the owner is a nonresident of the city or town and his place of residence is known by mailing a copy to the owner addressed to his last known place of residence, or

(4) If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in ~~((two weekly issues of))~~ the official newspaper of ~~((such))~~ the city or town ~~((or if there be no official newspaper then in any weekly newspaper published in said city or town. Such))~~ once a week for two consecutive weeks. The notice shall specify a reasonable time within which ~~((said))~~ the sidewalk shall be constructed which in the case of publication of the notice shall not be less than sixty days from the date of the first publication of such notice.

Sec. 37. Section 35.68.030, chapter 7, Laws of 1965 and RCW 35.68-.030 are each amended to read as follows:

If all or any portion of the cost is to be assessed against the abutting property owner, or if the abutting property owner is required to construct the improvement, the resolution shall fix a time from and after its passage, and a place, for hearing on the resolution. The resolution shall be published for two consecutive weeks before the time of hearing in the official newspaper or regularly published official publication of the city or town and a notice of the date of ~~((such))~~ the hearing shall be given each owner or reputed owner of the abutting property by mailing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer, at the address shown thereon a notice of the date of hearing, ~~((such))~~ the mailing to be at least ten days before the date fixed for ~~((such))~~ the hearing. ~~((If there be no official newspaper or official publication in the city the resolution may be published in any newspaper of general circulation therein:))~~ If the publication and mailing is made as herein required, proof thereof by affidavit shall be filed with the city clerk, comptroller or auditor of the city before the hearing. The hearing may be postponed from time to time to a definite date until the hearing is held. At the time of hearing the council shall hear persons who appear for or against the improvement, and determine whether it will or will not proceed with the improvement and whether it will make any changes in the original plan, and what the changes shall be. This action may be taken by motion adopted in the usual manner.

Sec. 38. Section 35.68.050, chapter 7, Laws of 1965 and RCW 35.68-.050 are each amended to read as follows:

Where all or any portion of the costs are to be assessed against the abutting property, an assessment roll shall be prepared by the proper city official or by the city council which shall to the extent necessary be based on benefits and which shall describe the property assessed, the name of the owner, if known, otherwise stating that the owner is unknown and fixing the amount of the assessment. The assessment roll shall be filed with the city clerk, and when so filed the council shall by resolution fix a date for hearing thereon and direct the clerk to give notice of ~~((such))~~ the hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper or regular official publication of the city ~~((; or if there is no official newspaper or official publication, in a newspaper of general circulation in the city))~~. The notice shall be mailed and first publication made at least ten days before the hearing date. Proof of mailing and publication shall be made by affidavit and shall be filed with the city clerk before the date fixed for the hearing. Following the hearing the city council shall by ordinance affirm, modify, or reject or order recasting of the assessment roll. An appeal may be taken to the superior court from the ordinance confirming the assessment roll in the same manner as is provided for appeals

from the assessment roll by chapters 35.43 to 35.54 RCW, inclusive, as now or hereafter amended.

Sec. 39. Section 35.70.080, chapter 7, Laws of 1965 and RCW 35.70-.080 are each amended to read as follows:

Thereupon the city or town council shall set a date for hearing any protests against the proposed assessment roll and shall cause a notice of the time and place of ~~((said))~~ the hearing to be published once a week for two successive weeks in the official newspaper of ~~((said))~~ the city or town ~~((or if there is no official newspaper then in any weekly newspaper published in such city or town))~~, the date of ~~((said))~~ the hearing to be not less than thirty days from the date of the first publication of ~~((said))~~ the notice. At the hearing or at any adjournment thereof the council by ordinance shall assess the cost of constructing the sidewalk against the abutting property in accordance with the benefits thereto.

Sec. 40. Section 35.94.020, chapter 7, Laws of 1965 and RCW 35.94-.020 are each amended to read as follows:

The legislative authority of the city, if it deems it advisable to lease or sell ~~((such))~~ the works, plant, or system, or any part thereof, shall adopt a resolution stating whether it desires to lease or sell. If it desires to lease, the resolution shall state the general terms and conditions of the lease, but not the rent. If it desires to sell the general terms of sale shall be stated, but not the price. The resolution shall direct the city clerk, or other proper official, to publish the resolution not less than once a week for four weeks in the official newspaper of the city ~~((if there is one, or if not, then in any newspaper published in the city, or if there is none, then in any newspaper published in the county in which the city is located))~~, together with a notice calling for sealed bids to be filed with the clerk or other proper official not later than a certain time, accompanied by a certified check payable to the order of the city, for such amount as the resolution shall require, or a deposit of a like sum in money. Each bid shall state that the bidder agrees that if his bid is accepted and he fails to comply therewith within the time hereinafter specified, the check or deposit shall be forfeited to the city. If bids for a lease are called for, bidders shall bid the amount to be paid as the rent for each year of the term of the lease. If bids for a sale are called for, the bids shall state the price offered. The legislative authority of the city may reject any or all bids and accept any bid which it deems best. At the first meeting of the legislative authority of the city held after the expiration of the time fixed for receiving bids, or at some later meeting, the bids shall be considered. In order for ~~((such))~~ the legislative authority to declare it advisable to accept any bid it shall be necessary for two-thirds of all the members elected to ~~((such))~~ the legislative authority to vote in favor of a resolution making the declaration. If the resolution is adopted it shall be necessary, in order that ~~((such))~~ the bid be accepted, to enact an ordinance accepting it and directing the execution of a lease or conveyance by the mayor and city clerk or

other proper official. ~~((Such))~~ The ordinance shall not take effect until it has been submitted to the voters of the city for their approval or rejection at the next general election or at a special election called for that purpose, and a majority of the voters voting thereon have approved it. If approved it shall take effect as soon as the result of the vote is proclaimed by the mayor. If it is so submitted and fails of approval, it shall be rejected and annulled. The mayor shall proclaim the vote as soon as it is properly certified.

Sec. 41. Section 35A.09.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.09.050 are each amended to read as follows:

The proposed new, altered, or revised charter shall be published in the ~~((daily newspaper of largest general circulation published in the city, or if no daily newspaper is published therein, then it shall be published in the))~~ newspaper having the largest general circulation within the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

Sec. 42. Section 35A.12.160, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.160 are each amended to read as follows:

Promptly after adoption, every ordinance shall be published, ~~((verbatim;))~~ at least once in ~~((a newspaper printed and published within the city, such publication to be made in))~~ the city's official newspaper ~~((if there is one. If there is no official newspaper or other newspaper printed and published within the city, then publication shall be made by printing and posting the ordinance in at least three public places in the city designated by ordinance as the official posting places for city notices))~~.

Sec. 43. Section 35A.33.060, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 67, Laws of 1973 and RCW 35A.33.060 are each amended to read as follows:

Immediately following the filing of the preliminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk, that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city will meet on or before the first Monday of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of ~~((such))~~ the notice shall be made in the official newspaper of the city ~~((if there is one, otherwise in a newspaper of general circulation in the city or if there be no newspaper of general circulation in the city, then by posting in three public places fixed by ordinance as the official places for posting the city's official notices))~~.

Sec. 44. Section 36.29.060, chapter 4, Laws of 1963 as amended by section 4, chapter 100, Laws of 1980 and RCW 36.29.060 are each amended to read as follows:

Whenever the county treasurer has in his hands the sum of five hundred dollars belonging to any fund upon which warrants are outstanding, he shall make a call for ~~((such))~~ the warrants to that amount in the order of their issue. The county treasurer shall either notify all holders of warrants covered by the call or cause ~~((such))~~ the call to be published in some newspaper ~~((published))~~ of general circulation in the county in the first issue of ~~((such))~~ the newspaper after such sum has been accumulated ~~((, and if there is no such newspaper, the call shall be posted in three conspicuous places in the county))~~. The call shall describe by number the warrants called, and specify the funds upon which they were drawn: PROVIDED, That the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may prescribe a less sum than five hundred dollars, upon the accumulation of which the call shall be made as to any particular fund: PROVIDED FURTHER, That if the warrant longest outstanding on any fund exceeds the sum of five hundred dollars, or exceeds the sum fixed by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, no call need be made for warrants on ~~((such))~~ the fund until the amount due on ~~((such))~~ the warrant has accumulated. No more than two calls for the redemption of warrants shall be made by the treasurer in any month. The treasurer shall pay on demand, in the order of their issue, any warrants when there shall be in the treasury sufficient funds applicable to such payment.

Sec. 45. Section 36.34.020, chapter 4, Laws of 1963 as amended by section 1, chapter 144, Laws of 1967 ex. sess. and RCW 36.34.020 are each amended to read as follows:

Whenever the ~~((board of))~~ county ~~((commissioners))~~ legislative authority desires to dispose of any county property except:

- (1) When selling to a governmental agency;
- (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
- (3) When the value of the property to be sold is less than five hundred dollars;
- (4) When the ~~((board))~~ county legislative authority by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in ~~((three different))~~ a legal newspaper ~~((s-published))~~ of general circulation in the county ~~((, or if there are less than three in as many legal newspapers as are published in the county))~~.

Sec. 46. Section 36.34.090, chapter 4, Laws of 1963 and RCW 36.34-.090 are each amended to read as follows:

Whenever county property is to be sold at public auction, the county auditor shall publish notice thereof once during each of two successive calendar weeks in ~~((three different))~~ a newspaper~~((s published))~~ of general circulation in the county ~~((or if there are less than three, in as many newspapers as are published in the county))~~. Notice thereof must also be posted in a conspicuous place in the courthouse. The posting and date of first publication must be at least ten days before the day fixed for the sale.

Sec. 47. Section 36.40.060, chapter 4, Laws of 1963 and RCW 36.40.060 are each amended to read as follows:

The ~~((board))~~ county legislative authority shall then publish a notice stating that it has completed and placed on file its preliminary budget for the county for the ensuing fiscal year, a copy of which will be furnished any citizen who will call at its office for it, and that it will meet on the first Monday in October thereafter for the purpose of fixing the final budget and making tax levies, designating the time and place of ~~((such))~~ the meeting, and that any taxpayer may appear thereat and be heard for or against any part of the budget. The notice shall be published once each week for two consecutive weeks immediately following adoption of the preliminary budget in the official newspaper of the county ~~((, or if there is none, in a legal newspaper in the county))~~. The ~~((board))~~ county legislative authority shall provide a sufficient number of copies of the detailed and comparative preliminary budget to meet the reasonable demands of taxpayers therefor and the same shall be available for distribution not later than two weeks immediately preceding the first Monday in October.

Sec. 48. Section 36.40.100, chapter 4, Laws of 1963 as last amended by section 1, chapter 97, Laws of 1973 and RCW 36.40.100 are each amended to read as follows:

The estimates of expenditures itemized and classified as required in RCW 36.40.040 and as finally fixed and adopted in detail by the board of county commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and every county official shall be limited in the making of expenditures or the incurring of liabilities to the amount of ~~((such))~~ the detailed appropriation items or classes respectively: PROVIDED, That upon a resolution formally adopted by the board at a regular or special meeting and entered upon the minutes, transfers or revisions within departments, or supplemental appropriations to the budget from unanticipated federal or state funds may be made: PROVIDED FURTHER, That the board shall publish notice of the time and date of the meeting at which the supplemental appropriations resolution will be adopted, and the amount of the appropriation, once each week, for two consecutive weeks prior to ~~((such))~~ the meeting in the official newspaper of the county ~~((or if there is none, in a legal newspaper in the county))~~.

Sec. 49. Section 36.55.040, chapter 4, Laws of 1963 and RCW 36.55-.040 are each amended to read as follows:

On application being made to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority for franchise, ~~((the board))~~ it shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The ~~((board))~~ county legislative authority shall also publish a like notice two times in ~~((some daily))~~ the official newspaper ~~((published in))~~ of the county, ~~((or if no daily newspaper is published in the county, then the newspaper doing the county printing,))~~ the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range in which the county roads or portions thereof are physically located, to be included in the franchise for which the application is made, and the time and place fixed for the hearing.

Sec. 50. Section 36.82.190, chapter 4, Laws of 1963 and RCW 36.82-.190 are each amended to read as follows:

The ~~((board))~~ county legislative authority shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering ~~((such))~~ the excess funds, designating the time and place of hearing and that anyone may appear thereat and be heard for or against any part of ~~((said))~~ the preliminary supplemental budget. The notice shall be published once a week for two consecutive weeks immediately following the adoption of the preliminary supplemental budget in the official newspaper of the county ~~((, or if there is none, in a newspaper of general circulation in the county))~~. The ~~((board))~~ county legislative authority shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and they shall be available not later than two weeks immediately preceding the hearing.

Sec. 51. Section 6, chapter 92, Laws of 1911 as last amended by section 3, chapter 166, Laws of 1943 and RCW 53.20.010 are each amended to read as follows:

It shall be the duty of the port commission of any port district, before creating any improvements hereunder, to adopt a comprehensive scheme of harbor improvement in ~~((such))~~ the port district, after a public hearing thereon, of which ~~((at least ten days'))~~ notice shall be published once a week for two consecutive weeks in a ~~((daily))~~ newspaper of general circulation in ~~((such))~~ the port district, and no expenditure for the carrying on of any harbor improvements shall be made by ~~((said))~~ the port commission other than the necessary salaries, including engineers, clerical and office expenses of ~~((such))~~ the port district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of

a general scheme of harbor improvements in ((such)) the port district, unless and until ((such)) the comprehensive scheme of harbor improvement has been so officially adopted by the port commission.

Sec. 52. Section 10, chapter 92, Laws of 1911 and RCW 53.20.050 are each amended to read as follows:

Whenever a petition signed by one hundred freeholders in the district to be therein described, shall be filed with the port commission, asking that any portion of the general plan adopted be ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the cost thereof, it shall be the duty of the port commission to fix a date for hearing on ((such)) the petition, after which it may alter the boundaries of ((such)) the proposed district and prepare and adopt detail plans of any such local improvement, declare the estimated cost thereof, what proportion of ((such)) the cost shall be borne by ((such)) the proposed local improvement district, and what proportion of the cost, if any, but in any event not to exceed fifty percent, shall be borne by the entire port district. At any time within two years thereafter, upon petition of the owners of a majority of the lands in ((such)) the proposed local improvement district, fixed by the port commission, as shown in the office of the auditor of ((such)) the county, asking that ((such)) the improvement be ordered, the port commission shall forthwith by resolution order ((such)) the improvement, provide the general funds of the port district to be applied thereto, acquire all lands necessary therefor, pay all damages caused thereby, and commence in the name of the port district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle ((said)) the port district to proceed with such work, and shall thereafter proceed with ((such)) the work, and shall make and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within ((such)) the local improvement district in proportion to the special benefits to be derived by the property in ((such)) the local improvement district from ((such)) the improvement. Before the approval of ((such)) the roll a notice shall be published ((ten-days)) once a week for two consecutive weeks in one or more ((daily)) newspapers of general circulation in ((such)) the local improvement district, stating that ((such)) the roll is on file and open to inspection in the office of the clerk of the port commission, and fixing a time not less than fifteen nor more than thirty days from the date of the first publication of ((such)) the notice within which protests must be filed with the clerk of ((said)) the port commission against any assessments shown thereon, and fixing a time when a hearing shall be held by ((said)) the commission on ((said)) the protests. After ((such)) the hearing the port commission may alter any and all assessments shown on ((such)) the roll and may then by resolution approve

the same, but in the event of any assessment being raised a new notice similar to ~~((such))~~ the first notice shall be given, after which final approval of ~~((such))~~ the roll may be made by the port commission. Any person feeling aggrieved by any such assessments shall perfect an appeal to the superior court of ~~((such))~~ the county within ten days after ~~((such))~~ the approval in the manner now provided by law for appeals from assessments levied by cities of the first class in this state. Engineering and office expenses in all cases shall be borne by the general district.

Sec. 53. Section 4, chapter 73, Laws of 1955 and RCW 53.25.040 are each amended to read as follows:

A port commission may, after a public hearing thereon, of which at least ten days' notice shall be published in a ~~((daily))~~ newspaper of general circulation in the port district, create industrial development districts within the district and define the boundaries thereof, if it finds that the creation of ~~((such))~~ the industrial development district is proper and desirable in establishing and developing a system of harbor improvements and industrial development in ~~((such))~~ the port district.

Sec. 54. Section 12, chapter 73, Laws of 1955 as amended by section 1, chapter 138, Laws of 1963 and RCW 53.25.120 are each amended to read as follows:

The port commission shall give notice of the proposed sale by publication in ~~((two))~~ a newspaper~~((s-published))~~ of general circulation in the county, ~~((if there are two such newspapers,))~~ and by posting in three public places in the port district at least ten days before the date fixed for the hearing thereon.

The notice shall describe the property to be sold and state that at the time and place specified therein, the commission will meet at its usual meeting place, designating it, to hear and determine the advisability of the sale.

The hearing shall be held not more than twenty days from the publication of notice. At the hearing the commission shall hear the reasons of any taxpayer in the port district, for or against the sale.

No sales shall be made, however, of the property of any industrial development district until the purchaser thereof shall have submitted to the port commission plans and specifications for the development of ~~((said))~~ the property, and ~~((said))~~ the plans and specifications shall be approved in writing before ~~((said))~~ the property shall be conveyed, and the conditions upon which ~~((said))~~ the properties are conveyed shall be set forth in the instrument conveying title thereof with the further condition that all of the ~~((said))~~ conditions set forth shall be covenants running with the land. All properties acquired in the manner herein set forth shall be devoted to the public use herein provided for.

Sec. 55. Section 3, chapter 1, Laws of 1931 as last amended by section 1, chapter 240, Laws of 1979 ex. sess. and RCW 54.08.010 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the qualified electors of ((such)) the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of ((such)) the county the proposition of creating a public utility district which shall be coextensive with the limits of ((such)) the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which ((such)) the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before ((such)) the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If ((such)) the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed ((such)) the petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever ((such)) the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit ((such)) the proposition to the voters of ((said)) the county at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to ((said)) the legislative authority. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the ((said)) question to the voters for their approval or rejection, the proposition shall be expressed on ((said)) the ballot substantially in the following terms:

- Public Utility District No. YES
- Public Utility District No. NO

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the

county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when ~~((such))~~ the petition will be heard. ~~((Such))~~ The publication, and all other publications required by this act, shall be in a newspaper ~~((published in the proposed or established public utility district, or, if there be no such newspaper, then in a newspaper published))~~ of general circulation in the county in which ~~((such))~~ the district is situated~~((, and of general circulation in such county))~~. The hearing on ~~((such))~~ the petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of ~~((such))~~ those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 56. Section 1, chapter 11, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1982 1st ex. sess. and RCW 56.24.070 are each amended to read as follows:

The territory adjoining or in close proximity to a district may be annexed to and become a part of the district in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether ~~((such))~~ the territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county election officer, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the election officer shall transmit it, together with a certificate of sufficiency attached thereto to the sewer commissioners of the district. If there are no

electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in ~~((two successive issues of some weekly))~~ a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 57. Section 2, chapter 11, Laws of 1967 ex. sess. and RCW 56-24.080 are each amended to read as follows:

When ~~((such))~~ the petition is presented for hearing, the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority shall hear the same or may adjourn ~~((said))~~ the hearing from time to time not exceeding one month in all, and any person, firm or corporation may appear before the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and make objections to the proposed boundary lines or to the annexation of the territory described in the petition; and upon a final hearing the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority shall make such changes in the proposed boundary lines as ~~((they))~~ it deems to be proper and shall establish and define ~~((such))~~ the boundaries and shall find whether the proposed annexation of the ~~((said))~~ territory as established by the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority to the ~~((said))~~ sewer district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the ~~((said))~~ sewer district and so established by the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority: PROVIDED, That no lands which will not, in the judgment of ~~((said board))~~ the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of ~~((said))~~ the territory as so established and defined: PROVIDED FURTHER, That no change shall be made by the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority in the ~~((said))~~ boundary lines, including any territory outside of the boundary lines described in the petition: AND PROVIDED FURTHER, That no person having signed ~~((such))~~ the petition as herein provided for shall be

allowed to withdraw his or her name therefrom after the filing of the same with the board of sewer commissioners ~~((to said))~~ of the sewer district.

Upon the entry of the findings of the final hearing to the ~~((said))~~ petition by the ~~((said))~~ county ~~((commissioners of such county))~~ legislative authority, if ~~((they))~~ it finds the ~~((said))~~ proposed annexation of the territory to the ~~((said))~~ sewer district to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, ~~((they))~~ it shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to ~~((said))~~ the sewer district for the purpose of determining whether the same shall be annexed to the ~~((said))~~ sewer district; and ~~((such))~~ the notice shall particularly describe the boundaries established by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority on its final hearing of the ~~((said))~~ petition, and shall state the name of the sewer district to which the ~~((said))~~ territory is proposed to be annexed, and the same shall be published once a week for at least two weeks prior to ~~((such))~~ the election in a ~~((weekly))~~ newspaper ~~((printed and published))~~ of general circulation within the county within which ~~((said))~~ the district is located, ~~((and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein for two successive issues thereof;))~~ and shall be posted for the same period in at least four public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to ~~((said))~~ the sewer district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

For Annexation to Sewer District
or
Against Annexation to Sewer District

The ~~((said))~~ county ~~((commissioners))~~ legislative authority shall name the persons to act as judges at such election.

Sec. 58. Section 2, chapter 114, Laws of 1929 as last amended by section 10, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.04.030 are each amended to read as follows:

For the purpose of formation of water districts, a petition shall be presented to the county legislative authority of each county in which the proposed water district is located, which petition shall set forth the object for the creation of the district, shall designate the boundaries thereof and set forth the further fact that establishment of the district will be conducive to the public health, convenience and welfare and will be of benefit to the property included in the district. The petition shall be signed by at least twenty-five percent of the qualified electors who shall be qualified electors on the date of filing the petition, residing within the district described in the

petition. The petition shall be filed with the county election officer of each county in which the proposed district is located, who shall, within ten days examine and verify the signatures of the signers residing in the county; and for such purpose the county election official shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. No person having signed such a petition shall be allowed to withdraw his name from the petition after the filing of the petition with the county election officer. The petition shall be transmitted to the election officer of the county in which the largest land area of the district is located who shall certify to the sufficiency or insufficiency of the number of signatures. If the petition shall be found to contain a sufficient number of signatures, the county election officer shall then transmit the same, together with a certificate of sufficiency attached thereto to the county legislative authority of each county in which the proposed district is located. Following receipt of a petition certified to contain a sufficient number of signatures, at a regular or special meeting the county legislative authority shall cause to be published once a week for at least two weeks in (~~successive issues of~~) one or more (~~weekly~~) newspapers of general circulation in the proposed district, a notice that such a petition has been presented, stating the time of the meeting at which the petition shall be considered, and setting forth the boundaries of the proposed district. When such a petition is presented for hearing, each county legislative authority shall hear the petition or may adjourn the hearing from time to time not exceeding one month in all. Any person, firm, or corporation may appear before the county legislative authority and make objections to the establishment of the district or the proposed boundary lines thereof. Upon a final hearing each county legislative authority shall make such changes in the proposed boundary lines within the county as (~~they~~) it deems to be proper and shall establish and define (~~such~~) the boundaries and shall find whether the proposed water district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the boundaries of the proposed district. No lands which will not, in the judgment of the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of the district. No change shall be made by the county legislative authority in the boundary lines to include any territory outside of the boundaries described in the petition, except that the boundaries of any proposed district may be extended by the county legislative authority to include other lands in the county upon a petition signed by the owners of all of the land within the proposed extension.

Sec. 59. Section 4, chapter 55, Laws of 1941 as amended by section 3, chapter 112, Laws of 1951 and RCW 57.28.040 are each amended to read as follows:

Upon receipt by the commissioners of a petition and certificate of sufficiency of the auditor, or if the petition is signed by landowners and the

commissioners are satisfied as to the sufficiency of the signatures thereon, they shall at a regular or special meeting fix a date for hearing on the petition and give notice that the petition has been filed, stating the time and place of the meeting of the commissioners at which the petition will be heard and setting forth the boundaries of the territory proposed to be withdrawn. The notice shall be published ~~((for))~~ at least ~~((two weeks in))~~ once a week for two successive ~~((issues of a weekly))~~ weeks in a newspaper ~~((printed in the county in which the district is located and))~~ of general circulation therein, and if no such newspaper is printed in the county, then in some newspaper of general circulation in the county and district. Any additional notice of the hearing may be given as the commissioners may by resolution direct.

Prior to fixing the time for a hearing on any such petition, the commissioners in their discretion may require the petitioners to furnish a satisfactory bond conditioned that the petitioners shall pay all costs incurred by the water district in connection with ~~((such))~~ the petition, including the cost of an election if one is held pursuant thereto, and should the petitioners fail or refuse to post such a bond, if one is required by the water commissioners, then there shall be no duty on the part of the commissioners to act upon the petition.

Sec. 60. Section 20, chapter 250, Laws of 1907 and RCW 65.12.135 are each amended to read as follows:

The summons shall be directed to the defendants and require them to appear and answer the application within twenty days after the service of the summons, exclusive of the day of service; and ~~((said))~~ the summons shall be served as is now provided for the service of summons in civil actions in the superior court in this state, except as herein otherwise provided. The summons shall be served upon nonresident defendants and upon "all such unknown persons or parties," defendant, by publishing ~~((said))~~ the summons in a newspaper of general circulation ~~((printed and published))~~ in the county where the application is filed, once in each week for three consecutive weeks, and ~~((such))~~ the service by publication shall be deemed complete at the end of the twenty-first day from and including the first publication, provided that if any named defendant assents in writing to the registration as prayed for, which assent shall be endorsed upon the application or filed therewith and be duly witnessed and acknowledged, then in all such cases no service of summons upon ~~((said))~~ the defendant shall be necessary.

Sec. 61. Section 77, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.090 are each amended to read as follows:

Upon completion of the valuation of any tract of harbor area applied for under RCW 79.92.080, the department of natural resources shall notify the applicant of the terms and conditions upon which the re-lease will be granted and of the rental fixed. ~~((Such))~~ The applicant or his successor in

interest shall have the option for the period of sixty days from the date of the service of ~~((such))~~ notice in which to accept a lease on the terms and conditions and at the rental so fixed and determined by the department. If ~~((such))~~ the terms and conditions and rental are accepted a new lease shall be granted for the term applied for. If ~~((such))~~ the terms and conditions are not accepted by the applicant within ~~((said))~~ the period of time, or within such further time, not exceeding three months, as the department shall grant, the same shall be deemed rejected by the applicant, and the department shall give eight weeks' notice by publication once a week in one or more ~~((weekly))~~ newspapers ~~((printed and))~~ of general circulation in the county in which ~~((such))~~ the harbor area is ~~((situate))~~ located, that a lease of ~~((such))~~ the harbor area will be sold on such terms and conditions and at such rental, at a time and place specified in ~~((such))~~ the notice (which shall not be more than three months from the date of the first publication of ~~((said))~~ the notice) to the person offering at ~~((such))~~ the public sale to pay the highest sum as a cash bonus at the time of sale of such lease. Notice of ~~((such))~~ the sale shall be served upon the applicant at least six weeks prior to the date thereof. The person paying the highest sum as a cash bonus shall be entitled to lease ~~((such))~~ the harbor area: PROVIDED, That if ~~((such))~~ the lease ~~((be))~~ is not sold at ~~((such))~~ the public sale the department may at any time or times again fix the terms, conditions and rental, and again advertise ~~((such))~~ the lease for sale as above provided and upon similar notice: AND PROVIDED FURTHER, That upon failure to secure any sale of ~~((such))~~ the lease as above prescribed, the department may issue revocable leases without requirement of improvements for one year periods at a minimum rate of two percent.

Sec. 62. Section 80.32.010, chapter 14, Laws of 1961 and RCW 80-32.010 are each amended to read as follows:

The legislative authority of the city or town having control of any public street or road, or, where ~~((such))~~ the street or road is not within the limits of any incorporated city or town, then the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the county wherein ~~((such))~~ the road or street is situated, may grant authority for the construction, maintenance and operation of transmission lines for transmitting electric power, together with poles, wires and other appurtenances, upon, over, along and across any such public street or road, and in granting ~~((such))~~ this authority the legislative authority of ~~((such))~~ the city or town, or the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, as the case may be, may prescribe the terms and conditions on which ~~((such))~~ the transmission line and its appurtenances, shall be constructed, maintained and operated upon, over, along and across ~~((such))~~ the road or street, and the grade or elevation at which the same shall be constructed, maintained and operated: PROVIDED, That on application being made to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority for such authority, the ~~((board))~~ county

legislative authority shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least fifteen days before the day fixed for such hearing, and by publishing a like notice ~~((three times in some daily))~~ once a week for two consecutive weeks in the official county newspaper ~~((published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing))~~, the last publication to be at least five days before the day fixed for ~~((such))~~ the hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. ~~((Such))~~ The hearing may be adjourned from time to time by order of the ~~((board))~~ county legislative authority. If after such hearing the ~~((board))~~ county legislative authority shall deem it to be for the public interest to grant ~~((such))~~ the authority in whole or in part, ~~((the board))~~ it may make and enter the proper order granting the authority applied for or such part thereof as ~~((the board))~~ it deems to be for the public interest, and shall require ~~((such))~~ the transmission line and its appurtenances to be placed in such location on or along the road or street as ~~((the board))~~ it finds will cause the least interference with other uses of the road or street. In case any such transmission line is or shall be located in part on private right of way, the owner thereof shall have the right to construct and operate the same across any county road or county street which intersects ~~((such))~~ the private right of way, if ~~((such))~~ the crossing is so constructed and maintained as to do no unnecessary damage: PROVIDED, That any person or corporation constructing ~~((such))~~ the crossing or operating ~~((such))~~ the transmission line on or along ~~((such))~~ the county road or county street shall be liable to the county for all necessary expense incurred in restoring ~~((such))~~ the county road or county street to a suitable condition for travel.

Sec. 63. Section 81.64.020, chapter 14, Laws of 1961 and RCW 81.64.020 are each amended to read as follows:

On application being made to the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority for such authority, the ~~((board))~~ county legislative authority shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least thirty days before the day fixed for ~~((such))~~ the hearing, and by publishing a like notice ~~((three times in some daily))~~ once a week for two consecutive weeks in the official county newspaper ~~((published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing))~~,

the last publication to be at least five days before the day fixed for ~~((such))~~ the hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. ~~((Such))~~ The hearing may be adjourned from time to time by order of the ~~((board))~~ county legislative authority. If, after ~~((such))~~ the hearing, the ~~((board))~~ county legislative authority shall deem it to be for the public interest to grant ~~((such))~~ the authority in whole or in part, ~~((the board))~~ it may make and enter the proper order granting the authority applied for or such part thereof as ~~((the board))~~ it deems to be for the public interest, and shall require such railroad or railway and its appurtenances to be placed in such location on or along the road or street as ~~((the board))~~ it finds will cause the least interference with other uses of the road or street.

Sec. 64. Section 84.24.030, chapter 15, Laws of 1961 as amended by section 185, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.24.030 are each amended to read as follows:

The department of revenue shall cause a notice, signed by it, to be served upon the owner in the manner hereinafter provided, which notice shall be addressed to the owner and also "to all persons known and unknown having or claiming any interest in the property in this notice described", shall describe ~~((such))~~ the property with the same particularity as the same is required by law to be described upon the assessment rolls, and shall give notice that at a time to be fixed in ~~((such))~~ the notice (which time shall not be less than ten, nor more than thirty days after the date of the last publication of ~~((such))~~ the notice hereinafter provided), ~~((such))~~ the department of revenue will, at its office proceed to reassess and retax ~~((said))~~ the property for the particular year or years involved (naming them) and further giving notice that ~~((said))~~ the owner or other interested persons may appear at the time and place set forth in ~~((said))~~ the notice, and show cause, if any there be, why ~~((such))~~ the reassessment and retaxation should not be made, and make such showing as they shall desire to make as to the claimed illegality of ~~((such))~~ the tax. ~~((Such))~~ The notice shall also be published once a week for three consecutive weeks in a newspaper ~~((printed and published and))~~ of general circulation in one of the counties in which ~~((such))~~ the property is located. A copy of ~~((such))~~ the notice shall also be mailed not less than ten days prior to the date fixed for ~~((such))~~ the hearing to the prosecuting attorney of each county in which the property is located.

The notice referred to in this section shall be served either (1) in the same manner as personal service of summons in civil actions is made, or (2) by depositing a true copy thereof in the United States post office at Olympia, Washington, securely wrapped and plainly addressed to ~~((such))~~ the owner at his last known address. Proof of ~~((such))~~ service shall be made by the affidavit of the person making ~~((such))~~ the service.

***Sec. 65. Section 3, chapter 117, Laws of 1895 as last amended by section 3, chapter 146, Laws of 1921 and RCW 85.05.030 are each amended to read as follows:**

~~((Said))~~ The petition shall be presented at a regular or special meeting of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of ~~((said))~~ the county, and shall be published once a week for at least two weeks in ~~((two successive issues of))~~ some ~~((weekly))~~ newspaper ~~((printed and published in said))~~ of general circulation in the county, ~~((and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein,))~~ before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When ~~((such))~~ the petition is presented for hearing, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall hear the same, or may adjourn ~~((said))~~ the hearing from time to time, not exceeding one month in all, and any person or corporation may appear before ~~((said board of))~~ the county ~~((commissioners))~~ legislative authority and make objections to the establishment of ~~((said))~~ the district, or the proposed boundary lines thereof, and upon a final hearing ~~((said board of county commissioners))~~ the county legislative authority shall make such changes in the proposed boundaries as ~~((they))~~ it deems to be proper, and shall establish and define ~~((such))~~ the boundaries, and shall ascertain and determine the number of acres of land that will be benefited by ~~((said))~~ the proposed system of dikes, and shall find whether the proposed diking system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the land included within the ~~((said))~~ boundaries of ~~((said))~~ the proposed district so established by ~~((said board of county commissioners))~~ the county legislative authority: **PROVIDED, That no changes shall be made by ~~((said board of county commissioners))~~ the county legislative authority in ~~((said))~~ the boundary lines to include any territory outside of the boundaries described in ~~((said))~~ the petition: **PROVIDED FURTHER**, That any person or persons owning land within the proposed boundaries and who did not sign ~~((said))~~ the petition, or any person, persons, or corporations owning land not included within the proposed boundaries, may file a petition with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority asking that the proposed boundaries be extended to include other lands described therein, setting forth in ~~((said))~~ the petition the reason therefor, but no person, persons, or corporations not owning lands included within the boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: **PROVIDED**, Any corporation owning land included within the boundaries described in the original petition, may also petition the ~~((board of))~~ county ~~((commissioners))~~ legislative authority for an extension of the proposed boundaries: **PROVIDED FURTHER**, That the boundaries of any diking district heretofore or**

hereafter established may be extended by the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority to include other lands in ~~((said))~~ the county, upon petition signed by the owners of a majority of the acreage of said land within the proposed extension, which ~~((said))~~ the petition for extension shall set forth and contain, with reference to the extension, such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority for the purpose of the formation of the original diking district: **PROVIDED FURTHER**, That all necessary expense incident to making ~~((such))~~ the extension, together with a proportionate share of the first cost of any system of dikes existing in the original diking district at the time of making ~~((such))~~ the extension, shall be levied against and apportioned to the land included in ~~((such))~~ the extension, as in this act provided. In such case, the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority shall give like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time, for a period of not exceeding sixty days, and if, upon final hearing, the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority deems it advisable and to the best interests of all concerned, ~~((they))~~ it may grant the prayer of said petitioners in whole or in part, and ~~((said-board-of-county-commissioners))~~ the county legislative authority of ~~((such))~~ the county shall enter an order on the records of ~~((their))~~ its office setting forth all facts found by ~~((them))~~ it upon the final hearing of ~~((said))~~ the petition, and which may be adduced by ~~((them))~~ it from the evidence heard upon the final hearing thereof.

*Sec. 65 was vetoed, see message at end of chapter.

*Sec. 66. Section 4, chapter 117, Laws of 1895 and RCW 85.05.040 are each amended to read as follows:

Upon the entry of the findings on the final hearing of ~~((said))~~ the petition as set forth in the last preceding section, ~~((said-board-of-county-commissioners-of-said))~~ the county legislative authority of the county, if ~~((they))~~ it finds ~~((said))~~ the proposed system of dikes will be conducive to the public health, welfare and convenience and will increase the public revenue and be of special benefit to the majority of the lands included within ~~((said))~~ the boundaries, shall give notice of an election to be held in such proposed diking district for the purpose of determining whether the same shall be organized under the provisions of this act as a diking district of the state of Washington, and for the further purpose of choosing at ~~((such))~~ the election three commissioners who shall be known and designated as "dike commissioners" for ~~((said))~~ the district proposed to be organized, which ~~((said))~~ the three commissioners shall, upon their election, be the district authorities of ~~((said))~~ the diking district; and ~~((such))~~ the notice shall particularly describe the boundaries as established by the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority on its final hearing of ~~((said))~~ the petition, and shall state the name of ~~((such))~~ the proposed diking district and approximately the number of acres of land in

~~((said)) the district to be benefited thereby, and the same shall be published once a week for at least two weeks prior to ((such)) the election in a ((weekly)) newspaper ((printed and published)) of general circulation within the county within which ((said)) the district is located, ((and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, for two successive issues thereof,)) and shall be posted for the same period in at least four public places within the boundaries of ((said)) the proposed district, which notice shall designate the place within the proposed district where the ((said)) election shall be held, and require the voters to cast ballots which shall contain the words "Diking district, yes," or "Diking district, no," and also the names of the persons voted for commissioners of ((said)) the diking district. The ((board of)) county ((commissioners)) legislative authority shall also appoint two judges, one inspector and two clerks for ((such)) the election, whose compensation shall be the same as in other elections for the election of county and state officers, and shall be a charge upon ((said)) the district, in case the same be established, and shall be paid in the same manner as other expenses are paid which are incurred in the establishment and construction of ((said)) the improvement. In case ((said)) the district ((be)) is not established, then all costs and expenses shall be collectible from the bond hereinbefore provided for, and any person having a charge against ((said)) the district shall have a right of action thereon.~~

*Sec. 66 was vetoed, see message at end of chapter.

Sec. 67. Section 3, chapter 153, Laws of 1915 and RCW 85.05.072 are each amended to read as follows:

Notice of ((such)) the hearing shall be given by posting in three public places within ((such)) the district a true copy of ((said)) the resolution signed by the commissioners of the diking district and attested with the seal thereof, which notice shall be posted for at least ten days prior to the day fixed in ((said)) the resolution for ((said)) the hearing. Notice shall also be published at least once in a newspaper of general circulation in the district at least ten days before the date of the hearing.

Sec. 68. Section 11, chapter 117, Laws of 1895 as amended by section 56, chapter 292, Laws of 1971 ex. sess. and RCW 85.05.110 are each amended to read as follows:

A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated, and those which it is claimed will be benefited by ((such)) the improvement, and stating the court wherein ((said)) the petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each

and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. ((Said)) The summons must be subscribed by the commissioners, or their attorney, running in the name of the state of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of ((such)) the notice at his or her usual place of abode; or in case of a foreign corporation, at its principal place of business in this state with some person of more than sixteen years of age; in case of domestic corporations ((said)) service shall be made upon the president, secretary or other director or trustee of ((such)) the corporation; in case of persons under eighteen years of age, on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of ((such)) the person; in case of idiots, lunatics or insane persons, on their guardian, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited by ((such)) the improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in ((such)) the real or other property is a non-resident of this state, or where the residence of ((such)) the owner or person is unknown, and an affidavit of one or more of the commissioners of ((said)) the district shall be filed that ((such)) owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in a newspaper ((published)) of general circulation in the county where such lands are situated once a week for three successive weeks(~~and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement~~). ((Such)) The publication shall be deemed service upon each nonresident person or persons whose residence is unknown. ((Such)) The summons may be served by any competent person eighteen years of age or over. Due proof of service of ((such)) the summons by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of ((such)) the court before the court shall proceed to hear the matter. Want of service of ((such)) the notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for, service of

notice, order and other papers in the proceeding authorized by this chapter may be made as the superior court, or the judge thereof, may direct: PROVIDED, That personal service upon any party outside of this state shall be of like effect as service by publication.

Sec. 69. Section 1, chapter 43, Laws of 1913 and RCW 85.05.560 are each amended to read as follows:

Any two or more contiguous diking districts heretofore organized or which may hereafter be organized under the diking laws of the state of Washington, desiring to consolidate into one district, may, upon petition signed by the owners of real property representing a majority of the acreage therein to the commissioners of their respective districts, effect ~~((such))~~ the consolidation by the commissioners of ~~((said))~~ the districts so desiring to consolidate giving thirty days' notice of an election for ~~((such))~~ that purpose to be held in each of ~~((said))~~ the districts, setting forth in ~~((said))~~ the notice the date of ~~((said))~~ the election, and the object of the same, ~~((said))~~ the notice to be given and posted in the same manner as notice of the annual election of commissioners, as provided in the general diking law, and the further publication of the same once a week for at least three successive ~~((issues))~~ weeks in a ~~((weekly))~~ newspaper ~~((published in the county in which such districts are located, and))~~ of general circulation in ~~((said))~~ the districts~~((:PROVIDED, That where there is no newspaper so published and circulated, the publication of the notice of said election may be dispensed with))~~.

**Sec. 70. Section 3, chapter 115, Laws of 1895 as last amended by section 2, chapter 86, Laws of 1913 and RCW 85.06.030 are each amended to read as follows:*

Such petition shall be presented at a regular or special meeting of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of ~~((said))~~ the county, and shall be published once a week for at least two weeks in ~~((two successive issues of some weekly newspaper printed and published in said county; and in case no such newspaper be printed or published in such county, then in some such))~~ a newspaper of general circulation ~~((therein))~~ in the county, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When ~~((such))~~ the petition is presented for hearing the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall hear the same, or may adjourn ~~((said))~~ the hearing from time to time, not exceeding one month in all, and any person or corporation may appear before ~~((said board of))~~ the county ~~((commissioners))~~ legislative authority and make objections to the establishment of ~~((said))~~ the district, or the proposed boundary lines thereof, and upon final hearing ~~((said board of))~~ the county ~~((commissioners))~~ legislative authority shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and define ~~((such))~~ the boundaries, and shall ascertain and determine the number of acres of land that will be benefited by ~~((said))~~ the proposed

drainage system, the number of freeholders residing within ((said)) the boundaries of the ((said)) proposed district, and shall find whether the proposed drainage system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the lands included within ((said)) the boundaries of the ((said)) proposed district so established by ((said-board-of)) the county ((commissioners)) legislative authority: PROVIDED, That no changes shall be made by ((said board-of)) the county ((commissioners)) legislative authority in ((said)) the boundary lines so as to include any territory outside the boundaries described in ((said)) the petition: PROVIDED, FURTHER, That any person or persons owning land within the proposed boundaries, and who did not sign ((said)) the petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the ((board-of)) county ((commissioners)) legislative authority asking that the proposed boundaries be extended so as to include other lands described therein, setting forth in ((said)) the petition the reasons therefor: PROVIDED, HOWEVER, That no person, persons or corporations not owning lands included within the proposed boundaries, as originally petitioned for, shall have the right to file ((such)) the petition unless they ask therein to have their own lands included within the proposed boundaries: PROVIDED, FURTHER, That any corporation owning land included within the boundaries described in the original petition, may also petition the ((board-of)) county ((commissioners)) legislative authority for an extension of the proposed boundaries: PROVIDED, FURTHER, That the boundaries of any drainage district heretofore or hereafter established may be extended by the ((board-of)) county ((commissioners)) legislative authority so as to include other lands in ((said)) the county upon petition signed by the owners of a majority of the acreage of ((said)) the land within the proposed extension, which ((said)) the petition for extension shall set forth and contain with reference to the extension such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the ((board-of)) county ((commissioners)) legislative authority for the purpose of the formation of the original drainage district: PROVIDED, FURTHER, That all necessary expense incident to making ((such)) the extension, together with a proportionate share of the first cost of any drainage system existing in the original district at the time of making ((such)) the extensions, shall be levied against and apportioned to the lands included in such extension, as in this chapter provided. In such case the ((board-of)) county ((commissioners)) legislative authority shall give the like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the ((board-of)) county ((commissioners)) legislative authority deems it advisable, and to the best interest of all concerned, ((they)) it may grant the prayer of ((such)) the petitioner or petitioners in whole or in part. ((And-said-board-of)) The county

~~((commissioners)) legislative authority of ((such)) the county shall enter an order on the records of ((their)) its office setting forth all facts found by ((them)) it upon the final hearing of ((said)) the petition, and which may be adduced by ((them)) it from the evidence heard on the final hearing thereof: AND PROVIDED FURTHER, That any drainage system constructed in the original drainage district may be extended into the ((said)) extension by the board of drainage commissioners of ((said)) the drainage district, in the same manner, and by the same method of procedure as is provided by law for the construction of ((said)) the drainage system within the ((said)) original drainage district.~~

*Sec. 70 was vetoed, see message at end of chapter.

*Sec. 71. Section 4, chapter 115, Laws of 1895 and RCW 85.06.040 are each amended to read as follows:

Upon the entry of the findings on the final hearing of ~~((said)) the petition as set forth in the last preceding section, ((said board of county commissioners)) the county legislative authority of ((said)) the county, if ((they)) it finds ((said)) the proposed drainage system will be conducive to the public health, welfare and convenience, and will increase the public revenue and be of special benefit to the majority of the lands included within ((said)) the boundaries, shall give notice of an election to be held in ((such)) the proposed drainage district for the purpose of determining whether the same shall be organized under the provisions of this chapter as a drainage district of the state of Washington, and for the further purpose of choosing at such election three commissioners who shall be known and designated as "drainage commissioners" for ((said)) the district proposed to be organized, which ((said)) the three commissioners shall, upon their election, be the district authorities of ((said)) the drainage district, and such notice shall particularly describe the boundaries as established by the ~~((board of)) county ((commissioners)) legislative authority~~ on its final hearing of ((said)) the petition, and shall state the name of ((such)) the proposed drainage district and approximately the number of acres of land in ((said)) the district to be benefited thereby, and the same shall be published ~~((for)) at least once a week for two successive weeks ((prior to such election)) in a ((weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published therein, then in some such)) newspaper of general circulation ((therein, for two successive issues thereof)) in the proposed district, and shall be posted for the same period in at least four public places within the boundaries of ((said)) the proposed district; ((such)) the notice shall designate the place within the proposed district where the election shall be held, and require the voters to cast ballots which shall contain the words "drainage district, yes," or "drainage district, no," and also the names of ~~((persons voted for)) candidates~~ for commissioners of ((said)) the drainage district. The ~~((board of)) county ((commissioners)) legislative authority~~ shall also appoint two judges, one inspector and two clerks for ((such)) the election, whose~~~~

compensation shall be the same as in other elections for the election of county and state officers and shall be a charge upon ((said)) the district, in case the same be established, and shall be paid in the same manner as other expenses are paid which are incurred in the establishment and construction of ((said)) the improvement. In case ((said)) the district ((be)) is not established, then all costs and expenses shall be collectible from the bond hereinbefore provided for, and any person having a charge against ((said)) the district shall have a right of action thereon.

*Sec. 71 was vetoed, see message at end of chapter.

Sec. 72. Section 11, chapter 115, Laws of 1895 as last amended by section 74, chapter 80, Laws of 1977 ex. sess. and RCW 85.06.110 are each amended to read as follows:

A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated, and those which it is claimed to be benefited by ((such)) the improvement, and stating the court wherein ((said)) the petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. ((Said)) The summons must be subscribed by the commissioners, or their attorney, running in the name of the state of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of ((such)) that person or party from his or her usual place of abode, by leaving a copy of ((such)) the notice at his or her usual place of abode, or in case of a foreign corporation, at its principal place of business in this state with some person of more than sixteen years of age; in case of domestic corporations, ((said)) the service shall be made upon the president, secretary or other director or trustee of ((such)) the corporation; in case of persons under eighteen years of age, on their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of ((such)) the person; in the case of mentally ill or mentally incompetent persons, on their guardian or limited guardian; or in case no guardian or limited guardian shall have been appointed, then on ((such)) the person and on the person in whose care or charge ((such)) the person is found. In case the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited, is situated. In all

cases where the owner or person claiming an interest in ~~((such))~~ the real or other property is a nonresident of this state, or where the residence of ~~((such))~~ the owner or person is unknown, and an affidavit of one or more of the commissioners of ~~((said))~~ the district shall be filed that ~~((such))~~ the owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by ~~((such))~~ the deponent, service may be made by publication thereof in a newspaper ~~((published))~~ of general circulation in the county where ~~((such))~~ the lands are situated, once a week for three successive weeks ~~((; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement))~~. ~~((Such))~~ The publication shall be deemed service upon each nonresident person or persons whose residence is unknown. ~~((Such))~~ The summons may be served by any competent person eighteen years of age or over. Due proof of service of ~~((such))~~ the summons by affidavit or publication shall be filed with the clerk of ~~((such))~~ the court before the court shall proceed to hear the matter. Want of service of ~~((such))~~ notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for service of notice, order and other papers in the proceedings authorized by this chapter may be made as the superior court, or the judge thereof, may direct: PROVIDED, That personal service upon any party outside of the state shall be of like effect as service by publication.

Sec. 73. Section 1, chapter 165, Laws of 1907 as amended by section 1, chapter 14, Laws of 1915 and RCW 85.07.020 are each amended to read as follows:

Any drainage district or diking district in the state of Washington may be dissolved by order of the superior court of the county wherein the same is organized, upon a hearing had upon a verified petition praying for ~~((such))~~ the dissolution, signed by not less than two-thirds of the adult landowners of such district, who own in the aggregate not less than three-fourths in area of the land contained in ~~((said))~~ the district, when it shall be determined by the court, that not less than four weeks' notice of ~~((such))~~ the hearing has been given by posting notices in five of the most public places of the district sought to be dissolved, and by the insertion in a ~~((weekly))~~ newspaper of ~~((such))~~ general circulation in the county once a week for four successive weeks next prior to ~~((such))~~ the hearing, and the costs of dissolution have been advanced and that it is for the best interest of the landowners in ~~((said))~~ the district that ~~((the same))~~ it be dissolved: PROVIDED, The ditches, drains, dikes and other improvements of dissolved districts, shall be and remain for the common use of the landowners in ~~((said))~~ the district so dissolved.

***Sec. 74. Section 6, chapter 209, Laws of 1959 and RCW 85.08.070 are each amended to read as follows:**

The board shall send a copy of ~~((such))~~ the petition or resolution to the state director, and ask for an estimate of the total cost of the survey, investigation, and report, which he may make and file with the board. It shall, by resolution, fix the time and place of a hearing on the petition or resolution and report, and shall give notice thereof by posting a copy in a conspicuous place in each voting precinct or fraction thereof in the area, and by publishing a copy once a week for three successive ~~((weekly-issues))~~ weeks in a newspaper of general circulation in the area; the posting and the first publication to be at least thirty days before the hearing. The notice shall contain a copy of the petition or resolution and of the estimate of expense, the time and place of hearing, state that the expense of the survey and investigation contemplated in the petition or resolution will be charged against the lands described therein and require everyone interested to appear at such time and place and show cause in writing, if any he has, why the prayer of the petition or resolution should not be granted.

***Sec. 74 was vetoed, see message at end of chapter.**

Sec. 75. Section 5, chapter 184, Laws of 1967 and RCW 85.15.040 are each amended to read as follows:

When a property roll is filed with the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority, the ~~((board))~~ county legislative authority shall hold a public hearing to determine whether the facts and conditions heretofore recited in this chapter as a prerequisite to its application do or do not exist, and shall give notice of hearing as follows:

The notice shall be published at least ~~((three-times-in-consecutive-issues-in-a-weekly-newspaper, or))~~ once a week for three consecutive weeks in a ~~((daily))~~ newspaper~~((, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board of county commissioners))~~ having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing.

Sec. 76. Section 5, chapter 45, Laws of 1951 and RCW 85.18.040 are each amended to read as follows:

The notice of the time and place of hearing shall be given to any owner, or reputed owner, of the property which is listed on the roll as aforesaid, by mailing a copy thereof at least thirty days before the date fixed for the hearing to ~~((such))~~ the owner or owners at his or their address as shown on the tax rolls of the county treasurer for the property described. In addition thereto, ~~((such))~~ the notice shall be published at least ~~((three-times-in-the-daily-or-weekly))~~ once a week for three consecutive weeks in a newspaper ~~((published in or nearest to said district, and if there be more than one such, then the newspaper of the choice of said board of commissioners))~~ of general circulation in the district. At least fifteen days must elapse between the last date of publication thereof and the date fixed for ~~((such))~~ the hearing.

***Sec. 77. Section 3, chapter 131, Laws of 1917 and RCW 85.20.030 are each amended to read as follows:**

Whenever a petition is presented as provided in RCW 85.20.020, the clerk of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall give notice of an election to be held on a day, and at a place within the district, to be fixed in ~~((such))~~ the notice, at which the electors of the district shall vote for or against the reorganization of the district so petitioning as a drainage or a diking improvement district. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held, and shall require the voters to cast ballots which shall contain the words "Reorganization, Yes", or "Reorganization, No". ~~((Such))~~ The notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places in the district~~((;))~~ and ~~((if the board of county commissioners shall so direct,))~~ shall be published once a week for four successive weeks in some newspaper ~~((published))~~ of general circulation in the county, the last publication of which shall be not less than ten days prior to the day fixed for such election.

***Sec. 77 was vetoed, see message at end of chapter.**

Sec. 78. Section 8, chapter 131, Laws of 1917 and RCW 85.20.090 are each amended to read as follows:

Upon the preparation of the roll and the adoption of the resolution, the clerk of the ~~((board))~~ county legislative authority shall cause to be published in some newspaper ~~((published in the county and))~~ of general circulation ~~((therein))~~ in the county, a notice containing a copy of the resolution and stating that on the date fixed therein for the hearing the board will meet and hear any objection offered to the proposed levy of the assessment or to the issuance of refunding bonds or to the assessment roll or any assessment therein contained; and stating that all persons interested may file any objections they may have to the proposed levy or issuance of bonds or the assessment roll with the ~~((board of commissioners))~~ county legislative authority prior to the date fixed for ~~((such))~~ the hearing. The last publication of ~~((such))~~ the notice shall not be less than ten days prior to the date fixed for such hearing.

***Sec. 79. Section 3, chapter 182, Laws of 1933 and RCW 85.22.030 are each amended to read as follows:**

Whenever a petition is presented as provided in RCW 85.22.020, the clerk of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall give notice of an election to be held on a day, and at a place within the district, to be fixed in ~~((such))~~ the notice, at which the electors of the district shall vote for or against the reorganization of the district so petitioning as a drainage and irrigation improvement district or diking, drainage and irrigation improvement district. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held, and shall require the voters to cast ballots which shall contain the

words "Reorganization, Yes", or "Reorganization, No". ~~((Such))~~ The notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places of said district(;) and ((if the board of county commissioners shall so direct,)) shall be published once a week for four successive weeks in ((some)) a newspaper ((published)) of general circulation in the county, the last publication of which shall be not less than ten days prior to the day fixed for ((such)) the election.

*Sec. 79 was vetoed, see message at end of chapter.

Sec. 80. Section 8, chapter 182, Laws of 1933 and RCW 85.22.080 are each amended to read as follows:

Upon the preparation of the roll and the adoption of the resolution, the clerk of the ~~((board))~~ county legislative authority shall cause to be published in some newspaper ~~((published in the county and))~~ of general circulation ~~((therein))~~ in the county, a notice containing a copy of the resolution and stating that on the date fixed therein for the hearing the ~~((board))~~ county legislative authority will meet and hear any objection offered to the proposed levy of the assessment roll or any assessment therein contained; and stating that all persons interested may file any objections that they may have to the proposed levy or issuance of bonds or the assessment roll with the ~~((board of commissioners))~~ county legislative authority prior to the date fixed for ~~((such))~~ the hearing. The last publication of ~~((such))~~ the notice shall not be less than ten days prior to the date fixed for such hearing.

*Sec. 81. Section 4, chapter 225, Laws of 1909 as amended by section 3, chapter 140, Laws of 1923 and RCW 85.24.040 are each amended to read as follows:

Upon the establishment of a district ~~((as aforesaid))~~, the ~~((said))~~ body shall give notice of an election to be held in the diking and drainage district established~~((as aforesaid,))~~ for the purpose of determining whether the same shall be approved and become an organized diking and drainage district, and for the further purpose of choosing at ~~((such))~~ the election three commissioners, who shall be known and designated as "Commissioners for diking and drainage district No. (here insert number), in and counties (here insert names of counties), state of Washington", and such notice shall particularly describe the boundaries as established, and shall state the name of ~~((such))~~ the proposed diking and drainage district, and the same shall be published ~~((for))~~ at least ~~((two weeks prior to such election in two or more weekly newspapers published within the proposed district, and in case no such newspaper be published in such district, then))~~ once a week in two or more newspapers of general circulation in such district for two successive ~~((issues))~~ weeks, and shall be posted for the same period in at least ten public places within the boundaries of ~~((such))~~ the proposed district, which notice shall designate the places within the proposed district where the ~~((said))~~ election shall be held, and require the voters to cast ballots which shall contain the words "Diking and drainage district 'yes'", or "Diking and drainage

district 'no", and also the names of the persons voted for as commissioners of such district. The voting places shall be designated by ~~((such))~~ the body; ~~((said))~~ the body shall also appoint two judges, one inspector and two clerks for ~~((such))~~ the election, to act at each polling place, whose compensation shall be the same as in elections for county and state officers, and which shall be a charge upon ~~((such))~~ the district in case the same ~~((be))~~ is established; in case such district ~~((be))~~ is not established, then all costs and expenses shall be collected from the bond hereinbefore provided for. The election shall be held on the day designated in the notice, and shall be conducted in accordance with the general election laws of the state of Washington, as far as applicable. The returns of all the elections hereunder shall be made by the judges of election to the ~~((commissioner of public lands))~~ department of natural resources. No person shall be entitled to vote at ~~((such))~~ the election unless he ~~((be))~~ is a qualified elector in the county in which ~~((said))~~ the district is located, and shall either have resided within the boundaries of ~~((such))~~ the proposed district for a period of not less than ninety days next preceding the election, or shall be the owner of an interest in real estate situated within ~~((said))~~ the proposed district. The ~~((commissioner of public lands))~~ department of natural resources shall, within fifteen days next succeeding ~~((said))~~ the election, canvass the vote, and if upon ~~((such))~~ the canvass and count it appears that the majority of votes cast in each of the counties are for "Diking and drainage district 'yes'", then the ~~((said))~~ body shall immediately certify to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of each county interested and to the ~~((commissioner of public lands))~~ department of natural resources the result of ~~((such))~~ the election, and shall in such certificate declare the proposed territory duly organized as a drainage and diking district; and that the three persons receiving the highest number of votes are duly elected commissioners of ~~((such))~~ the diking and drainage district. The commissioners so elected shall hold their position for the period of two years from and after their election and until their successors are elected and qualified. All commissioners must be qualified electors of the district. Any vacancies occurring upon ~~((said))~~ the board by failure to qualify, death or resignation, or otherwise, shall be filled by the board of commissioners of ~~((said))~~ the district. After the first election a general election for the election of ~~((such board of commissioners))~~ the county legislative authority for the diking and drainage district shall be held every second year thereafter, on the first Tuesday of October, and the returns thereof shall be canvassed by the ~~((commissioner of public lands, who))~~ department of natural resources, which shall certify the result to the respective ~~((boards of))~~ county ~~((commissioners))~~ legislative authorities. The ~~((commissioner of public lands))~~ department of natural resources at the time of certifying any election shall also issue a certificate to each person elected as a member of the board that he has been duly elected as one of the commissioners for diking and drainage district No. in the counties of and, state of Washington.

and in doing so shall have the power to do the work directly or in its discretion to have all or any part of ((said)) the work done by contract. In case the board shall decide upon doing the same by contract, it shall advertise for bids for ((said)) the construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the state of Washington relating to contractors of public work.

The board shall have the right, power and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under the provisions of this chapter, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of said district. All warrants issued hereunder shall draw interest at a rate determined by the board.

Upon the completion of the construction of ((said)) the system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the ((said)) district which the board may find to be specially benefited by the proposed improvements, and shall make and levy ((such)) the assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, and a general description of each lot, block, parcel or tract of land within ((such)) the district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form((, to wit)):

To: Your property (here describe the property) is assessed \$. A hearing on the assessment roll will be had before the undersigned at the office of the ((said)) board at on the day of at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the ((said)) assessment against your lands, or any part or portion thereof.

The failure to send or cause to be sent ((such)) the notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of ((said)) the notices shall certify generally that he has mailed ((such)) the notices to the known address of all owners, and ((such)) the certificate shall be prima facie evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least ~~((five successive times in a daily newspaper published in each of the counties affected, and for at least two successive weeks in one or more weekly newspapers within the boundaries of said district, in each county if there be such newspapers published therein, and if there be no such newspaper published, then))~~ twice a week for two successive weeks in one or more ((weekly)) newspapers, ((having a)) of general circulation in the district, ((for two successive weeks,)) which notice shall be signed by the chairman or secretary of the ((said)) board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to ((said)) the assessment roll and the levies as therein made.

*Sec. 82 was vetoed, see message at end of chapter.

Sec. 83. Section 8, chapter 225, Laws of 1909 and RCW 85.24.150 are each amended to read as follows:

The final assessment shall be a lien paramount to all other liens except liens for taxes and other special assessments upon the property assessed, from the time the assessment roll shall have been finally approved by the ((said)) board, and placed in the hands of the county treasurers as collectors. After the roll shall have been delivered to the county treasurers for collection, each treasurer shall proceed to collect the amounts due in the manner that other taxes are collected as to all lands situated within the county of which he is treasurer. ((Such)) The treasurer shall give at least ten days' notice in one or more ((daily)) newspapers ((published)) of general circulation in the counties in which the lands are situated for two successive weeks, that ((such)) the roll has been certified to him for collection, and that unless payment be made within thirty days from the date of the notice, that the sum charged against each lot or parcel of land shall be paid in not more than ten equal annual payments, with interest upon the whole sum so charged, at a rate not to exceed seven percent per annum. ((Said)) The interest shall be paid annually. The county treasurer shall proceed to collect the amount due each year upon the publication of notice as hereinafter provided. In such publication notice it shall not be necessary to give a description of each tract, piece or parcel of land, or of the names of the owners thereof.

The treasurer shall also mail a copy of the notice to the owner of the property assessed, when the post office address of ~~((such))~~ the owner is known to the treasurer; but the failure to mail ~~((such))~~ the notice shall not be necessary to the validity of the collection of ~~((such))~~ the tax.

Sec. 84. Section 7, chapter 131, Laws of 1961 as amended by section 123, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.32.060 are each amended to read as follows:

When the board causes a property roll to be filed with it and a hearing to be held thereon as provided in this chapter, it shall give notice of ~~((such))~~ the hearing in the following manner:

The notice shall be published at least three times in consecutive issues in a weekly newspaper, or once a week for three consecutive weeks in a daily newspaper ~~((, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board))~~ having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing. The board also shall cause a copy of ~~((such))~~ the notice to be mailed in regular course of the federal mail at least thirty days prior to the date of ~~((such))~~ the hearing to the owner or reputed owner of ~~((such))~~ the property at his address, all as shown on the tax rolls or records of the county taxing agencies of the county wherein the property is situated, such notice being deemed adequate and sufficient. The sworn affidavit of the one doing such mailing shall be deemed conclusive of the fact that ~~((such))~~ the notice was mailed.

~~((Such))~~ The notice shall state the following:

(1) That the board has tentatively determined that the property of the owner or reputed owner named is receiving and will receive service and benefit from the facilities of the district;

(2) That the board has caused a tentative roll of ~~((such))~~ the properties with any improvements thereon which are receiving and will receive ~~((such))~~ service and benefit to be filed with it; and that ~~((such))~~ the roll shows a base of valuation thereon for ~~((said))~~ the properties against which annual dollar rates will be levied and collected in the same manner as general taxes to pay the fair value of the benefit and service received and to be received by ~~((such))~~ the property through use of the facilities of the district, and to pay the annual cost of operation, development and maintenance of the district and its facilities;

(3) That on a date, time and place stated, the board will give consideration to the facts and the roll, will hear all objections filed, will review ~~((said))~~ the roll and alter, modify, or change the same consistent with facts established and with equity and fair dealing concerning the properties involved to the end that just levies will be made for service and benefits received and to be received against each property for the purposes mentioned; and at the hearing or continuance thereof, it will adopt the roll in final form and certify and file a copy thereof with the assessor and treasurer of the

county wherein the property is located; and will cause annual millage to be levied against such established valuations for the purposes stated;

(4) That all persons desiring to object to the proceedings, to the proposed base valuations, or to any other thing or matter in connection with the proceedings, must file written objections with the board stating clearly the basis of ~~((such))~~ the objection before the time of the hearing, or all objections will be deemed waived.

***Sec. 85. Section 2, chapter 154, Laws of 1967 and RCW 85.36.010 are each amended to read as follows:**

Any two or more diking districts, two or more drainage districts, or two or more diking and/or drainage improvement districts, heretofore organized or which may hereafter be organized pursuant to any of the laws of the state of Washington desiring to consolidate into one district may upon petition signed by the owners of real property representing a majority of the acreage therein to the governing body of the respective districts, or, in the alternative, by resolution of a majority of the members of the governing body of each district, effect ~~((such))~~ the consolidation by the governing body of ~~((said))~~ the district so desiring to consolidate, giving thirty days notice of an election for ~~((such))~~ that purpose to be held in each of ~~((said))~~ the districts, setting forth in ~~((said))~~ the notice the date of ~~((said))~~ the election and the object of the same, ~~((said))~~ the notice to be given and posted as notice of the annual election of members of the governing body within ~~((said))~~ the district, and if no provision is made for the giving of ~~((such))~~ notice, then as provided in the general diking law, and then publication of the same once a week for at least three ~~((successive-issues))~~ weeks in a ~~((weekly))~~ newspaper ~~((published-in-the-county-in-which-such-districts-are-located-and))~~ of general circulation in ~~((said))~~ the districts~~((:-PROVIDED, That where there is no newspaper so published or circulated, then publication of the notice of said election may be dispensed with))~~.

Nothing contained herein shall be construed to limit or interfere with the existing power or authority presently held by any of ~~((said))~~ the districts to consolidate one with another.

Implementation of a consolidation pursuant hereto and future repair, improvement or maintenance of any district system may be as provided for consolidated diking districts in RCW 85.05.570 et seq. through RCW 85.05-.600 and such provisions thereof as can be made applicable shall fully apply to consolidation of any districts therein provided for.

***Sec. 85 was vetoed, see message at end of chapter.**

Sec. 86. Section 15, chapter 159, Laws of 1935 and RCW 86.16.067 are each amended to read as follows:

No flood control zone shall be established, altered or revised without notice previously given by the state supervisor of flood control to the owners of the lands included in such zone or in any alteration or revision thereof by previous publication of ~~((said))~~ the notice once a week for three consecutive

weeks in a newspaper of general circulation (~~((published))~~) in the county where ~~((said))~~ the lands or the greater portion thereof are situated, and selected by ~~((said))~~ the state supervisor, ~~((for three consecutive weekly issues of said newspaper;))~~ stating briefly a general description in terms of government sections, townships and ranges, of the lands within ~~((such))~~ the zone or alteration or revision thereof, and the general objects of the establishment or alteration or revision of ~~((such))~~ the zone and the day, hour and place where written objections may be submitted and heard.

Sec. 87. Section 25, page 684, Laws of 1889-90 as last amended by section 2, chapter 209, Laws of 1981 and RCW 87.03.310 are each amended to read as follows:

On or before the thirty-first day of December of each year, the treasurer of each county shall post and publish the delinquency list, which shall contain the names of persons to whom the property is assessed and a description of the property delinquent and the amount of the assessment and costs due, opposite each name and description.

The treasurer shall append to and post with the list a notice, at least twenty days before the sale, that unless the assessments together with costs and accrued interest are paid, the property will be sold at public auction. One copy thereof shall be posted in the county courthouse, and the treasurer shall provide four copies to the irrigation district in which the property is located. The irrigation district shall post one copy in the irrigation district office and three copies in public places in the district. ~~((Such))~~ The notice shall be published once a week for three successive weeks in a newspaper of general circulation (~~((published))~~) in the county. Notices shall designate the time and place of sale. The time of sale shall be not less than twenty-one nor more than thirty-five days from the date of posting and from the date of the first publication of the notice thereof, and the place of the sale shall be at some point designated by the treasurer. At least ten days prior to the date of the public auction, the treasurer shall send by first class mail a notice to the taxpayer or owner of record of the land having a delinquent assessment. The notice shall contain a statement of the amount of the delinquent assessment plus interest as provided in RCW 87.03.270, as now or hereafter amended, accruing from the date of delinquency; a ten dollar delinquency charge owing on the land; the time, date, and place of the sale of properties having delinquent assessments; and a statement that failure to pay the assessment prior to the date of sale will result in a sale of the property.

Sec. 88. Section 34, page 688, Laws of 1889-90 as last amended by section 217, chapter 167, Laws of 1983 and RCW 87.03.430 are each amended to read as follows:

Whenever interest payments on bonds are due, the treasurer of ~~((said))~~ the county shall pay the same from the bond fund belonging to ~~((such))~~ the district and deposited with ~~((such))~~ the treasurer. Whenever, after ten years

from the issuance of ~~((said))~~ the bonds, ~~((said))~~ the fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of ~~((said))~~ the bonds not due as the money in ~~((said))~~ the fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in ~~((some daily))~~ a newspaper of general circulation in the county for such period of time not less than four weeks as the board shall order for sealed proposals for the redemption of ~~((said))~~ the bonds. ~~((said))~~ The proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for ~~((said))~~ the bonds must be accepted: PROVIDED, That no bond shall be redeemed under the foregoing provision at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the owners of ~~((said))~~ the bonds shall desire to have the same redeemed, as herein provided for, ~~((said))~~ the money shall be invested by the treasurer of ~~((said))~~ the county, under the direction of the board, in United States bonds, or the bonds of the state, which shall be kept in ~~((said))~~ the bond fund, and may be used to redeem ~~((said))~~ the district bonds whenever the owners thereof may desire.

Sec. 89. Section 62, page 699, Laws of 1889-90 as amended by section 37, chapter 129, Laws of 1921 and RCW 87.03.655 are each amended to read as follows:

The secretary of the board of directors shall cause a notice of the filing of ~~((such))~~ the petition to be published for at least two weeks in ~~((some))~~ a newspaper ~~((published))~~ of general circulation in the county where the office of the board of directors is situated, and if any portion of ~~((such))~~ the territory to be excluded lies within another county or counties, then ~~((said))~~ the notice shall be so published in a newspaper ~~((published))~~ of general circulation within each of ~~((said))~~ the counties~~((; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands, or within the boundaries of the former district, proposed to be excluded))~~. The notice shall state the filing of ~~((such))~~ the petition, the names of the petitioners, a description of the lands, or the name and number of the former district, mentioned in ~~((said))~~ the petition, and the prayer of ~~((said))~~ the petition; and it shall notify all persons interested in or that may be affected by ~~((such))~~ the change of the boundaries of the district to appear at the office of ~~((said))~~ the board at a time named in ~~((said))~~ the notice, and show cause in writing, if any they have, why the change of the boundaries of ~~((said))~~ the district, as proposed in ~~((said))~~ the petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Sec. 90. Section 2, chapter 138, Laws of 1925 ex. sess. and RCW 87-03.755 are each amended to read as follows:

Upon the adoption of the resolution as provided in RCW 87.03.750, the board of directors of the district shall cause to be served upon the director of ~~((conservation and development))~~ the department of ecology, and to be published once a week for four successive weeks in a ~~((weekly))~~ newspaper ~~((published and))~~ of general circulation in the county in which the district is situated a notice that at the time and place fixed in the ~~((said))~~ notice, the board will hold a public hearing for the further consideration of the plan proposed, which notice shall set forth a copy of the resolution adopted by the board, and state that at ~~((such))~~ the hearing the board will receive and consider any objections to the proposed plan and/or suggestions for modification thereof, of any person interested, and at the conclusion of the hearing, or the final adjournment thereof, the board will proceed by resolution to adopt the plan proposed, or ~~((such))~~ the modification of ~~((such))~~ the plan as may be determined by the board, and reduce the boundaries of the district and exclude therefrom such lands as cannot be furnished with sufficient water for successful irrigation, and provide for the repayment to the owners of ~~((such))~~ the excluded lands of any assessments paid thereon, and the cancellation of all unpaid assessments against excluded lands.

Sec. 91. Section 8, chapter 237, Laws of 1951 and RCW 87.53.080 are each amended to read as follows:

The clerk shall docket the proceedings entitled "In the matter of the dissolution of irrigation district," and the court shall direct the clerk to give notice thereof. The notice shall contain a general statement of the nature of the proceedings, and notify all persons having claims against the district to present them on or before a day specified therein, and shall be published once a week for at least six weeks in a newspaper ~~((published))~~ of general circulation in the county. Any claim not so filed shall be barred.

Sec. 92. Section 6, chapter 124, Laws of 1925 ex. sess and RCW 87-.56.060 are each amended to read as follows:

The court shall thereupon fix a time and place for a hearing of ~~((said))~~ the complaint and notice of ~~((said))~~ the hearing shall be published once a week for two successive weeks ~~((three weekly issues))~~ in a newspaper of general circulation ~~((published))~~ in each county in which any lands in the district are located.

Sec. 93. Section 9, chapter 124, Laws of 1925 ex. sess. and RCW 87-.56.080 are each amended to read as follows:

The receiver immediately after his appointment or within such further time as the court shall fix, shall cause to be published in some newspaper of general circulation ~~((printed))~~ in the county where the dissolution proceedings are pending, ~~((if there be one, if not, then in such newspaper as may be~~

~~designated by the court,))~~ notice to creditors of the district once a week for two successive weeks (~~((three weekly issues))~~).

Sec. 94. Section 15, chapter 124, Laws of 1925 ex. sess. and RCW 87-.56.130 are each amended to read as follows:

The court thereupon shall fix a time and place for hearing the receiver's report, notice of ~~((such))~~ the hearing shall be published in a newspaper of general circulation (~~((published))~~) in each county in which lands within the district are situated, and such other newspapers as the court shall determine once a week for ~~((a period of))~~ two successive weeks (~~((three weekly issues))~~ and). A copy of ~~((said))~~ the notice shall be posted in the office of the board of directors of the district.

Sec. 95. Section 5, chapter 236, Laws of 1907 and RCW 88.32.070 are each amended to read as follows:

After the return of the assessment roll to the ~~((board of))~~ county ~~((commissioners they))~~ legislative authority it shall make an order setting a day for the hearing upon any objections to the assessment roll by any parties affected thereby who shall be heard by ~~((said board of))~~ the county ~~((commissioners))~~ legislative authority as a board of equalization, which date shall be at least twenty days after the filing of such roll. It shall be the duty of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority to give, or cause to be given, notice of such assessment, and of the day fixed for the hearing, as follows:

(1) They shall send or cause to be sent, by mail, to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in this form, to wit:

"
"Your property (here describe the property) is assessed \$.
for river and harbor improvement to be made in this county.

"Hearing on the assessment roll will be had before the undersigned, at the office of the county commissioners, on the day of 19..

.....
.....
.....
"Board of county commissioners."

But failure to send, or cause to be sent, such notice, shall not be fatal to the proceedings herein prescribed.

(2) They shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places in ~~((such))~~ the county, three of which shall be in the neighborhood of ~~((such))~~ the proposed improvement, and by publishing the same at least ~~((five successive days))~~ once a week for two consecutive weeks in ~~((a daily))~~ the official newspaper of ~~((said))~~ the county ~~((if one is published daily), otherwise, for two weeks in~~

~~a weekly newspaper of said county;))~~ which notice shall be signed by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, and shall state the day and place of the hearing of objections to the assessment roll, and the nature of the improvement, and that all interested parties will be heard as to any objections to said assessment roll.

Sec. 96. Section 5, chapter 23, Laws of 1911 and RCW 91.08.070 are each amended to read as follows:

~~((Said))~~ The petition, after the filing thereof, shall be taken up and considered by the ~~((board))~~ county legislative authority at the next regular or special meeting thereof, or as soon thereafter as may be convenient, and if the petition be defective in any particular it may be amended and an adjournment of the matter may be had to permit of ~~((such))~~ the amendment, for a time not exceeding thirty days. If the petition be defective and be not sufficiently amended within the adjournment taken, it shall be dismissed. But if ~~((such))~~ the petition ~~((be in fact))~~ is sufficient, or if by amendment it be made sufficient, it shall be the duty of the ~~((board))~~ county legislative authority to enter an order setting a time for a public hearing thereon within thirty days from the date of ~~((such))~~ the order, and directing the clerk of the ~~((board))~~ county legislative authority to give notice of the time and place of ~~((such))~~ the hearing in the official newspaper of the county by publication therein at least once each week for three successive weeks before the time of hearing (~~((and in case there be no such official newspaper, then in some newspaper of general circulation in said county. Such))~~). The notice shall be addressed to the owners of lands not petitioning, as shown by the petition or as may be ascertained to be the fact, and to all other persons known and unknown having or claiming an interest in the lands in the district, and shall state the pendency of the proceeding, its object, the names of the signers of the petition, the number of acres of land they claim to own, the whole number of acres proposed to be improved, the boundaries of the lands to be included in the improvement district, and the time and place of hearing. And notice shall also be given that at the time and place named, or at such time as the same may be adjourned to, the board will consider the petition under the provisions of this chapter, and will hear all objections offered by interested parties and grant or refuse the petition as it may be advised. The clerk of the board shall keep a record of all orders, hearings and proceedings of the board in reference to ~~((such))~~ the waterway district in a separate bound book, designated as the record of proceedings as to such district.

Sec. 97. Section 29, chapter 23, Laws of 1911 and RCW 91.08.310 are each amended to read as follows:

Upon its completion the commissioners shall return their assessment roll into court, and thereupon the court shall make an order setting a time for the hearing thereon before the court, which day shall be at least thirty

days after the entry of ~~((such))~~ the order. The commissioners shall give notice of ~~((such))~~ the assessment and of the day fixed by the court for the hearing thereon in the following manner:

(1) They shall at least twenty days prior to the date fixed for the hearing on ~~((said))~~ the roll, mail to each owner of the property assessed, whose name and address is known to them, a notice substantially in the following form:

"(Title of cause.) To: Pursuant to an order of the superior court of the State of Washington, in and for the county of there will be a hearing in the above entitled cause on at upon the assessment roll prepared by the commissioners heretofore appointed by ~~((said))~~ the court to assess the property specially benefited by the (here describe nature of improvement); and you are hereby required if you desire to make any objection to ~~((said))~~ the assessment roll, to file your objections to the same before the date herein fixed for the hearing upon ~~((said))~~ the roll, a description of your property and the amount assessed against it for the aforesaid improvement is as follows: (Description of property and amount assessed against it.)

.....
.....
.....
Commissioners."

(2) They shall cause at least twenty days' notice to be given of the hearing ~~((when a daily newspaper is published in such county;))~~ by publishing the same ~~((in))~~ at least ~~((five successive issues of said paper; or if no daily newspaper is published in said county and a weekly newspaper is published therein, then in each issue of such weekly newspaper))~~ once a week for two successive weeks in the official county newspaper. ~~((Such))~~ The notice so required to be published may be substantially as follows:

"(Title of cause.) Special Assessment Notice. Notice is hereby given to all persons interested, that an assessment roll has been filed in the above entitled cause providing for the assessment upon the property benefited of the cost of (here insert brief description of improvement) and that ~~((said))~~ the roll has been set down for hearing on the day of at The boundaries of ~~((said))~~ the assessment district are substantially as follows: (here insert an approximate description of the assessment district.) All persons desiring to object to ~~((said))~~ the assessment roll are required to file their objections before said date fixed for the hearing upon

((said)) the roll, and appear on the day fixed for hearing before ((said)) the court.

.....
.....
.....

Commissioners."

Sec. 98. Section 49, chapter 23, Laws of 1911 and RCW 91.08.500 are each amended to read as follows:

The treasurer shall pay the interest on the bonds authorized to be issued by this chapter, on presentation of matured coupons therefor, out of the funds of the district in his hands. Whenever there shall be sufficient money in any such fund (not less than one thousand dollars) over and above sufficient for the payment of matured interest on all outstanding bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay ((such)) the bonds in their numerical order: PROVIDED, That the ((said)) call for bonds shall be made by publication in the official newspaper of the county ((if there be one, or otherwise in some newspaper of general circulation in the county;)) within five days after the semiannual interest period, and shall state that bonds numbered (giving the serial numbers of the bonds called) will be paid on presentation; and that after a date named, not more than fifteen days thereafter, interest on the bonds called shall cease.

NEW SECTION. Sec. 99. A new section is added to chapter 35.21 RCW to read as follows:

Each city and town shall designate an official newspaper by resolution. The newspaper shall be of general circulation in the city or town and have the qualifications prescribed by chapter 65.16 RCW.

NEW SECTION. Sec. 100. A new section is added to chapter 35.22 RCW to read as follows:

Promptly after adoption, every ordinance shall be published at least once in the official newspaper of the city.

NEW SECTION. Sec. 101. A new section is added to chapter 35.30 RCW to read as follows:

Promptly after adoption, every ordinance shall be published at least once in the official newspaper of the city.

NEW SECTION. Sec. 102. A new section is added to chapter 35A.21 RCW to read as follows:

Each code city shall designate an official newspaper by resolution. The newspaper shall be of general circulation in the city and have the qualifications prescribed by chapter 65.16 RCW.

Passed the Senate March 20, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, Senate Bill No. 3800, entitled:

"AN ACT Relating to publications."

Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85 conflict with provisions contained in Substitute House Bill No. 150 and House Bill No. 331. While the proposed amendatory language contained in these sections is consistent with the intent of Senate Bill No. 3800, they would no longer be applicable since Substitute House Bill No. 150 and House Bill No. 331 are approved. I have, therefore, determined to veto these sections in order to avoid difficulties in codification and future interpretation of these sections.

With the exception of Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, which I have vetoed, Senate Bill No. 3800 is approved."

CHAPTER 470

[Engrossed Substitute Senate Bill No. 3856]

STATE FIRE PROTECTION BOARD CREATED—STATE FIRE MARSHAL'S OFFICE POWERS AND DUTIES TRANSFERRED—COMMISSION FOR VOCATIONAL EDUCATION FIRE SERVICE TRAINING POWERS AND DUTIES TRANSFERRED

AN ACT Relating to fire protection; amending RCW 28C.50.010, 28C.51.050, 48.05.320, 48.48.030, 48.48.040, 48.48.045, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, and 48.50.020; adding a new section to chapter 41.06 RCW; adding new sections to chapter 48.48 RCW; creating new sections; repealing RCW 28C.04.140, 48.48.010, 48.48.020, 48.48.100, and 48.48.130; and providing an effective date.

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

NEW SECTION. Sec. 1. The legislature finds that fire protection services have lacked a comprehensive state-level focus. This has resulted in a lack of cooperation and coordination between local and state agencies. The purpose of this chapter is to create a broadly representative state board which will: (1) Advise and assist local fire protection agencies in program development without encroaching upon their historic autonomy; (2) centralize traditional state fire protection services under the jurisdiction of a single state board; and (3) advise the governor and the legislature on fire protection matters in this state.

NEW SECTION. Sec. 2. There is created the state fire protection board consisting of the following ten members appointed by the governor with the advice and consent of the senate:

(1) Three representatives of fire chiefs. At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district;

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

(5) Two full-time, paid, career fire fighters;

(6) One volunteer fire fighter; and

(7) One representative of fire commissioners.

The commissioner of public lands, the insurance commissioner, and the chairperson of the commission for vocational education, or their designees, are nonvoting ex officio members of the state fire protection board.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

****NEW SECTION. Sec. 3. Each voting member of the state fire protection board shall be appointed to a term of three years and until a successor is appointed and qualified. However, in making the initial appointments to the board, the governor shall stagger the terms of office by appointing three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy, the governor shall fill the unexpired term of the member whose office has become vacant. An office shall become vacant whenever a member ceases to be employed in the occupation the member was appointed to represent.***

*Sec. 3 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. Members of the state fire protection board shall be compensated in accordance with RCW 43.03.240. Members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

****NEW SECTION. Sec. 5. The governor shall select one member of the board to serve as chairperson. The board shall be convened at least six times annually at the call of the chairperson or a majority of the board. A majority of the board constitutes a quorum for the transaction of business.***

*Sec. 5 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 6. The state fire protection board shall:

(1) Adopt and implement a state fire protection master plan;

(2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;

(3) Establish and promote state arson control programs and encourage development of local arson control programs;

(4) Represent fire protection services in all state level fire protection planning in matters such as, but not limited to, hazardous materials;

(5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(6) When funds are available, make grants for use in pursuing the board's objectives;

(7) Promote mutual aid and disaster planning for fire services in this state;

(8) Disseminate within the state information concerning the amount of fire damage, including that damage caused by arson, and its causes and prevention;

(9) Make studies, reports, and recommendations to the governor and the legislature when requested or warranted; and

(10) Adopt such rules as necessary for the administration of this chapter.

This section does not apply to forest fire service personnel and programs.

NEW SECTION. Sec. 7. The state fire protection board shall:

(1) Administer any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of congress insofar as the provisions thereof may apply to the administration of fire service training;

(2) Establish and provide state-wide fire service training and education courses, including courses in arson detection and investigation, for personnel of fire, police, and prosecutors' departments;

(3) Construct, equip, maintain, and operate necessary fire service training and education facilities. The board's authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;

(4) Purchase, lease, rent, or otherwise acquire real estate necessary to establish and operate fire service training and education facilities in the manner provided by law;

(5) Cooperate with the common schools, the community colleges, the institutions of higher education, and any department or division of the state or of any county or municipal corporation, in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof, and in establishing, building, and operating training and education facilities;

(6) Administer the funds provided by the federal government and by the state under any federal or state acts for the promotion of fire service training and education; and

(7) Adopt and implement a state fire training and education master plan.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee under rules established by the board.

NEW SECTION. Sec. 8. Any person who receives an adverse decision under this chapter may appeal that decision in accordance with chapter 34-.04 RCW, the administrative procedure act.

***NEW SECTION.** Sec. 9. *The board shall determine the qualifications of and employ a chief executive officer who shall be known as the director of fire protection.*

*Sec. 9 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 10. The director of fire protection shall supervise the staff necessary to carry out functions under the board's jurisdiction.

NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter shall not apply in the office of the state fire protection board to the director appointed under section 9 of this act.

Sec. 12. Section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the ~~((commission for vocational education))~~ state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 13. Section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the ~~((commission for vocational education))~~ state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any

such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

Sec. 14. Section 1, chapter 225, Laws of 1979 ex. sess. as amended by section 1, chapter 48, Laws of 1982 1st ex. sess. and RCW 28C.51.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the (~~commission for vocational education~~) state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 15. Section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the (~~commission for vocational education~~) state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Sec. 16. Section .05.32, chapter 79, Laws of 1947 and RCW 48.05.320 are each amended to read as follows:

(1) Each authorized insurer shall promptly report to the (~~commissioner~~) state fire protection board, upon forms as prescribed and furnished by (~~him~~) the board, each fire loss of property in this state reported to it (~~and of undetermined or suspected criminal origin~~) and whether the loss is due to criminal activity or to undetermined causes.

(2) ~~((As may be requested by the commissioner,))~~ Each such insurer shall likewise report to ((him)) the board upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.

Sec. 17. Section .33.03, chapter 79, Laws of 1947 and RCW 48.48.030 are each amended to read as follows:

(1) The state fire protection board, through the state fire marshal or any deputy state fire marshal, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.

(2) The state fire protection board, through the state fire marshal or any deputy state fire marshal, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

(3) Within his or her jurisdiction a resident fire marshal may exercise like powers as are conferred by subsections (1) and (2) of this section upon the state fire ((marshal)) protection board. Such power in a resident fire marshal shall not be to the exclusion of any power of the state fire ((marshal or of any deputy state fire marshal)) protection board.

Sec. 18. Section .33.04, chapter 79, Laws of 1947 and RCW 48.48.040 are each amended to read as follows:

(1) In jurisdictions within this state other than those in which there is in force a comprehensive local fire prevention and safety code, the state fire protection board, through the state fire marshal or any deputy fire marshal, shall have authority to enter upon all premises and into all buildings except private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.

(2) A resident fire marshal shall have authority to enforce within his or her jurisdiction such ordinances and laws relative to fire prevention and safety and use of premises as may be in force therein. In areas outside those covered by such local fire prevention and safety codes, the jurisdiction of any such resident fire marshal shall be subordinate to that of the state fire ((marshal)) protection board.

(3) In areas covered by such fire prevention and safety codes the state fire ((marshal)) protection board may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code.

Sec. 19. Section 1, chapter 70, Laws of 1972 ex. sess. as amended by section 3, chapter 198, Laws of 1981 and RCW 48.48.045 are each amended to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire (~~marshal; who~~) protection board, which shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the (~~fire marshal~~) state fire protection board shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those by the state fire (~~marshal~~) protection board as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.

Sec. 20. Section .33.05, chapter 79, Laws of 1947 and RCW 48.48.050 are each amended to read as follows:

(1) If the state fire marshal or (~~his~~) the marshal's deputy finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.

(2) An owner or occupant aggrieved by any such order made by the state fire marshal or a deputy state fire marshal may within five days after the date of the order appeal to the state fire (~~marshal~~) protection board. If the state fire (~~marshal~~) protection board confirms the order, the order shall remain in force and be complied with by the owner or occupant.

(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists.

Sec. 21. Section .33.06, chapter 79, Laws of 1947 as last amended by section 1, chapter 104, Laws of 1981 and RCW 48.48.060 are each amended to read as follows:

(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause, origin, and extent of loss of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall

forthwith notify the state fire ((~~marshal~~)) protection board of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause, origin, and extent of loss of all fires occurring within his or her respective jurisdiction.

(2) The state fire ((~~marshal~~)) protection board may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The state fire ((~~marshal~~)) protection board shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the state fire protection board, the state fire marshal, deputy state fire marshals, or resident fire marshals, acting within their jurisdiction, are vested with police powers to enforce the laws of this state. To exercise these powers, state deputy and resident fire marshals must receive prior written authorization from the state fire ((~~marshal~~)) protection board, and have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 22. Section 2, chapter 181, Laws of 1980 and RCW 48.48.065 are each amended to read as follows:

(1) Beginning September 1, 1980, the chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the state fire ((~~marshal~~)) protection board on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the state fire marshal. The state fire ((~~marshal~~)) protection board and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The state fire ((~~marshal~~)) protection board shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the state

fire ((~~marshal~~)) protection board shall also furnish a copy of the report to any other interested person at cost.

Sec. 23. Section .33.07, chapter 79, Laws of 1947 and RCW 48.48.070 are each amended to read as follows:

In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the state fire ((~~marshal~~)) protection board shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such.

Sec. 24. Section .33.08, chapter 79, Laws of 1947 and RCW 48.48.080 are each amended to read as follows:

If as the result of any such investigation, or because of any information received by ((~~him, the state fire marshal~~)) it, the state fire protection board is of the opinion that there is evidence sufficient to charge any person with any crime, ((~~he~~)) it may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within ((~~his~~)) its possession relative to the offense.

Sec. 25. Section .33.09, chapter 79, Laws of 1947 and RCW 48.48.090 are each amended to read as follows:

The state fire ((~~marshal~~)) protection board shall keep on file ((~~in his office~~)) all reports of fires made to ((~~him~~)) it or to the commissioner pursuant to this code. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the state fire ((~~marshal~~)) protection board, be withheld from public scrutiny. The state fire ((~~marshal~~)) protection board may destroy any such report after five years from its date.

Sec. 26. Section .33.11, chapter 79, Laws of 1947 as amended by section 71, chapter 75, Laws of 1977 and RCW 48.48.110 are each amended to read as follows:

The state fire ((~~marshal~~)) protection board shall submit annually a report to the governor of this state. The report shall contain a statement of ((~~his~~)) its official acts pursuant to this chapter.

Sec. 27. Section 2, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.020 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following agencies:

- (a) The state fire ((~~marshal~~) protection board);
 - (b) The prosecuting attorney of the county where the fire occurred;
 - (c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;
 - (d) The Federal Bureau of Investigation, or any other federal agency;
- and
- (e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

NEW SECTION. Sec. 28. All reports, documents, surveys, books, records, files, papers, or other written material in the possession of the insurance commissioner pertaining to the office of the state fire marshal shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the insurance commissioner in carrying out the powers and duties of the state fire marshal shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with the state fire marshal's office shall be assigned to the state fire protection board.

Any appropriations made to the insurance commissioner for the purpose of carrying out the powers and duties of the state fire marshal, shall, on the effective date of this act, be transferred and credited to the state fire protection board for the purpose of carrying out the transferred powers and duties.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions of the state fire marshal's office, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 29. All classified employees of the state fire marshal's office are transferred to the jurisdiction of the state fire protection board. All such employees shall be subject to chapter 41.06 RCW, the state civil service law, and shall be assigned to the state fire protection board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 30. All rules and regulations and all pending business before the state fire marshal's office on the effective date of this act shall be continued and acted upon under the jurisdiction of the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

NEW SECTION. Sec. 31. The transfer of the powers, duties, functions, and personnel of the state fire marshal's office shall not affect the validity of any act performed by such employee prior to the effective date of this act.

NEW SECTION. Sec. 32. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education and pertaining to fire service training shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education in fire service training shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with fire service training shall be assigned to the state fire protection board.

Any appropriations made to the commission for vocational education for fire service training shall, on the effective date of this act, be transferred and credited to the state fire protection board.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 33. All classified employees of the commission for vocational education engaged in fire service training are transferred to the jurisdiction of the state fire protection board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state fire protection board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 34. All rules and regulations and all pending business before the commission for vocational education pertaining to fire service training shall be continued and acted upon by the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

NEW SECTION. Sec. 35. The transfer of the powers, duties, functions, and personnel of the commission for vocational education pertaining

to fire service training shall not affect the validity of any act performed by such employee prior to the effective date of this act.

NEW SECTION. Sec. 36. If apportionments of budgeted funds are required because of the transfers directed by sections 28 through 35 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 37. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04-.140;
- (2) Section .33.01, chapter 79, Laws of 1947 and RCW 48.48.010;
- (3) Section .33.02, chapter 79, Laws of 1947, section 17, chapter 241, Laws of 1969 ex. sess. and RCW 48.48.020;
- (4) Section .33.10, chapter 79, Laws of 1947 and RCW 48.48.100; and
- (5) Section .33.13, chapter 79, Laws of 1947 and RCW 48.48.130.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. Sections 1 through 10 of this act are each added to chapter 48.48 RCW.

***NEW SECTION.** Sec. 40. This act shall take effect on January 1, 1986. *However, to insure that this act is fully implemented on its effective date, the state fire protection board and its director shall be appointed in accordance with this act by October 1, 1985.*

*Sec. 40 was partially vetoed, see message at end of chapter.

Passed the Senate April 23, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 3, 5, 9 and Section 40 in part, Engrossed Substitute Senate Bill No. 3856, entitled:

"AN ACT Relating to fire protection."

This bill would create a ten-member Fire Protection Board to administer the fire protection services that are now under the Insurance Commissioner and the fire training services that are now under the Commission for Vocational Education.

I agree that the fire protection functions which are brought together in this measure ought to be located within a single agency. I do not believe that it is wise to

create a separate, single-purpose state agency governed by a new board for this purpose. The functions should properly be located within the executive branch in an agency responsible to the Governor.

Since I believe the purposes of this measure are worthwhile, I am approving it with several exceptions. I am vetoing the following:

Section 3: establishes the terms of the Board.

Section 5: says the Governor selects one member to serve as chairperson.

Section 9: authorizes the Board to employ an Executive Director.

Section 40: as to the portion requiring the Board and Director to be appointed by October 1, 1985.

By vetoing these sections, a board will be established which may later act in an advisory capacity to the fire protection unit. The board will not, however, be able to proceed to implement the substantive provisions of this act until the legislature passes new legislation.

I intend to ask the next regular session of the legislature to perfect this measure by placing the functions of the board in an existing executive agency and making the board advisory to that agency.

For these reasons, I have vetoed Sections 3, 5, 9 and a part of Section 40 of Engrossed Substitute Senate Bill No. 3856.*

CHAPTER 471

[Engrossed Substitute Senate Bill No. 4228]

**BUSINESS AND OCCUPATION TAX—MEAT PROCESSOR RATE REDUCED—
METAL BULLION SALES RECLASSIFIED, EXEMPTION CREATED—
NONPROFIT ARTISTIC OR CULTURAL ORGANIZATIONS INCOME EXEMPT—
FUEL CONSUMED ON THE HIGH SEAS TAX EXEMPT—PUBLIC WORKS
ASSISTANCE ACCOUNT CREATED—PUBLIC UTILITY TAX AND
CONVEYANCE TAX MODIFIED**

AN ACT Relating to revenue and excise taxation; amending RCW 82.04.260, 82.04.330, 82.04.100, 82.04.4328, 82.02.030, 82.16.020, and 82.20.010; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 43.63A.200, 43.79.450, and 43.79.452; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 5, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of ~~((thirty-three))~~ twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

**Sec. 2. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:*

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon ~~((his))~~ the person's own lands or upon land in which ~~((he))~~ the person has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with ~~((his))~~ the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

**Sec. 2 was vetoed, see message at end of chapter.*

**Sec. 3. Section 82.04.100, chapter 15, Laws of 1961 as amended by section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.100 are each amended to read as follows:*

"Extractor" means every person who from ~~((his))~~ the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes~~(, cultivates, or raises)~~ fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. ~~((It))~~ "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

**Sec. 3 was vetoed, see message at end of chapter.*

****NEW SECTION. Sec. 4. Nothing in sections 2 and 3 of this act shall be construed to imply that a person, sale, or use made exempt from tax under sections 2 and 3 of this act was taxable under Title 82 RCW prior to the enactment of sections 2 and 3 of this act.***

****Sec. 4 was vetoed, see message at end of chapter.***

NEW SECTION. Sec. 5. A new section is added to chapter 82.04 RCW to read as follows:

(1) For purposes of this chapter, "wholesale sale," "sale at wholesale," "retail sale," and "sale at retail" do not include the sale of precious metal bullion or monetized bullion.

(2) In computing tax under this chapter on the business of making sales of precious metal bullion or monetized bullion, the tax shall be imposed on the amounts received as commissions upon transactions for the accounts of customers over and above the amount paid to other dealers associated in such transactions, but no deduction or offset is allowed on account of salaries or commissions paid to salesmen or other employees.

(3) For purposes of this section, "precious metal bullion" means any precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION. Sec. 6. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax those amounts received by artistic or cultural organizations which represent income derived from business activities conducted by the organization.

Sec. 7. Section 6, chapter 140, Laws of 1981 and RCW 82.04.4328 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4322, 82.04.4324, 82.04.4326, section 6 of this 1985 act, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization which is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for

deduction or exemption from taxation under RCW 82.04.4322, 82.04.4324, 82.04.4326, section 6 of this 1985 act, 82.08.031, and 82.12.031, the corporation shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

NEW SECTION. Sec. 8. The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects.

Sec. 9. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2),

((82.20.010(2),)) 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

Sec. 10. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 13, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, ((water distribution)) sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution and refuse collection businesses: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses, seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses, and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in section 8 of this 1985 act.

Sec. 11. Section 82.20.010, chapter 15, Laws of 1961 as last amended by section 14, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of

any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar; and for each additional five hundred dollars or fractional part thereof, ~~((fifty cents))~~ one dollar.

(2) ~~((An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.))~~ Forty-six and one-half percent of the moneys collected under this section shall be deposited in the public works assistance account created in section 8 of this 1985 act.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 244, Laws of 1984, section 9, chapter 6, Laws of 1985 and RCW 43.63A.200;

(2) Section 2, chapter 244, Laws of 1984, section 42, chapter 57, Laws of 1985 and RCW 43.79.450; and

(3) Section 3, chapter 244, Laws of 1984 and RCW 43.79.452.

*NEW SECTION. Sec. 13. *It is the intent of the state of Washington in section 14 of this act to provide assistance to those economically distressed areas that do not have substantial means to attract and encourage new business into their communities and also to provide substantial financial incentives for business that will create new jobs within those distressed areas.*

*Sec. 13 was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 14. *A new section is added to chapter 82.04 RCW to read as follows:*

(1) *"New businesses" means businesses as defined in RCW 82.04.140 which were first legally required to register with the department of revenue on or after the effective date of this section and which have not been licensed to operate within the state of Washington within the last five years.*

(2) *"Eligible businesses" means businesses engaging in manufacturing, research and development, and warehousing.*

(3) *"Distressed areas" means:*

(a) *Any county which exceeds the state-wide average annual unemployment rate and any city with a population of forty thousand or less within such a county; and*

(b) *Any city with a population of forty thousand or less that can demonstrate that it is distressed by reason of recent business closures, or notice thereof, severe layoffs for periods in excess of six months, and any other criteria established by the department of commerce and economic development to identify an area as disadvantaged.*

*Sec. 14 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 15. A new section is added to chapter 82.04 RCW to read as follows:**

Persons engaging in new eligible businesses in distressed areas shall be exempt during the first five years of business operation from the payment of fifty percent of the tax otherwise imposed under this chapter by reason of such activities.

***Sec. 15 was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 16. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts derived from sales of fuel for consumption outside the territorial waters of the United States, by vessels used primarily in foreign commerce.

(2) Nothing in this section shall be construed to imply that amounts which may be deducted under this section were taxable under Title 82 RCW prior to the enactment of this section.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the Senate April 26, 1985.

Passed the House April 19, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 2 through 4 and Sections 13 through 15, Engrossed Substitute Senate Bill 4228, entitled:

"AN ACT Relating to revenue and taxation;"

This measure contains several changes to business taxes. It includes important new revenue sources to meet the infrastructure financing needs of local government. It also includes adjustments in taxes for several industries which have clearly demonstrated that present taxes place them at a significant competitive disadvantage to similar businesses in other states. In each of these cases, Washington industries made convincing cases that continuing the current taxes would result in actual loss of existing business within the state with a resulting loss of jobs.

While approving the provisions of Sections 1, 5, 6, 7 and 16, I want to express once again my extreme distaste for piecemeal tax reform. I have approved these provisions only because I believe actual and irreparable losses of business and jobs would result before any general reform can occur. Substantial inequity continues to exist for many other industries in this state which must be addressed in a comprehensive manner in the very near future.

Sections 2 and 3 are essentially identical to Sections 1 and 2 of Engrossed House Bill 99, which I have already signed into law. They are vetoed to avoid double amendments. Section 4 is identical to Section 5 of Engrossed House Bill 99, which I have vetoed and which I am again vetoing.

Sections 13 through 15 create a fifty percent exemption from the B&O tax for new businesses which locate in distressed areas. These sections have an extremely laudable intent. I am firmly committed to bringing new jobs and industry to areas in which there is persistent unemployment resulting from long-term changes in the local economy. Given the state's limited resources, however, it is essential that such efforts are carefully targeted to reach areas with the greatest need. Unfortunately, I do not believe the exemption created in Section 13 through 15 meets this test.

These sections, taken as a whole, are likely to result in substantial loss of revenue to the state without necessarily benefitting truly distressed areas. For example, an existing business could dissolve and reincorporate under a new name or create a wholly owned subsidiary and become eligible for the exemption. Also, Section 15 does not specify how much of a qualifying business is eligible for the exemption. It is, therefore, possible that a new business would qualify for the entire exemption by locating an insignificant operation in a distressed area while the vast majority of its business was located elsewhere in the state in a non-distressed area.

In addition, the fact that a county is considered distressed at any time its unemployment rate exceeds the average, will result in benefits going to businesses in areas with temporary problems instead of being restricted to areas with persistent high joblessness.

For these reasons, I have vetoed Sections 2 through 4 and Sections 13 through 15 of Engrossed Substitute Senate Bill No. 4228.

With the exceptions of Sections 2 through 4 and Sections 13 through 15, which I have vetoed, Engrossed Substitute Senate Bill No. 4228 is approved."

CHAPTER 472

[Engrossed Substitute Senate Bill No. 3333] MOTORCYCLE DEALERS' FRANCHISES

AN ACT Relating to motorcycle dealers' franchises; amending RCW 46.70.101 and 46.70.180; adding a new chapter to Title 46 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. This chapter shall be known as the motorcycle dealers' franchise act.

NEW SECTION. Sec. 2. The legislature recognizes it is in the best public interest for manufacturers and dealers of motorcycles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference, receive adequate allocations of merchandise in a timely manner at competitive prices, and transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motorcycle industry to the extent necessary to balance fairness and efficiency. These actions will assure the public that motorcycle dealers will devote their best competitive

efforts and resources to the sale and service of the manufacturer's products which the dealer has been granted the right to sell and service.

***NEW SECTION.** Sec. 3. As used in this chapter:

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

(2) "Designated family member" means (a) an heir as defined in RCW 11.02.005(6) if the motorcycle dealer dies intestate or (b) a legatee or devisee as used in Title 11 RCW if the deceased motorcycle dealer leaves a will. *A motorcycle dealer also may name in a notarized statement any person as the designated family member for the purposes of receiving an interest in the motorcycle dealership. Title 11 RCW applies to this chapter. However, in cases of conflict, the notarized inter vivos designation prevails over testamentary and intestate succession. Notarized inter vivos designations under this subsection are not codicils to wills.*

(3) "Distributor" means a person, whether a resident or nonresident, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers, or controls any other person, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers.

(4) "Distributor branch" means a branch office maintained by the distributor or wholesaler.

(5) "Distributor representative" means a representative employed by a distributor or wholesaler for the purpose of selling or promoting the sale or lease of the distributor's or wholesaler's motorcycles to motorcycle dealers, or for the purpose of supervising or contacting dealers.

(6) "Factory branch" means a branch office maintained by a manufacturer in order to direct and supervise the representatives of the manufacturer.

(7) "Factory representative" means a person employed by a manufacturer for the purpose of making or promoting the sale or lease of the manufacturer's motorcycles to dealers, distributors, or prospective motorcycle dealers.

(8) "Franchise" means a *n oral or* written contract, *to include a dealer agreement, either expressed or implied*, between a franchisor and a motorcycle dealer which purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motorcycles manufactured, distributed, or imported by the franchisor; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the franchisor; and (c) the dealer's business relies on the franchisor for a continued supply of motorcycles, parts, and accessories.

(9) "Franchisor" means any person who enters into a franchise with a motorcycle dealer.

(10) "Manufacturer" means any person, firm, association, corporation, or trust that manufactures or provides assemblies for motorcycles.

(11) "Motorcycle" means any motor vehicle which has an unladen weight of less than fifteen hundred pounds, including any parts, accessories, equipment, or special tools designated or intended for use on or with those motor vehicles, and (a) which is self-propelled and capable of use and operation on the public highways and streets; or (b) which is a self-propelled, off-road vehicle, tired or nontired, capable of transporting individuals on or off public highways and streets. "Motorcycle" excludes farm tractors, golf carts, firefighting equipment, any motor vehicle designed solely for industrial purposes, and lawnmowers.

(12) "Motorcycle dealer" or "dealer" means a person operating under a dealer agreement or franchise with a franchisor who is engaged regularly in the business of buying, selling, exchanging, offering, brokering, or leasing with an option to purchase new or used motorcycles in the state, with a place of business in the state.

(13) "New motorcycle" means a motorcycle that has been sold or transferred to a motorcycle dealer and that has not been used for other than demonstration purposes, and on which the original title has not been issued from the motorcycle dealer. The term includes motorcycles not of the current model year comprising part of the dealer's inventory.

(14) "Person" means any natural person, partnership, stock company, corporation, trust, agency, or other legal entity, as well as any individual officers, directors, or other persons in active control of the activities of the entity.

(15) "Place of business" means a permanent, enclosed commercial building, situated within the state, and the real property on which it is located, at which the business of a motorcycle dealer, including the display and repair of motorcycles, may be lawfully conducted in accordance with the terms of all applicable laws and in the building the public may contact the motorcycle dealer or his or her employees at all reasonable times.

(16) "Relevant market area" means a ten-mile radius around a proposed place of business.

*Sec. 3 was partially vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 4. Acts or conduct described in this section constitute prohibited trade practices that cannot be waived. It is a prohibited trade practice for a franchisor or its manufacturers, distributors, subsidiaries, or other agents:

(1) To require, coerce or attempt to require, or coerce, either directly or indirectly, any motorcycle dealer to:

(a) Accept, buy, or order any motorcycle, part or accessory, or any other commodity or service not voluntarily ordered, or requested, **or to buy, order, or pay anything of value for such items in order to obtain any motorcycle part, accessory, or other commodity which has been voluntarily ordered or requested**;

(b) Order or accept delivery of any motorcycle with special features, accessories, or equipment not included in the list price of the motorcycle as advertised by the manufacturer, except items which have been voluntarily requested or ordered by the dealer, and except items required by law;

(c) Enter into any agreement or understanding resulting in a reduction of the dealer's allocation of motorcycles for reasons other than reduced production levels causing uniformly and proportionally applied reductions to all dealers;

(d) Enter into any agreement or sales promotion program by threatening to terminate the franchise of the dealer;

(e) Refrain from participation in the management, investment, acquisition, or sale of any other related product or product line of motor vehicles, parts, or accessories;

(f) Enter into any agreement violating this chapter; or

(g) Enter into an agreement by which the franchisor, manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative can directly solicit the dealer's customers.

(2) To terminate, refuse to renew, fail to extend, or fail to renew any franchise without good cause. Good cause includes but is not limited to:

(a) The amount of business transacted by the dealer as compared to the amount of business available to the dealer;

(b) The investment necessarily made and obligations necessarily incurred by the dealer in the performance of the franchise;

(c) The degree of the dealer's investment, including but not limited to the dealer's purchase or lease of real property for the dealership, the training given to the dealer's employees, and the amount of equipment purchased for the dealership;

(d) The adequacy of the dealer's new motorcycle sales and service facilities, equipment, and parts;

(e) The qualifications and performance of the management, sales, and service personnel to provide the consumer with reasonably good service and care of new motorcycles;

(f) The failure of the dealer to substantially comply in good faith with the reasonable requirements of the franchise;

(g) The adequacy of the franchisor's actual quantities delivered of motorcycles, parts, and accessories compared to quantities promised by the franchisor;

(h) The effect on the retail motorcycle business and the consuming public in the dealer's market area;

(i) Whether the dealer has exercised prudent business judgment.

The dealer shall be notified, in writing, not less than ninety days before termination or nonrenewal with reasons for the actions. If the termination or nonrenewal is based on termination or discontinuance of the product line, the dealer shall be notified not less than one hundred eighty days prior to

termination or nonrenewal. All existing franchises shall continue operation under a newly appointed distributor upon the termination of an existing distributor unless a mutual agreement of termination is filed between the new distributor and the affected dealer.

(3) To require a change in capital structure, or means of financing, if the dealer at all times meets the reasonable, written, and uniformly applied capital standards determined by the manufacturer, franchisor, or distributor;

(4) To prevent or attempt to prevent a dealer from making reasonable changes in the capital structure of a dealership or the means by which the dealership is financed if the dealer meets the reasonable, written, and uniformly applied capital requirements determined by the manufacturer, franchisor, or distributor;

(5) To unreasonably require a change in the location of the dealership or any substantial alterations to the place of business;

(6) To condition renewal or extension of the franchise on substantial renovation of the existing place of business or on the construction, purchase, acquisition, or lease of a new place of business unless written notice is first provided one hundred eighty days prior to the date of renewal or extension and the franchisor demonstrates the reasonableness of the requested actions. The franchisor shall agree to supply the dealer with an adequate quantity of motorcycles, parts, and accessories to meet the sales level necessary to support the overhead resulting from substantial renovation, construction, acquisition, or lease of a new place of business;

(7) To adopt, establish, or implement a plan or system, or to modify an existing plan or system, for the distribution or allocation of motorcycles which is arbitrary, in bad faith, or unconscionable and which damages the dealer or the dealer's customers;

(8) To fail or refuse to disclose to the dealer, after written request, the basis upon which new motorcycles of the same line are currently or will in the future be allocated or distributed to dealers;

(9) To fail or refuse to disclose to dealers, after written request, the total number of new motorcycles of a given model which the manufacturer, franchisor, or distributor has sold during the current model year within the dealer's marketing district, zone, or region;

(10) To refuse or fail to deliver any motorcycle, part, or accessory in reasonable quantities, and within a reasonable time after receipt of the order from the dealer, that is specifically advertised as being immediately available. It is not a prohibited trade practice when the failure to deliver is caused by an act of God, strike, material shortage, or other cause over which the manufacturer, distributor, or franchisor has no control;

(11) To offer a renewal, replacement, or succeeding franchise containing terms substantially modifying the sales and service obligations or capital requirements of the motorcycle dealer, other than as provided for in this chapter;

(12) To sell or lease or offer to sell or lease to a dealer a new motorcycle, including any motorcycle under a sales promotion plan, at a lower price than offered or sold to another similarly situated dealer for the same model, except where the dealer is offered, sold, or leased a new motorcycle at a discount in exchange for providing valuable services to the franchisor, manufacturer, or distributor and except in those instances where a dealer orders motorcycles in sufficient numbers to qualify for volume discounts and as long as discounts are available to all dealers;

(13) To prevent, attempt to prevent, or unreasonably disapprove any motorcycle dealer from changing executive management control of the dealer's motorcycle business, unless the change results in control by a person not of good moral character or who does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards. The dealer shall be given written notice of the reasons for rejection within thirty days of receipt of notice from the dealer of a proposed change;

(14) To reject, prevent, or attempt to prevent any person from selling or transferring a controlling interest to any other person unless the buyer or transferee does not qualify under appropriate state law as a licensed dealer, is not of good moral character, does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards, or does not meet the written and uniformly applied manufacturer, distributor, or franchisor business experience standards for the market area. The dealer shall be given written notice setting forth the reasons for rejection of the proposed sale or transfer within thirty days of notice by the dealer of the sale or transfer;

(15) To fail to hold harmless and indemnify any motorcycle dealer against losses, including lawsuits and court costs, arising from: (a) The manufacture or performance of any motorcycle, part, or accessory if the lawsuit involves representations by the manufacturer, distributor, or franchisor on the manufacture or performance of a motorcycle without negligence on the part of the motorcycle dealer; (b) damage to merchandise in transit where the manufacturer, distributor, or franchisor specifies the carrier; (c) the manufacturer, distributor, or franchisor's failure to jointly defend product liability suits concerning the motorcycle, part, or accessory provided to the dealer; or (d) any other act performed by the manufacturer, distributor, or franchisor;

(16) To unfairly prevent or attempt to prevent a motorcycle dealer from receiving reasonable compensation for the value of a motorcycle;

(17) To release confidential information provided by the motorcycle dealer to the manufacturer, distributor, or franchisor without the written prior consent of the dealer;

(18) To fail to pay to a motorcycle dealer, within a reasonable time following receipt of a valid claim, any payment agreed to be made by the manufacturer, distributor, or franchisor on grounds that a new motorcycle, or a prior year's model, is in the dealer's inventory at the time of introduction of new model motorcycles;

(19) To deny any dealer the right of free association with any other dealer for any lawful purpose;

(20) To artificially and intentionally create a shortage of any motorcycle make, model, or series that results in the inequitable distribution of the make, model, or series to dealers;

(21) To charge increased prices without having given written notice to the dealers at least fifteen days prior to the effective date of the price increases;

(22) To permit factory authorized warranty service to be performed upon motorcycles or accessories by persons other than their franchised motorcycle dealers;

(23) To unreasonably interfere with a dealer's performance under the franchise agreement's sale quota by withholding sufficient deliveries of motorcycles; or

(24) To own, operate, or control any motorcycle dealer or place of business selling at retail in the state.

*Sec. 4 was partially vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 5. (1) The manufacturer, distributor, or franchisor shall not prevent, attempt to prevent, refuse to give effect to, attempt to refuse to give effect to, or in any way hinder the succession to the ownership, management, control, or continuance of a dealer's motorcycle business by a designated family member upon the death or incapacity of the dealer, except as otherwise provided in this chapter.

(2) A designated family member, at his or her discretion, may succeed the dealer in ownership or management control under the existing agreement. The designated family member shall provide notice to the franchisor, in writing, of the intention to succeed to the franchise within one hundred twenty days after the dealer's death or incapacity. The designated family member shall agree to be bound by the terms of the original franchise. The designated family member shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

(3) A designated family member may only be rejected for succession on reasonable grounds. The franchisor shall provide written notice to the designated family member within sixty days of receipt of notice of the intention to succeed. The notice shall state the specific grounds for refusal, termination, or nonrenewal of the franchise and shall not take effect less

than ninety days after receipt of the notice by the designated family member. If notice is not served within the designated time period, the franchise shall continue in effect with the designated family member.

(4) The designated family member may appeal to the appropriate court within ninety days of receipt of notice of refusal, termination, or nonrenewal. The franchisor has the burden of proving reasonable grounds. A designated family member prevailing in such action shall recover reasonable costs and attorney's fees.

(5) A dealer may designate any person as the recipient of the franchise by making a notarized statement in accordance with section 3(2) of this act. The statement shall be filed with the franchisor. The statement shall be controlling and binding on all heirs and testamentary successors. The recipient shall agree to be bound by the terms of the original franchise. The recipient shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

*Sec. 5 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 6. (1) A person desiring to enter into a franchise establishing or relocating a motorcycle dealer shall notify, in writing, each existing franchised dealer of the same manufacturer, distributor, or franchisor, in the relevant market area of its intention to establish or relocate a dealer. Within one hundred twenty days of receiving the notice, or within one hundred twenty days after the end of any appeal period procedure provided by the person, whichever is later, any existing franchised dealer to whom the person is required to give notice under this subsection may file an action in the superior court of the county in which the existing franchise dealer's place of business is located, challenging the proposed establishment or relocation of the dealership within the relevant market area.**

(2) Authority to enter into a franchise establishing or relocating a dealer shall only be granted by the manufacturer, distributor, or franchisor proving just cause. Just cause includes but is not limited to:

(a) The amount of business transacted by existing dealers when compared with the amount of business available to them;

(b) The degree of the dealer's investment, including but not limited to the dealer's purchase or lease of real property for the dealership, the training given to the dealer's employees, and the amount of equipment purchased for the dealership;

(c) The effect of the proposed franchise on the retail motorcycle business in the relevant market area;

(d) Whether it is injurious to the public welfare for the proposed dealer to be established or relocated;

(e) Whether the existing dealers are providing adequate customer care for the motorcycles sold, including the adequacy of motorcycle service facilities;

(f) Whether the existing dealers are receiving vehicles and parts in quantities promised by the manufacturer, factory branch, distributor, or franchisor, and on what volume of promised quantities existing dealers based their investment and scope of operations;

(g) The effect on the retail motorcycle business and the consuming public in the relevant market area; and

(h) Injury to the public welfare if the proposed establishment or relocation is allowed.

For the purposes of this subsection, the reopening of a dealer's place of business that has been closed for less than six months at the original location is not the establishment or relocation of a dealer.

(3) Except for test marketing, a franchisor shall offer a new motorcycle model, line, or product for resale to all dealers and require that all similarly situated dealers meet the same conditions for marketing the new model, line, or product.

(4) Each new or renewed franchise with an individual franchisor, occurring on or after the effective date of this act, shall include all motorcycle models, types, or products which are under separate franchises between that individual franchisor and dealer.

*Sec. 6 was vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 7. (1) Upon the termination or nonrenewal of a franchise, the dealer shall be paid fair and reasonable compensation by the franchisor for:

(a) All new motorcycle inventory, including new motorcycles not of the current model year, purchased from the manufacturer, distributor, or franchisor that has not been materially altered, damaged, or driven more than fifty miles;

(b) All new, rebuilt, or used parts and accessories received from the manufacturer, distributor, or franchisor;

(c) Equipment, furnishings, and signs purchased from the manufacturer, distributor, or franchisor; and

(d) Special tools purchased from the manufacturer, distributor, or franchisor.

Compensation shall not be less than the current prices charged by the manufacturer, distributor, or franchisor for the new, rebuilt, or used items specified in (a) and (b) of this subsection or the fair market value for items specified in (c) and (d) of this subsection.

(2) In the event of termination or nonrenewal of the franchise by the franchisor without good cause, the franchisor shall pay the dealer, at the dealer's election, fair and reasonable compensation for the value of the dealership within six months of the effective date of the termination or nonrenewal. Compensation shall include, but not exclusively, all items listed in subsection (1) of this section, any real and personal property associated with

the place of business, and business good will. The dealer has a responsibility to mitigate damages.

(3) Subsections (1) and (2) of this section do not apply if the dealer has acted illegally or fraudulently in the procurement of the franchise, or has acted illegally or fraudulently in the operation of the franchise.

*Sec. 7 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. (1) The manufacturer, distributor, or franchisor shall compensate the dealer for labor, parts, and other expenses incurred to comply with the manufacturer, distributor, or franchisor's warranty agreements, and for work and services performed in connection with delivery and preparation of motorcycles received from the manufacturer, distributor, or franchisor. *The compensation shall not be less than the rates reasonably charged by the dealer for like services and parts to retail customers.*

(2) All claims for compensation made by the dealer shall be paid within thirty days after approval and shall be approved or disapproved within thirty days of their receipt by the manufacturer, distributor, or franchisor. Any denial of claim shall be in writing and shall set forth the specific grounds for denial.

(3) A claim that has been approved and paid shall not be charged back to the dealer unless it is established the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective condition, or the dealer failed to reasonably substantiate the claim.

*Sec. 8 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 9. No manufacturer, distributor, or franchisor shall require or coerce any dealer to sell, assign, or transfer a retail sales installment contract, or require the dealer to act as an agent for any manufacturer, distributor, or franchisor in the securing of a promissory note, a security agreement given in connection with the sale of a motorcycle, or securing of a policy of insurance for a motorcycle. The manufacturer, distributor, or franchisor may not condition delivery of motorcycles, parts, or accessories upon the dealer's assignment, sale, or other transfer of sales installment contracts to specific finance companies.

NEW SECTION. Sec. 10. Any person injured by a violation of this chapter may bring a civil action in a court of competent jurisdiction to enjoin further violations or to recover damages. *Injunctive relief may be granted in an action brought under this chapter without the dealer being required to post a bond if, in the opinion of the court, there exists a likelihood the dealer may prevail upon the merits.*

*Sec. 10 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 11.** *Except as otherwise provided in this chapter, any civil action under this chapter shall be brought within four years after discovery by the aggrieved party of the facts constituting a violation of this chapter.*

**Sec. 11 was vetoed, see message at end of chapter.*

***Sec. 12. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 152, Laws of 1981 and RCW 46.70.101 are each amended to read as follows:**

The director may by order deny, suspend, or revoke the license of any vehicle dealer, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if he finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as defined in this chapter;

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this

chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

(viii) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his possession any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices; or

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a vehicle salesman:

(a) Was the holder, or was a partner in a partnership or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued, or was suspended and the terms of the suspension had not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has been adjudged guilty of a crime which directly relates to the business of a vehicle salesman and the time elapsed since the conviction is

less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended;

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(e) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(f) Has forged the signature of the registered or legal owner on a certificate of title;

(g) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(k) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of such property or funds.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington, other than a motorcycle dealer governed by chapter 46.-- RCW (sections 1 through 11 of this 1985 act), who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

*Sec. 12 was vetoed, see message at end of chapter.

Sec. 13. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 6, chapter 152, Laws of 1981 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of

a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as

part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.— RCW (sections 1 through 11 of this 1985 act), to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer:

PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 1 through 11 of this act shall constitute a new chapter in Title 46 RCW.

Passed the Senate April 24, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without approval as to certain sections, Substitute Senate Bill No. 3333, entitled:

"AN ACT Relating to motorcycle franchises."

This bill would establish a very detailed regulatory system for the business relationship between manufacturers and the dealers of motorcycles, all terrain vehicles, snowmobiles, and any motor vehicle weighing less than 1,500 pounds. The activities of both the manufacturer and dealer would continue to be regulated under RCW 46-.70. The bill is held by its proponents as being necessary to end certain practices on the part of motorcycle manufacturers.

I believe that motorcycle manufacturers have been, at times, heavy-handed in their relationships with dealers. Nonetheless, government should be extremely careful about substituting statutory regulation for matters normally decided between the parties of a commercial transaction.

In general, government should not interfere with business transactions except to protect the consuming public from dangerous, anti-competitive, or fraudulent activities. The alleged actions leading to the measure at hand do not directly affect the consuming public but rather the practices of one business with respect to another. It appears that many of these practices result from vigorous competition within the motorcycle industry.

Some of the provisions of Engrossed Substitute Senate Bill No. 3333 are reasonable standards for any business transaction. Other provisions place unreasonable restrictions on the ability of one party to engage in normal business activity. Others are clearly anti-competitive and would deny the public the benefits of a full, competitive market. For example, entry of new dealers in major urban markets would be virtually prohibited by this bill due to language giving dealers a ten mile radius marketing area. It also restricts warranty work to dealerships and prohibits manufacturers from owning or operating dealerships. All of these provisions, and others like them, restrict competition and would lead to higher prices for the consumers.

The bill also prohibits a manufacturer from reducing a dealer's allocations of motorcycles for poor sales performances, from denying a transfer or succession of dealership to another person except under extremely restricted conditions, and from initiating certain sales promotions which require dealer participation.

In summary, the bill places extraordinary restrictions on one type of business entity for the benefit of another. The public does not benefit from these restrictions and may, in fact, be adversely affected by reduced competition, higher prices and poor service.

The bill also would require manufacturers to purchase back all of a dealer's new or prior year "new" motorcycle inventory which had not been driven over fifty miles, all new, used and rebuilt parts, etc., at a price not less than current prices charged.

This section would apply even where the dealer voluntarily chose to go out of business. This language puts the business risk almost totally on the manufacturer.

While this bill contains many provisions such as those described above which are not in the interests of the public, there are also desirable provisions which provide reasonable standards for any business relationship. To preserve these positive provisions, I have decided to approve this measure with the exception of a number of sections.

In making these vetoes, I have attempted to establish a balance between the interest of the dealers, manufacturers and the consumers. The consumer is best served by leaving room for competition between dealers and bargaining power on both sides between dealers and manufacturers in establishing franchise agreements.

For the above reasons, I have vetoed the following Sections: 3(2) in part, 3(8) in part, 3(16), 4(1)(a) in part, 4(1)(b), 4(1)(c), 4(1)(g), 4(7), 4(11), 4(17), 4(18), 4(20), 4(21), 4(22), 4(24), 5(4), 5(5), 6, 7, 8(1) in part, 8(2) in part, 10 in part, 11 and 12.

With the exception of the above vetoes, Substitute Senate Bill No. 3333 is approved."

CHAPTER 473

[Engrossed Substitute House Bill No. 101]

GROCERY STORE PROMOTIONAL CONTESTS OF CHANCE

AN ACT Relating to lotteries and promotional contests; and amending RCW 9.46.020 and 9.46.030.

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

Sec. 1. Section 1, chapter 139, Laws of 1981 as amended by section 1, chapter 207, Laws of 1984 and RCW 9.46.020 are each amended to read as follows:

(1) "Amusement game" means a game played for entertainment in which:

- (a) The contestant actively participate;
- (b) The outcome depends in a material degree upon the skill of the contestant;
- (c) Only merchandise prizes are awarded;
- (d) The outcome is not in the control of the operator;
- (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
- (f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter: PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this chapter.

(2) "Bingo" means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this subsection the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981 shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under

the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants

and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of this section shall not constitute gambling.

(10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the

insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

~~((For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:~~

~~(a) Listening to or watching a television or radio program or subscribing to a cable television service;~~

~~(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;~~

~~(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;~~

~~(d) Visitation to any business establishment to obtain a coupon, or entry blank;~~

~~(e) Mere registration without purchase of goods or services;~~

~~(f) Expenditure of time, thought, attention and energy in perusing promotional material;~~

~~(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;~~

~~(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or~~

~~(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme:~~

~~For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized:))~~

(15) "Member" and "bona fide member". As used in this chapter, member and bona fide member each mean a person accepted for membership in an organization eligible to be licensed by the commission under this chapter upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

Member or bona fide member shall include only members of an organization's specific chapter or unit licensed by the commission or otherwise actively conducting the gambling activity: PROVIDED, That

(a) Members of chapters or local units of a state, regional or national organization may be considered members of the parent organization for the purpose of a gambling activity conducted by the parent organization, if the rules of the parent organization so permit;

(b) Members of a bona fide auxiliary to a principal organization may be considered members of the principal organization for the purpose of a gambling activity conducted by the principal organization. Members of the principal organization may also be considered members of its auxiliary for the purpose of a gambling activity conducted by the auxiliary; and

(c) Members of any chapter or local unit within the jurisdiction of the next higher level of the parent organization, and members of a bona fide auxiliary to that chapter or unit, may assist any other chapter or local unit of that same organization licensed by the commission in the conduct of gambling activities.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

(16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

(18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of one dollar per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed twenty-five dollars, including all separate fees which might be paid by a player for various phases or events of the tournament: PROVIDED FURTHER, That this item (d) shall not apply to the membership fee in any bona fide charitable or non-profit organization; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any seventy-two consecutive hours but exceeding twenty-four consecutive hours and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than twenty-four consecutive hours each time by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed

ten thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Bona fide charitable or nonprofit organizations holding a license to conduct a fund raising event may (~~joint-fund~~) join together to jointly conduct a fund raising event if:

(i) Approval to do so is received from the commission; and

(ii) The method of dividing the income and expenditures and the method of recording and handling of funds are disclosed to the commission in the application for approval of the joint fund raising event and are approved by the commission.

The gross wagers and bets received by the organizations less the amount of money paid by the organizations as winnings and for the purchase costs of prizes given as winnings may not exceed ten thousand dollars during the total calendar days of such event. The net receipts each organization receives shall count against the organization's annual limit stated in this subsection.

A joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the net receipts for the purposes of the number of such events an organization may conduct each year.

The commission may issue a joint license for a joint fund raising event and charge a license fee for such license according to a schedule of fees adopted by the commission which reflects the added cost to the commission of licensing more than one licensee for the event.

Sec. 2. Section 2, chapter 139, Laws of 1981 as amended by section 1, chapter 70, Laws of 1984 and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by only members, their guests, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, to play social card games authorized by the

commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: **PROVIDED**, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: **PROVIDED**, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together do not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of

conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(7) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of

a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a payoff similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(8) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED, That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(9) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(20)(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their

premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

(10)(a) The legislature hereby authorizes promotional contests of chance conducted in this state, or partially in this state, in which a person is required, in order to participate in the contest equally with other participants, to do only one or more of the following:

(i) Listen to or watch a television or radio program or subscribe to a cable television service;

(ii) Fill out and return a coupon or entry blank or facsimile which is received through the mail, or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such newspaper, magazine, or program;

(iii) Send a coupon or entry blank by United States mail to a designated address;

(iv) Visit a business establishment to obtain or deposit a coupon or entry blank;

(v) Merely register, without the purchase of goods or services;

(vi) Expend time, thought, attention, and energy in perusing promotional material;

(vii) Place or answer a telephone call in a prescribed manner or otherwise make a prescribed response, guess, or answer;

(viii) Furnish the container of a product as packaged by the manufacturer, or a particular portion thereof, but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten thereon is acceptable in lieu thereof; or

(ix) Pay an admission fee to gain admission to any bona fide exposition, fair, or show for the display or promotion of goods, wares, or services, or any agricultural fair authorized under chapter 15.76 or 36.37 RCW, if (A) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (B) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might

be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

(b) Notwithstanding any other provision of this subsection, where any contest of chance is conducted by or on behalf of in-state retail grocery outlets in connection with business promotions, no such in-state retail grocery outlet may conduct more than one such contest of chance during each calendar year and the period of the contest of chance and its promotion shall not extend for more than fourteen consecutive days: PROVIDED, That if the sponsoring organization has more than one outlet in the state, such contests of chance must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate contest of chance in connection with the initial opening of any such outlet: PROVIDED FURTHER, That such contests of chance may be conducted on an ongoing basis if the prizes awarded or accumulated to award do not exceed thirty dollars a day or five thousand dollars a year in the aggregate for all outlets of the sponsoring organizations. Nothing in this paragraph (b) applies to contests of chance conducted by or in connection with business promotions by manufacturers.

For purposes of this section, in-state retail grocery outlet includes any establishment or recognized grocery department thereof in which more than twenty percent of the gross receipts result from the sale of food items for off-premises preparation. These food items include such products as meat, poultry, fish, bread, cereals, vegetables, fruit, dairy products, coffee, tea, cocoa, carbonated and uncarbonated beverages, candy, condiments, spices, and canned goods, and like products; but not including prepared hot foods or hot food products ready for immediate consumption.

(c) For the purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the applicable rules of the federal communications commission. Broadcast programming, including advertising for others and station promotion, that complies with federal statutes and regulations is hereby authorized.

(11) The penalties provided for professional gambling in this chapter shall not apply to the activities authorized by this section when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

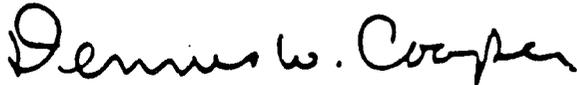
Approved by the Governor May 21, 1985.

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

AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published in these volumes are a true and correct reproduction of the copies of the enrolled laws of the 1985 regular session, chapters 1 through 473, (49th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this nineteenth day of June, 1985.

A handwritten signature in black ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

DENNIS W. COOPER
Code Reviser

WASHINGTON LAWS

1985 FIRST EXTRAORDINARY SESSION

CHAPTER 1

[Engrossed Senate Bill No. 3942]

DRIVERS' LICENSES—FEE INCREASE—FUND DEPOSITION MODIFIED—
MOTORCYCLE INSTRUCTION PERMIT RENEWAL—PHOTOGRAPH
REQUIREMENTS MODIFIED

AN ACT Relating to drivers licensing; amending RCW 46.20.070, 46.20.091, 46.20.117, 46.20.120, 46.20.200, 46.20.380, 46.20.470, 46.20.505, 46.20.510, 46.29.050, 46.52.130, and 46.68.041; repealing RCW 46.20.115; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 46.20.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 61, Laws of 1979 and RCW 46.20.070 are each amended to read as follows:

Upon receiving a written application on a form provided by the director for permission for a person under the age of eighteen years to operate a motor vehicle over and upon the public highways of this state in connection with farm work, the director may issue a limited driving permit containing a photograph to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother, or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit authorizes the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of ~~((one))~~ three dollars for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the ~~((traffic))~~ highway safety ~~((education account in the general))~~ fund.

The director may transfer this permit from one farming locality to another, but this does not constitute a renewal of the permit.

The director may deny the issuance of a juvenile agricultural driving permit to any person whom the director determines to be incapable of operating a motor vehicle with safety to himself or herself and to persons and property.

The director may suspend, revoke, or cancel the juvenile agricultural driving permit of any person when in the director's sound discretion the director has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director may suspend, cancel, or revoke a juvenile agricultural driving permit when in the director's sound discretion the director is satisfied the restricted character of the permit has been violated.

Sec. 2. Section 8, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 63, Laws of 1979 and RCW 46.20.091 are each amended to read as follows:

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit containing a photograph shall be accompanied by a fee of ~~((two))~~ five dollars ((and fifty cents)). The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every ~~((said))~~ such application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge ~~((: PROVIDED, HOWEVER, That))~~ if the other licensing jurisdiction extends the same privilege to the state of Washington ~~((:))~~. Otherwise there shall be a reasonable charge for transmittal of the record, the amount to be fixed by the director of the department.

Sec. 3. Section 4, chapter 155, Laws of 1969 ex. sess. as last amended by section 1, chapter 212, Laws of 1985 and RCW 46.20.117 are each amended to read as follows:

(1) The department shall issue "identicards," containing a picture, to individuals for a fee of ~~((three))~~ four dollars. ~~((Such fee shall be deposited in the highway safety fund.))~~ However, the fee shall be the actual cost of production to recipients of continuing public assistance grants under Title

74 RCW who are referred in writing to the department by the secretary of social and health services. The fee shall be deposited in the highway safety fund. To be eligible, each applicant shall produce evidence (~~((commensurate to))~~) as required by the ((regulations)) rules adopted by the director that positively proves identity. The "identocard" shall be distinctly designed so that it will not be confused with the official driver's license. The identocard shall be valid for five years.

(2) The department may cancel an "identocard" upon a showing by its records or other evidence that the holder of such "identocard" has committed a violation relating to "identocards" defined in RCW 46.20.336.

Sec. 4. Section 46.20.120, chapter 12, Laws of 1961 as last amended by section 6, chapter 61, Laws of 1979 and RCW 46.20.120 are each amended to read as follows:

No new driver's license may be issued and no previously issued license may be renewed until the applicant therefor has successfully passed a driver licensing examination: PROVIDED, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of ~~((three))~~ seven dollars shall be paid by each applicant, in addition to the fee charged for issuance of the license. A new license is one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is outside the state at the time his or her driver's license expires or who is unable to renew the license due to any incapacity may renew the license within sixty days after returning to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state.

Sec. 5. Section 46.20.200, chapter 12, Laws of 1961 as last amended by section 5, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.200 are each amended to read as follows:

~~((In the event that))~~ (1) If an instruction permit, identocard, or a driver's license ((shall be)) is lost or destroyed, the person to whom ((the same)) it was issued may obtain a duplicate ((thereof)) of it upon furnishing proof of such fact satisfactory to the department ((without reexamination upon)) and payment of a fee of ((two)) five dollars ((and fifty cents)) to the department.

(2) A replacement permit, identocard, or driver's license may be obtained to change or correct material information upon payment of a fee of

two dollars and surrender of the permit, identicard, or driver's license being replaced.

Sec. 6. Section 46.20.380, chapter 12, Laws of 1961 as last amended by section 12, chapter 61, Laws of 1979 and RCW 46.20.380 are each amended to read as follows:

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ~~((ten))~~ twenty-five dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 7. Section 4, chapter 20, Laws of 1967 ex. sess. as amended by section 3, chapter 68, Laws of 1969 ex. sess. and RCW 46.20.470 are each amended to read as follows:

There shall be an additional fee for the special endorsement for each class of vehicle in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each endorsement shall not exceed ten dollars for the original endorsement nor more than three dollars for subsequent endorsement renewals. The ~~((said))~~ fee shall be deposited in the highway safety fund.

Sec. 8. Section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 2, chapter 77, Laws of 1982 and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which is not refundable. The director of licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination, but in no event more than four dollars for the initial or new category examination nor more than two dollars for a subsequent renewal examination. ~~((One))~~ Two dollars of the initial or new category examination fee and ~~((one))~~ two dollars of any subsequent fee for a renewal shall be deposited in the motorcycle safety education account of the highway safety fund.

Sec. 9. Section 3, chapter 77, Laws of 1982 as amended by section 3, chapter 234, Laws of 1985 and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall

include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.

(3) The department may issue a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category for a period not to exceed ninety days. This motorcyclist's instruction permit may be renewed for an additional ninety days. The director shall collect a two dollar and fifty cent fee for the motorcyclist's instruction permit or renewal, and the fee shall be deposited in the motorcycle safety education account of the highway safety fund. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully-controlled, limited-access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category.

Sec. 10. Section 5, chapter 169, Laws of 1963 as last amended by section 63, chapter 136, Laws of 1979 ex. sess. and RCW 46.29.050 are each amended to read as follows:

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved((:)), whether the vehicles were legally parked or moving, and((:)) whether ((such)) the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of ((said)) the person for violation of the motor vehicle laws as reported to the department((,-and)), reference to any findings that the person has committed a traffic infraction which have been reported to the department((:)), and a record of any vehicles registered in the name of ((such)) the person. The department shall collect for each abstract the sum of ((one)) three dollars and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of ((one)) three dollars and fifty cents which shall be deposited in the highway safety fund.

Sec. 11. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 84, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering ~~((such))~~ the employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering ~~((such))~~ the named individual, or the insurance carrier to which ~~((such))~~ the named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years ~~((last-past))~~, and ~~((such))~~ the abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which ~~((such))~~ the person was involved; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether ~~((such))~~ the vehicles were occupied at the time of the accident; and any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law. ~~((Such))~~ The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon ~~((such-person))~~ the named individual by an arresting officer.

The abstract ~~((herein))~~ provided to an insurance company shall have excluded ~~((therefrom))~~ from it any information pertaining to any occupational driver's license when the ~~((same))~~ license is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during ~~((such))~~ that period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each ~~((such))~~ abstract the sum of ~~((one))~~ three dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving ~~((such))~~ the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information ~~((therein))~~ contained in it to a third

party(~~(-PROVIDED, That)~~). No policy of insurance (~~(shall)~~) may be canceled on the basis of such information unless the policyholder was determined to be at fault(~~(-PROVIDED FURTHER, That)~~). No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles (~~(shall)~~) may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving (~~(such)~~) the certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information (~~(therein)~~) contained in it to a third party.

Any violation of this section (~~(shall be)~~) is a gross misdemeanor.

Sec. 12. Section 4, chapter 25, Laws of 1965 as last amended by section 3, chapter 245, Laws of 1981 and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) (~~One dollar and forty cents of each fee collected for a temporary instruction permit shall be deposited in the traffic safety education account in the general fund:~~

~~(3))~~ Out of each fee of fourteen dollars collected for a driver's license, the sum of ten dollars and twenty cents shall be deposited in the highway safety fund, and three dollars and eighty cents shall be deposited in the general fund.

~~((Out of each fee of seven dollars collected for any two-year license renewal during the period July 1, 1981, through June 30, 1983, the sum of five dollars and ten cents shall be deposited in the highway safety fund and one dollar and ninety cents shall be deposited in the general fund.))~~

NEW SECTION. Sec. 13. Section 51, chapter 145, Laws of 1967 ex. sess., section 2, chapter 155, Laws of 1969 ex. sess., section 1, chapter 191, Laws of 1975 1st ex. sess., section 148, chapter 158, Laws of 1979 and RCW 46.20.115 are each repealed.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

Passed the Senate June 10, 1985.

Passed the House June 10, 1985.

Approved by the Governor June 14, 1985.

Filed in Office of Secretary of State June 14, 1985.

CHAPTER 2

[House Bill No. 1326]

SALES AND USE TAX DEFERRAL FOR MANUFACTURING OR RESEARCH AND DEVELOPMENT INVESTMENT PROJECTS

AN ACT Relating to sales and use tax deferrals for manufacturing or research and development investment projects for persons not currently engaged in manufacturing or research and development in Washington state and upon which construction is commenced prior to December 31, 1986; adding a new chapter to Title 82 RCW; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means construction of new buildings and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, 1986.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing

equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this definition, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment are eligible for deferral if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Recipient" means a person receiving a tax deferral under this chapter.

(10) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(11) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(12) "Initiation of construction" means that date upon which on-site construction commences.

NEW SECTION. Sec. 2. Application for deferral of taxes under this chapter shall be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

NEW SECTION. Sec. 3. A tax deferral certificate shall only be issued to persons who, on the effective date of this act, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on the effective date of this act and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on the effective date of this act shall also be ineligible to receive a tax deferral certificate.

NEW SECTION. Sec. 4. The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under

chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project. The use of the certificate shall be governed by rules established by the department.

NEW SECTION, Sec. 5. (1) The recipient shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project is operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest shall not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes is not extinguished by insolvency or other failure of the recipient.

NEW SECTION, Sec. 6. The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1, 1987.

NEW SECTION, Sec. 7. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION, Sec. 8. Sections 2 and 3 of this act shall expire July 1, 1986.

NEW SECTION, Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION, Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House June 10, 1985.

Passed the Senate June 11, 1985.

Approved by the Governor June 14, 1985.

Filed in Office of Secretary of State June 14, 1985.

CHAPTER 3

[House Bill No. 1327]

BONDS FOR COMMON SCHOOL CAPITAL PROJECTS

AN ACT Relating to common school capital projects; amending RCW 28A.47.841 and 28A.47.844; and declaring an emergency.

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

Sec. 1. Section 2, chapter 266, Laws of 1984 and RCW 28A.47.841 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, and to provide for the state administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of credit enhancement agreements, and other expenses incidental to the administration of capital projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million one hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto.

Bonds authorized in this section may be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. ~~((Section 887, chapter 57, Laws of 1983 1st ex. sess. is appropriation authority for the bonds authorized in this section, and no further appropriation authority of the net proceeds of the sale of such bonds is necessary for the bonds authorized in this section.))~~ No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

Sec. 2. Section 5, chapter 266, Laws of 1984 and RCW 28A.47.844 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 28A.47.841. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount ~~((needed in the ensuing twelve months to meet the bond retirement and interest requirements))~~ required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. ~~((Not less than thirty days prior to the date on which any interest or principal and interest payment is due.))~~ The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund ((an amount equal to the amount certified by the state finance committee to be due on the payment date)), or a special account in such fund, such amounts and at such times as are required by the bond proceedings. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be transferred to the general fund of the state treasury from that portion of the common school construction fund derived from the interest on the permanent common school fund. The transfers from the common school construction fund shall be subject to all pledges, liens, and encumbrances heretofore granted or created on the portion of the fund derived from interest on the permanent common school fund. Any deficiency in such transfer shall be made up as soon as moneys are available for transfer and shall constitute a continuing obligation of that portion of the common school construction fund derived from the interest on the permanent common school fund until all deficiencies are fully paid.

Bonds issued under RCW 28A.47.841 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House June 10, 1985.

Passed the Senate June 10, 1985.

Approved by the Governor June 14, 1985.

Filed in Office of Secretary of State June 14, 1985.

CHAPTER 4

[House Bill No. 1328]

BONDS FOR CAPITAL PROJECTS

AN ACT Relating to capital projects authorized in the state capital budget acts; amending RCW 75.48.020, 28A.47.792, 28A.47B.010, 28B.10.850, 28B.14C.010, and 43.83.150; adding a new chapter to Title 43 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two hundred eighty-five million eight hundred fifty-one thousand dollars, or so much thereof as may be required, to finance the projects authorized in section 2 of this act and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. Sec. 2. Bonds issued under section 1 of this act are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of thirty-eight million fifty-four thousand dollars, or so much thereof as may

be required, shall be issued for the purpose of providing funds for the department of general administration, department of trade and economic development, military department, parks and recreation commission, and department of corrections to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of general administration, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of four million six hundred thirty-five thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the planning, design, acquisition, construction, and improvement of a Washington state agricultural trade center, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of trade and economic development, subject to legislative appropriation.

(3) General obligation bonds of the state of Washington in the sum of thirty-eight million seven hundred sixty-two thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of social and health services and the department of corrections to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, and grounds, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be

deposited in the social and health services construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of social and health services, subject to legislative appropriation.

(4) General obligation bonds of the state of Washington in the sum of three million two hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of ecology, parks and recreation commission, department of fisheries, department of game, and the department of natural resources to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the outdoor recreation account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the interagency committee for outdoor recreation, subject to legislative appropriation.

(5) General obligation bonds of the state of Washington in the sum of three million three hundred fifty-nine thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of fisheries to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the fisheries capital project account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of fisheries, subject to legislative appropriation.

(6) General obligation bonds of the state of Washington in the sum of fifty-nine million six hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for state agencies and the institutions of higher education, including the community

colleges, to perform capital renewal projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state facilities renewal account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the office of the state treasurer, subject to legislative appropriation.

(7) General obligation bonds of the state of Washington in the sum of twenty-three million six hundred forty-three thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the University of Washington and the state community colleges to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, improving, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education reimbursable short-term bond account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the University of Washington, subject to legislative appropriation.

(8) General obligation bonds of the state of Washington in the sum of thirty-three million nine hundred twenty-eight thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the

purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

(9) General obligation bonds of the state of Washington in the sum of eighty million six hundred ten thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education, including facilities for the community college system, to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account in the state treasury and shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection.

NEW SECTION. Sec. 3. Both principal of and interest on the bonds issued for the purposes specified in section 2 (1) through (7) of this act shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 4. Both principal of and interest on the bonds issued for the purposes of section 2(8) of this act shall be payable from the higher education bond retirement fund of 1979. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings.

The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 5. Both principal of and interest on the bonds issued for the purposes of section 2(9) of this act shall be payable from the state higher education bond retirement fund of 1977. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state higher education bond retirement fund of 1977, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 6. Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 7. On or before June 30th of each year and in accordance with the provisions of the bond proceedings the state finance committee shall determine the relative shares of the principal and interest payments determined pursuant to section 4 of this act, exclusive of deposit interest credit, attributable to each of the institutions of higher education in proportion to the principal amount of bonds issued for the purposes of section 2(8) of this act for projects for each institution. On each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of each institution of higher education shall cause the amount so computed to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

NEW SECTION. Sec. 8. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 3 through 5 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 9. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 10. Section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 162, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of salmon hatcheries, other salmon propagation facilities including natural production sites, and necessary supporting facilities within the state, the state finance committee may issue(~~(, at any time prior to January 1, 1985;)~~) general obligation bonds of the state of Washington in the sum of thirty-four million five hundred thousand dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 11. Section 1, chapter 13, Laws of 1969 as last amended by section 1, chapter 108, Laws of 1974 ex. sess. and RCW 28A.47.792 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold general obligation bonds of the state of Washington in the sum of (~~(twenty-six million four))~~ twenty-two million five hundred thousand dollars to be paid and discharged in accordance with terms to be established by the state finance committee. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of the twenty-six million four hundred thousand dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW 28A.47.792 through 28A.47.799 as now or hereafter amended as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. The covenants of said bonds may include but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of 1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance

committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW 28A.47.784 through 28A.47.791, as amended, and in RCW 28A.47.792 through 28A.47.799 as now or hereafter amended upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW 28A.47.792 through 28A.47.799 as now or hereafter amended and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Sec. 12. Section 1, chapter 141, Laws of 1980 and RCW 28A.47B.010 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing for the construction of common school plant facilities, the state finance committee is hereby authorized to issue general obligation bonds of the state of Washington in the sum of (~~((thirty million))~~) twenty-two million seven hundred thousand dollars or so much thereof as may be required to provide state assistance to local school districts for the construction of common school plant facilities and to compensate the common school construction fund for the sale of timber from common school, indemnity, and escheat trust lands sold to the parks and recreation commission prior to March 13, 1980, pursuant to RCW 43.51.270 and 43.51.280. The amount of bonds issued under this chapter shall not exceed the fair market value of the timber. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation and these bonds shall be paid and discharged in not more than thirty years of the date of issuance.

Sec. 13. Section 1, chapter 135, Laws of 1973 1st ex. sess. and RCW 28B.10.850 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((thirty-four million three))~~ thirty million two hundred thousand dollars or so much thereof as shall be required to finance the capital projects relating to the institutions of higher education as set forth in the capital appropriations act, chapter 114, Laws of 1973 1st ex. sess., to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

Sec. 14. Section 1, chapter 354, Laws of 1977 ex. sess. as amended by section 2, chapter 390, Laws of 1985 and RCW 28B.14C.010 are each amended to read as follows:

The state finance committee is hereby authorized to issue from time to time on behalf of the state, general obligation bonds of the state in the amount of ~~((sixty))~~ forty-eight million six hundred thousand dollars, or so much thereof as may be required to refund at or prior to maturity, all or some or any part of the various issues of outstanding limited obligation revenue bonds identified below, issued by various of the institutions of higher education, similarly identified:

(1) University of Washington building revenue bonds, all series, aggregating \$28,850,000 in original principal amount;

(2) Washington State University building revenue bonds and building and scientific fund revenue bonds, all series, aggregating \$19,450,000 in original principal amount;

(3) Western Washington State College building and normal school fund revenue bonds, all series, aggregating \$11,620,000 in original principal amount;

(4) Eastern Washington State College building and normal school fund revenue bonds, all series, aggregating \$9,501,000 in original principal amount;

(5) Central Washington State College building and normal school fund revenue bonds, all series, including refunding series, aggregating \$8,925,000 in original principal amount; and

(6) The Evergreen State College building revenue bonds, all series, aggregating \$2,191,125 in original principal amount.

Sec. 15. Section 1, chapter 230, Laws of 1979 ex. sess. and RCW 43.83.150 are each amended to read as follows:

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~fifteen million~~) twelve million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83.150 through 43.83.170 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 10, 1985.

Passed the Senate June 11, 1985.

Approved by the Governor June 14, 1985.

Filed in Office of Secretary of State June 14, 1985.

CHAPTER 5

[Reengrossed Substitute Senate Bill No. 4196]

UNEMPLOYMENT—SPECIAL JOB SERVICE PROGRAM UNDERTAKEN— ADDITIONAL UNEMPLOYMENT COMPENSATION BENEFIT PERIOD ESTABLISHED

AN ACT Relating to services for the unemployed; amending RCW 50.04.070, 50.04.072, 50.16.010, 50.29.025, and 50.22.010; adding a new chapter to Title 50 RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 50.24 RCW; adding a new section to chapter 50.44 RCW; creating new sections; repealing RCW 50.22.100, 50.22.110,

50.22.120, and 50.44.052; making an appropriation; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) The number of persons unemployed in the state is significantly above the national average.

(2) Persons who are unemployed represent a skilled resource to the economy and the quality of life for all persons in the state.

(3) There are jobs available in the state that can be filled by unemployed persons.

(4) A public labor exchange can appreciably expedite the employment of unemployed job seekers and filling employer vacancies thereby contributing to the overall health of the state and national economies.

(5) The Washington state job service of the employment security department has provided a proven service of assisting persons to find employment for the past fifty years.

(6) Expediting the reemployment of unemployment insurance claimants will reduce payment of claims drawn from the state unemployment insurance trust fund.

(7) Increased emphasis on assisting in the reemployment of claimants and monitoring claimants' work search efforts will positively impact employer tax rates resulting from the recently enacted experience rating legislation, chapter 205, Laws of 1984.

(8) Special employment service efforts are necessary to adequately serve agricultural employers who have unique needs in the type of workers, recruitment efforts, and the urgency of obtaining sufficient workers.

(9) Study and research of issues related to employment and unemployment provides economic information vital to the decision-making process.

The legislature finds it necessary and in the public interest to establish a program of job service to assist persons drawing unemployment insurance claims to find employment, to provide employment assistance to the agricultural industry, and to conduct research into issues related to employment and unemployment.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Job service" means the employment assistance program of the employment security department;

(2) "Employment assistance" means services to unemployed persons focused on and measured by the obtaining of employment;

(3) "Labor exchange" means those activities which match labor supply and labor demand, including recruitment, screening, and referral of qualified workers to employers;

(4) "Special account of the administrative contingency fund" means that fund under section 8 of this act established within the administrative

contingency fund of the employment security department which provides revenue for the purposes of this chapter.

(5) "Continuous wage and benefit history" means an information and research system utilizing a longitudinal data base containing information on both employment and unemployment.

NEW SECTION. Sec. 3. Job service resources shall be used to assist with the reemployment of unemployed workers using the most efficient and effective means of service delivery. The job service program of the employment security department may undertake any program or activity for which funds are available and which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

(1) Supplementing basic employment services, with special job search and claimant placement assistance designed to assist unemployment insurance claimants to obtain employment;

(2) Providing employment services, such as recruitment, screening, and referral of qualified workers, to agricultural areas where these services have in the past contributed to positive economic conditions for the agricultural industry;

(3) Providing otherwise unobtainable information and analysis to the legislature and program managers about issues related to employment and unemployment; and

(4) To research and consider the degree to which the employment security department can contract with private employment agencies, private for-profit and not-for-profit organizations in the fields of job placement, vocational counseling, career development, career change and employment preparation on a fee for service-performance basis.

Sec. 4. Section 8, chapter 35, Laws of 1945 as last amended by section 9, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.04.070 are each amended to read as follows:

"Contributions" means the money payments due to the state unemployment compensation fund as provided in RCW 50.24.010 ((or)), to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under section 8 of this 1985 act.

Sec. 5. Section 8, chapter 266, Laws of 1959 as last amended by section 10, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.04.072 are each amended to read as follows:

The terms "contributions" and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund ((or)), to the federal interest payment fund under RCW 50.16.070; or to the special account in the administrative contingency fund under section 8 of this 1985 act and are deemed to be taxes due to the state of Washington.

Sec. 6. Section 60, chapter 35, Laws of 1945 as last amended by section 5, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

- (1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
- (2) interest earned upon any moneys in the fund,
- (3) any property or securities acquired through the use of moneys belonging to the fund,
- (4) all earnings of such property or securities,
- (5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
- (6) all money recovered on official bonds for losses sustained by the fund,
- (7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
- (8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
- (9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, ~~((and))~~ all sums recovered on official bonds for losses sustained by the fund, and revenue received under section 8 of this 1985 act: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under section 8 of this 1985 act, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

- (a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under section 8 of this 1985 act may only be expended, after appropriation, for the purposes specified in this 1985 act.

Sec. 7. Section 5, chapter 205, Laws of 1984 and RCW 50.29.025 are each amended to read as follows:

For the rate year 1984 and each rate year thereafter, the contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) or (6) of this section shall be in effect for assigning tax rates for the rate year: PROVIDED, That a uniform tax rate of 3.3 percent shall be in effect for the rate year 1984. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) or (6) of this section: PROVIDED, That if an

employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) Except as provided in subsection (6) of this section, the contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedule of Contribution Rates for Effective Tax Schedule					
From	To	Rate Class	A	B	C	D	E	F
0.00	5.00	1	0.5	0.6	1.0	1.5	1.9	2.5
5.01	10.00	2	0.5	0.8	1.2	1.7	2.1	2.7
10.01	15.00	3	0.6	1.0	1.4	1.8	2.3	2.9
15.01	20.00	4	0.8	1.2	1.6	2.0	2.5	3.1
20.01	25.00	5	1.0	1.4	1.8	2.2	2.7	3.2
25.01	30.00	6	1.2	1.6	2.0	2.4	2.8	3.3
30.01	35.00	7	1.4	1.8	2.2	2.6	3.0	3.4
35.01	40.00	8	1.6	2.0	2.4	2.8	3.2	3.6
40.01	45.00	9	1.8	2.2	2.6	3.0	3.4	3.8
45.01	50.00	10	2.0	2.4	2.8	3.2	3.6	4.0
50.01	55.00	11	2.3	2.6	3.0	3.4	3.8	4.1
55.01	60.00	12	2.5	2.8	3.2	3.6	4.0	4.3
60.01	65.00	13	2.7	3.0	3.4	3.8	4.2	4.5
65.01	70.00	14	2.9	3.2	3.6	4.0	4.4	4.7
70.01	75.00	15	3.1	3.4	3.8	4.2	4.6	4.8
75.01	80.00	16	3.3	3.6	4.0	4.4	4.7	4.9
80.01	85.00	17	3.5	3.8	4.2	4.6	4.9	5.0
85.01	90.00	18	3.9	4.2	4.6	4.9	5.0	5.2
90.01	95.00	19	4.3	4.6	5.0	5.1	5.2	5.4
95.01	100.00	20	5.4	5.4	5.4	5.4	5.4	5.4

(6) For rate years 1986 and 1987, the contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

<u>Percent of Cumulative Taxable Payrolls</u>			<u>Schedule of Contribution Rates for Effective Tax Schedule</u>					
---	--	--	--	--	--	--	--	--

<u>From</u>	<u>To</u>	<u>Rate Class</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

((6)) (7) The contribution rate for each employer not qualified to be in the array shall be a rate equal to the average industry tax rate as determined by the commissioner; however, the rate may not be less than one percent: PROVIDED, That employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

NEW SECTION. Sec. 8. A new section is added to chapter 50.24 RCW to read as follows:

A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu

of contributions, at the rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

If the commissioner determines that federal funding has been increased to provide financing for the services specified in this act, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

Contributions under this section shall be payable only for calendar years 1986 and 1987.

NEW SECTION. Sec. 9. A new section is added to chapter 50.44 RCW to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

Sec. 10. Section 2, chapter 1, Laws of 1971 as last amended by section 1, chapter 1, Laws of 1983 and RCW 50.22.010 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) either:

(a) Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) Equaled or exceeded six percent: PROVIDED, That the six percent trigger shall apply only until ~~((April 30, 1984))~~ December 31, 1985.

(3) There is an "off" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) was either:

(a) Less than five percent; or

(b) Five percent or more but less than six percent and the rate of insured unemployment was less than one hundred twenty percent of the average of the rates for the corresponding thirteen week period ending in each of the two preceding calendar years: PROVIDED, That the six percent trigger shall apply only until ~~((April 30, 1984))~~ December 31, 1985.

(4) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(5) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(6) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(7) "Eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

~~(8) ((An "additional benefit period" means a period within an extended benefit period which:~~

~~(a) Begins with the third week after a week for which:~~

~~(i) The governor determines that adverse economic conditions and high unemployment among the state's workers necessitate payment of additional benefits; and~~

~~(ii) The commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection equals or exceeds six and one-half percent: PROVIDED, That six percent shall apply if the fifty-two week rate of~~

~~insured unemployment has been less than four and one-half percent at any time within the preceding one hundred four weeks.~~

~~(b) Ends with the third week after a week for which the commissioner determines that, for the fifty-two consecutive weeks ending with such week, the rate of insured unemployment as calculated under (d) of this subsection is less than six and one-half percent. PROVIDED, That six percent shall apply if the additional benefit period began because of the proviso in (a)(ii) of this subsection, the fifty-two week rate of insured unemployment has not exceeded six and one-half percent during the additional benefit period, and the additional benefit period has been in effect for fewer than thirty-six weeks.~~

~~(c) No additional benefit period may last for a period of less than thirteen weeks, and no additional benefit period may begin before the fourteenth week after the close of a prior additional benefit period.~~

~~(d) "Rate of insured unemployment," for the purposes of (a) and (b) of this subsection, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent fifty-two consecutive-week period as determined by the commissioner on the basis of his reports to the United States Secretary of Labor by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such fifty-two week period. The division shall be carried to the fourth decimal place with any remaining fraction disregarded.~~

~~(e) If a federally funded program of benefits is established which provides for benefits beyond thirty-nine weeks, any additional benefit period in effect shall terminate on the last day of the week preceding the effective week of the federal program. No additional benefit period may begin while such a federal program is in effect.~~

~~(9)) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.~~

~~((+0)) (9) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:~~

~~(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or~~

~~(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian~~

employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

((++)) (10) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

NEW SECTION. Sec. 11. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established beginning on the first Sunday after the effective date of this act. No new claims for additional benefits will be accepted for weeks beginning after December 31, 1985. This additional benefit period shall end with the start of an extended benefit period or with the start of any totally federally funded benefit program for exhaustees.

(2) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(3) The total additional benefit amount shall be the lesser of one-fourth of regular benefits or six times the individual's weekly benefit amount.

(4) Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim.

(5) The maximum amount of additional benefits for an individual shall be reduced, but not below zero, by any federal supplemental compensation paid based on the individual's most recent benefit year.

(6) Benefits paid under this section shall be paid under the same terms and conditions as extended benefits and shall not be charged to the experience rating account of individual employers.

(7) This section shall expire on December 31, 1986.

NEW SECTION. Sec. 12. The commissioner shall make a report to the legislature on the impact of the job service program established pursuant to this act by December 1, 1987.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 18, Laws of 1982 1st ex. sess., section 1, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.100;

(2) Section 18, chapter 18, Laws of 1982 1st ex. sess., section 2, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.110;

(3) Section 19, chapter 18, Laws of 1982 1st ex. sess., section 3, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.22.120; and

(4) Section 1, chapter 140, Laws of 1984 and RCW 50.44.052.

NEW SECTION. Sec. 14. Sections 1, 2, 3, and 8 of this act shall expire March 31, 1988.

NEW SECTION. Sec. 15. The sum of four million dollars, or so much thereof as may be necessary, is appropriated from the special account of the administrative contingency fund of the employment security department to the employment security department to support the job service program under sections 1 through 3 of this act for the 1985-1987 fiscal biennium. However, if federal funding is increased to provide for the financing of the services specified in this act, this appropriation shall be reduced by the amount that federal funding is increased specifically for such services. This

portion of the state appropriation shall be deposited in the unemployment compensation fund.

NEW SECTION. Sec. 16. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 3 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 10, 1985.

Passed the House June 10, 1985.

Approved by the Governor June 14, 1985.

Filed in Office of Secretary of State June 14, 1985.

CHAPTER 6

[Second Substitute Senate Bill No. 3656]

OPERATING BUDGET

AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987; amending section 387, chapter 373, Laws of 1985 (uncodified); repealing RCW 43.63A.200, 43.79.450, and 43.79.452; and declaring an emergency.

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

*NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1986" or "FY 1986" means the fiscal year ending June 30, 1986.

(b) "Fiscal year 1987" or "FY 1987" means the fiscal year ending June 30, 1987.

(c) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

(d) "Revert" or "lapse" means the amount shall return to an unappropriated status.

(3) Transfers between appropriations are not permitted unless specifically authorized in this act.

(4) The appropriations in this act shall be initially allotted as provided in this act for each fiscal year.

(5) The legislature intends that the services and functions of state government be sustained through June 30, 1987, within the total amounts appropriated for the biennium in this act without any supplemental appropriations. By December 31, 1985, the governor shall submit to the legislature an expenditure control plan which includes a report of actions taken and future measures proposed to implement the intent expressed in this subsection. The plan shall also include proposed measures in response to any revenue decrease predicted in the December 1985 official revenue forecast. Legislative action, other than amendments to this act, shall not be required for implementation of the plan. The plan shall be accompanied by appropriate supporting documentation similar to that required for budget documents under RCW 43.88.030.

*Sec. 1 was partially vetoed, see message at end of chapter.

****NEW SECTION. Sec. 2. No funds appropriated by this act or otherwise available to any executive branch agency shall be expended for any costs incident to the production or the publication of any magazine or brochure unless expressly authorized by the director of the office of financial management. By December 20, 1985, the director shall submit to the legislature a report covering all such publications, including at least the total costs for the production, publication and distribution, including staff resources, of each such publication. The director will also include whatever recommendations that may be deemed appropriate for each publication.***

*Sec. 2 was vetoed, see message at end of chapter.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

	FY 1986	FY 1987
General Fund Appropriation	\$ 14,515,000	15,834,000
Total Appropriation	\$30,349,000	

NEW SECTION. Sec. 102. FOR THE SENATE

	FY 1986	FY 1987
General Fund Appropriation	\$ 11,092,000	13,561,000
Total Appropriation	\$24,653,000	

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

	FY 1986	FY 1987
General Fund Appropriation	\$ 723,000	723,000
Total Appropriation	\$1,446,000	

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

	FY 1986	FY 1987
General Fund Appropriation	\$ 913,000	912,000
Total Appropriation	\$1,825,000	

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

	FY 1986	FY 1987
General Fund Appropriation	\$ 268,000	238,000
Total Appropriation	\$506,000	

NEW SECTION. Sec. 106. FOR THE STATUTE LAW COMMITTEE

	FY 1986	FY 1987
General Fund Appropriation	\$ 3,265,000	3,264,000
Total Appropriation	\$6,529,000	

NEW SECTION. Sec. 107. FOR THE SUPREME COURT

	FY 1986	FY 1987
General Fund Appropriation	\$ 4,436,000	4,436,000
Total Appropriation	\$8,872,000	

The appropriations in this section are subject to the following conditions and limitations: \$1,314,000 of the fiscal year 1986 appropriation and \$1,314,000 of the fiscal year 1987 appropriation are provided solely for the indigent appeals program.

NEW SECTION. Sec. 108. FOR THE LAW LIBRARY

	FY 1986	FY 1987
General Fund Appropriation	\$ 1,163,000	1,163,000
Total Appropriation	\$2,326,000	

NEW SECTION. Sec. 109. FOR THE COURT OF APPEALS

	FY 1986	FY 1987
General Fund Appropriation	\$ 5,182,000	5,182,000
Total Appropriation	\$10,364,000	

NEW SECTION. Sec. 110. FOR THE ADMINISTRATOR FOR THE COURTS

	FY 1986	FY 1987
General Fund Appropriation	\$ 9,552,000	9,501,000
General Fund—Public Safety and Edu- cation Account Appropriation	\$ 7,219,000	6,619,000
Total Appropriation	\$32,891,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$5,767,000 of the fiscal year 1986 general fund appropriation and \$5,767,000 of the fiscal year 1987 general fund appropriation may be spent for the superior court judges.

(2) \$50,000 of the general fund appropriation for fiscal year 1987 is provided solely for the additional costs associated with the newly created superior court judges positions in accordance with Substitute Senate Bill No. 3165. If SSB 3165 is not enacted by July 1, 1985, this appropriation shall lapse.

(3) \$1,456,000 of the fiscal year 1986 and \$1,456,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the continuation of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane and Yakima counties. All property which has been received by the department of corrections from contractors for these programs shall be delivered to the custody of the administrator for the courts.

(4) \$122,000 of the fiscal year 1986 and \$121,000 of the fiscal year 1987 general fund—state appropriation are provided solely for community diversion programs.

(5) \$100,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

NEW SECTION. Sec. 111. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

	FY 1986	FY 1987
General Fund Appropriation	\$ 177,000	177,000
Total Appropriation	\$354,000	

NEW SECTION. Sec. 112. FOR THE OFFICE OF THE GOVERNOR

	FY 1986	FY 1987
General Fund Appropriation	\$ 2,442,000	2,293,000
Total Appropriation	\$4,735,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$355,000 is provided solely for extradition expenses to carry out the provisions of RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(2) \$79,000 of the fiscal year 1986 appropriation and \$79,000 of the fiscal year 1987 appropriation are provided solely for mansion maintenance.

(3) \$10,000 of the fiscal year 1986 appropriation is provided solely for the painting and framing of the official portrait of Governor John Spellman to be permanently displayed in the reception room of the executive office upon delivery.

NEW SECTION. Sec. 113. FOR THE LIEUTENANT GOVERNOR

	FY 1986	FY 1987
General Fund Appropriation	\$ 142,000	135,000
Total Appropriation	\$277,000	

NEW SECTION. Sec. 114. FOR THE SECRETARY OF STATE

	FY 1986	FY 1987
General Fund Appropriation	\$ 3,242,000	2,444,000
General Fund—Archives and Records Management Account Appropria- tion—State	\$ 878,000	829,000
General Fund—Archives and Records Management Account Appropria- tion—Federal	\$ 47,000	
Total Appropriation	\$7,440,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,040,000 of the fiscal year 1986 general fund—state appropriation are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$641,000 for fiscal year 1986 and \$883,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION. Sec. 115. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

	FY 1986	FY 1987
General Fund Appropriation	\$ 102,000	102,000
Total Appropriation	\$204,000	

NEW SECTION. Sec. 116. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

	FY 1986	FY 1987
General Fund Appropriation	\$ 130,000	130,000
Total Appropriation	\$260,000	

NEW SECTION. Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

	FY 1986	FY 1987
General Fund Appropriation	\$ 108,000	108,000
Total Appropriation	\$216,000	

NEW SECTION. Sec. 118. FOR THE STATE TREASURER

	FY 1986	FY 1987
Motor Vehicle Fund Appropriation	\$ 22,000	22,000
State Treasurer's Service Fund Appropria- tion	\$ 3,868,000	3,868,000
Total Appropriation	\$7,780,000	

*NEW SECTION. Sec. 119. FOR THE STATE AUDITOR

	FY 1986	FY 1987
General Fund Appropriation	\$ 394,000	394,000
Motor Vehicle Fund Appropriation	\$ 184,000	184,000
Municipal Revolving Fund Appropriation ..	\$ 6,799,000	6,799,000
Auditing Services Revolving Fund Appropria- tion	\$ 3,872,000	3,872,000
Total Appropriation	\$22,498,000	

The appropriations in this section are subject to the following conditions and limitations: The director of financial management shall approve sufficient payments to the state auditor in all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

*Sec. 119 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 120. FOR THE ATTORNEY GENERAL

	FY 1986	FY 1987
General Fund Appropriation	\$ 2,350,000	2,350,000
Legal Services Revolving Fund Appropria- tion	\$ 14,694,000	14,694,000
Total Appropriation	\$34,088,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$170,000 for fiscal year 1986 and \$170,000 for fiscal year 1987 are provided solely for the criminal litigation unit.

(2) The attorney general's office shall produce a comprehensive consumer catalog that provides in-depth information in a form accessible to schools, other organizations, and interested citizens by August 1, 1985.

*NEW SECTION. Sec. 121. FOR THE OFFICE OF FINANCIAL MANAGEMENT

FY 1986	FY 1987
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General Fund Appropriation	\$ 7,939,000	6,861,000
Medical Aid Fund Appropriation	\$ 50,000	50,000
Total Appropriation	\$14,900,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,300 of the general fund appropriation is provided solely for payment of claims against the state of \$500 or less, under RCW 4.92.040.

(2) \$195,000 of the fiscal year 1986 and \$169,000 of the fiscal year 1987 general fund appropriation are provided solely for health care cost containment activities as provided in chapter — (SHB 1077 or SSB 4242), Laws of 1985. If neither bill is enacted by July 1, 1985, the amounts provided in this subsection shall revert.

(3) \$69,000 of the fiscal year 1986 and \$38,000 of the fiscal year 1987 general fund appropriation are provided solely for jail population forecast activities as provided in chapter — (SB 3596), Laws of 1985. If SB 3596 is not enacted by July 1, 1985, the amounts provided in this subsection shall revert.

(4) \$1,000,000 of the fiscal year 1986 general fund—state appropriation is provided solely for grants to cities and counties for adjudication of serious traffic offenses as defined in section 2, chapter 110, Laws of 1984. ***No city or county is eligible for grants under this subsection unless the city or county has levied or proposed all optional excise taxes authorized by the legislature.*** The funding provided under this subsection is intended to assist cities and counties in becoming able to adjudicate these offenses without financial assistance from the state. These grants shall be distributed using the eligibility and priority standards provided in sections 2 through 5 of chapter 110, Laws of 1984, after adjusting the dates specified in that chapter as appropriate to achieve the purpose of this subsection. These grants shall be limited to adjudication activities conducted on or before February 28, 1986.

*Sec. 121 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 122. FOR THE STATE INVESTMENT BOARD

	FY 1986	FY 1987
General Fund—State Investment Board		
Expense Account Appropriation	\$ 771,000	771,000
Total Appropriation	\$1,542,000	

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF PERSONNEL

	FY 1986	FY 1987
Department of Personnel Service Fund		
Appropriation	\$ 5,807,000	5,850,000
State Employees' Insurance Fund Appropriation	\$ 885,000	933,000

Total Appropriation \$13,475,000

NEW SECTION. Sec. 124. FOR THE PERSONNEL APPEALS BOARD

	FY 1986	FY 1987
Department of Personnel Service Fund		
Appropriation	\$ 358,000	358,000
Total Appropriation	\$716,000	

NEW SECTION. Sec. 125. FOR THE DATA PROCESSING AUTHORITY

	FY 1986	FY 1987
General Fund Appropriation—		
Private/Local	\$ 65,000	65,000
Data Processing Revolving Fund Appropriation	\$ 522,000	521,000
Total Appropriation	\$1,173,000	

NEW SECTION. Sec. 126. FOR THE WASHINGTON STATE LOTTERY

	FY 1986	FY 1987
Lottery Administrative Account Appropriation	\$ 7,231,000	7,231,000
Total Appropriation	\$14,462,000	

The appropriations in this section are subject to the following conditions and limitations: If Substitute Senate Bill No. 3684 is not enacted by July 1, 1985, the appropriations in this section shall lapse.

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF REVENUE

	FY 1986	FY 1987
General Fund Appropriation	\$ 30,552,000	29,305,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation	\$ 54,000	54,000
General Fund—Timber Tax Distribution Account Appropriation	\$ 1,469,000	1,469,000
Total Appropriation	\$62,903,000	

NEW SECTION. Sec. 128. FOR THE BOARD OF TAX APPEALS

	FY 1986	FY 1987
General Fund Appropriation	\$ 543,000	543,000
Total Appropriation	\$1,086,000	

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 3,825,000	3,869,000

General Fund Appropriation—

Private/Local	\$	30,000	30,000
General Fund—Motor Transport Account Appropriation	\$	3,452,000	3,207,000
General Administration Facilities and Services Revolving Fund Appropriation	\$	9,897,000	9,048,000
Total Appropriation		\$33,358,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The community college districts shall transfer to the motor transport account \$8,373 from the general local fund and \$34,469 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) \$131,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to continue storage and transportation activities in connection with the surplus commodities distribution program of the federal department of agriculture. If federal funding for this purpose is continued after September 30, 1985, this appropriation shall lapse.

(3) \$136,411 of the fiscal year 1986 and \$136,411 of the fiscal year 1987 general fund appropriation are provided solely for the operation of the risk management office.

(4) \$109,425 of the fiscal year 1986 and \$109,425 of the fiscal year 1987 general fund appropriation are to fully implement Senate Bill No. 3569. If SB 3569 is not enacted by July 1, 1985, this appropriation shall lapse.

(5) \$150,000 of the fiscal year 1986 and \$150,000 of the fiscal year 1987 general fund—state appropriation are provided solely for energy retrofit studies.

NEW SECTION. Sec. 130. FOR THE INSURANCE COMMISSIONER

		FY 1986	FY 1987
General Fund Appropriation—State	\$	4,332,000	4,332,000
Total Appropriation		\$8,664,000	

NEW SECTION. Sec. 131. FOR THE PUBLIC DISCLOSURE COMMISSION

		FY 1986	FY 1987
General Fund Appropriation	\$	488,000	488,000
Total Appropriation		\$976,000	

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

	FY 1986	FY 1987
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Department of Retirement Systems Ex-		
pense Fund Appropriation	\$ 7,244,000	8,110,000
Total Appropriation	\$15,354,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

(2) Not more than \$125,000 of the appropriation shall be used in each fiscal year to establish a preretirement counseling program for members of the retirement systems administered by the department.

(3) Not more than \$110,000 of the appropriation shall be used in fiscal year 1986 and not more than \$125,000 shall be used in fiscal year 1987 to establish a communication and information program for active and retired members of the retirement systems administered by the department.

(4) Not more than \$125,000 of the appropriation shall be used in fiscal year 1986 and not more than \$145,000 shall be used in fiscal year 1987 to verify or obtain verification of service credit of the members of the public employees' retirement system.

(5) The employer contributions for the retirement system governed by chapter 41.32 RCW shall be set for the 1985-1987 biennium by the director as follows:

(a) For the period July and August 1985, the system shall receive the amount appropriated in section 705 of this act for this purpose.

(b) For the period September 1985 through August 1986, the superintendent of public instruction shall transfer to the department all moneys allocated to the superintendent for the certificated employees of the school and educational service districts for retirement purposes by this act for this period.

(c) For the period September 1985 through August 1986, all employers of members of the teachers' retirement system, other than those covered in subsection (5)(b) of this section, shall pay an employer rate set consistent with the appropriations made to the employers covered by subsection (5)(b) of this section and which shall include the administrative expense for this period.

(d) For the period September 1986 through June 1987, all employers shall pay a rate set consistent with this act and which shall include the administrative expense for this period.

(6) The employer rate for all employers for the retirement system governed by chapter 41.40 RCW shall be set for the 1985-1987 biennium by the director consistent with the appropriations made in this act for state agencies and shall include the administrative expense for the biennium.

NEW SECTION. Sec. 133. FOR THE MUNICIPAL RESEARCH COUNCIL

	FY 1986	FY 1987
General Fund Appropriation	\$ 887,000	948,000
Total Appropriation	\$1,835,000	

NEW SECTION. Sec. 134. FOR THE UNIFORM LEGISLATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation	\$ 12,000	2,000
Total Appropriation	\$14,000	

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided solely for Washington state's contribution to the national conference of commissioners on uniform state laws.

NEW SECTION. Sec. 135. FOR THE BOARD OF ACCOUNTANCY

	FY 1986	FY 1987
General Fund Appropriation	\$ 171,000	171,000
General Fund—Certified Public Accountant Examination Account Appropriation	\$ 270,000	270,000
Total Appropriation	\$882,000	

NEW SECTION. Sec. 136. FOR THE BOXING COMMISSION

	FY 1986	FY 1987
General Fund Appropriation	\$ 43,000	43,000
Total Appropriation	\$86,000	

NEW SECTION. Sec. 137. FOR THE CEMETERY BOARD

	FY 1986	FY 1987
General Fund—Cemetery Account Appropriation	\$ 59,000	59,000
Total Appropriation	\$118,000	

NEW SECTION. Sec. 138. FOR THE HORSE RACING COMMISSION

	FY 1986	FY 1987
Horse Racing Commission Fund Appropriation	\$ 2,009,000	2,006,000
Total Appropriation	\$4,015,000	

The appropriation in this section is subject to the following conditions and limitations:

(1) If there are more than three hundred ninety-three racing days during fiscal year 1986 or more than three hundred ninety-three racing days during fiscal year 1987, the governor is authorized to allocate such

additional moneys from the horse racing commission fund as may be required.

(2) During the 1985-87 biennium, prior to forwarding the daily receipts to the state treasurer pursuant to RCW 67.16.175, the commission may withhold its authorized percentage from the receipts as set forth in RCW 67.16.100.

NEW SECTION. Sec. 139. FOR THE LIQUOR CONTROL BOARD

	FY 1986	FY 1987
Liquor Revolving Fund Appropriation \$	43,372,000	43,390,000
Total Appropriation	\$86,762,000	

The appropriation in this section is subject to the following conditions and limitations: The liquor control board shall not participate in any on-line or lotto games offered by the state lottery.

NEW SECTION. Sec. 140. FOR THE PHARMACY BOARD

	FY 1986	FY 1987
General Fund Appropriation \$	583,000	583,000
General Fund—Health Professions Account Appropriation \$	198,000	198,000
Total Appropriation	\$1,562,000	

NEW SECTION. Sec. 141. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

	FY 1986	FY 1987
Public Service Revolving Fund Appropriation—State \$	11,360,000	11,299,000
Public Service Revolving Fund Appropriation—Federal \$	213,000	213,000
Grade Crossing Protective Fund Appropriation \$	97,000	97,000
Total Appropriation	\$23,279,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,061,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 from the public service revolving fund—state appropriation are provided solely for the purpose of funding implementation of Substitute Senate Bill No. 3305. If SSB 3305 is not enacted before July 1, 1985, the amounts provided in this subsection shall revert.

(2) \$391,000 for fiscal year 1986 and \$391,000 for fiscal year 1987 from the public service revolving fund appropriation are provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

(3) \$139,000 for fiscal year 1986 and \$139,000 for fiscal year 1987 from the public service revolving fund—state appropriation are provided solely for the purpose of funding the joint select committee on telecommunications in accordance with House Concurrent Resolution No. 7. If HCR 7 is not enacted by July 1, 1985, this amount shall revert.

NEW SECTION. Sec. 142. FOR THE BOARD FOR VOLUNTEER FIREMEN

	FY 1986	FY 1987
Volunteer Firemen's Relief and Pension		
Fund Appropriation	\$ 107,000	105,000
Total Appropriation	\$212,000	

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 518,000	518,000
General Fund Appropriation—Federal	2,715,000	2,715,000
Total Appropriation	\$6,466,000	

NEW SECTION. Sec. 144. FOR THE MILITARY DEPARTMENT

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 3,540,000	3,569,000
General Fund Appropriation—Federal	1,043,000	1,049,000
Total Appropriation	\$9,201,000	

NEW SECTION. Sec. 145. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

	FY 1986	FY 1987
General Fund Appropriation	\$ 793,000	793,000
Total Appropriation	\$1,586,000	

NEW SECTION. Sec. 146. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

	FY 1986	FY 1987
Administrative Hearings Revolving Fund		
Appropriation	\$ 4,185,000	4,185,000
Total Appropriation	\$8,370,000	

NEW SECTION. Sec. 147. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

	FY 1986	FY 1987
General Fund Appropriation	\$ 801,000	711,000
Total Appropriation	\$1,512,000	

(End of Part I)

PART II

HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation	\$ 27,799,000	27,816,000
Total Appropriation	\$55,615,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$15,226,000 is provided for fiscal year 1986 and \$15,243,000 is provided for fiscal year 1987 to provide community supervision services. The department shall develop workload standards for meeting the requirements of chapter 9.94A RCW and shall report to the legislature such workload standards and actual results on June 30, 1986, and annually thereafter.

(b) \$11,351,000 is provided for fiscal year 1986 and \$11,351,000 is provided for fiscal year 1987 to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(c) \$1,122,000 is provided for fiscal year 1986 and \$1,122,000 is provided for fiscal year 1987 for support of the office of the director of community services. The director of community services shall monitor community corrections services provided and/or contracted for by other governmental jurisdictions in the state. The state director shall document such nonstate community corrections services as of July 1, 1985, for the purpose of establishing a basis upon which to evaluate current services, to assess any local program changes, and to identify emerging program needs.

(d) \$100,000 of the fiscal year 1986 and \$100,000 of the fiscal year 1987 general fund—state appropriation are provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation	\$ 126,625,000	119,240,000
Total Appropriation	\$245,865,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$13,475,000 of the general fund—state appropriation is provided solely for operating the Clallam Bay corrections center, of which \$5,443,000 is provided for fiscal year 1986 and \$8,032,000 is provided for fiscal year 1987.

(b) \$502,000 of the fiscal year 1986 and \$502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(c) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(d) \$620,000 of the fiscal year 1986 and \$620,000 of the fiscal year 1987 general fund—state appropriation are provided solely for contracting with counties for the use of county jail beds for state inmates.

(e) \$200,000 is provided solely for Snohomish county pursuant to Snohomish county v. State of Washington to cover local impact costs of the Twin Rivers corrections center.

(3) ADMINISTRATION AND PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation	\$ 9,426,000	8,527,000
General Fund—Institutional		
Impact Account Appropriation	\$ 150,000	150,000
Total Appropriation	\$18,253,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$400,000 of the general fund appropriation is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(b) The department shall report to the house and senate ways and means committees on January 1, 1986, and January 1, 1987, regarding its progress toward employing more minorities and women in top level management positions.

(4) INSTITUTIONAL INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation	\$ 2,039,000	1,766,000
Total Appropriation	\$3,805,000	

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made by this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1985. The department may seek, receive, and spend, under RCW 43.79-.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act and, in the case of unanticipated unrestricted federal moneys, as long as an equal amount of appropriated state general fund moneys is placed in a reserve status. Unrestricted federal moneys shall be used, to the maximum extent permitted under federal law, to replace state general fund moneys appropriated under this act for the fiscal year ending June 30, 1986. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds. The governor's budget document for fiscal year 1987 shall include a report on compliance with this subsection and shall estimate the balance, as of July 1, 1986, in reserve status under this subsection. Such state general fund moneys in reserve may be expended only as authorized in the supplemental appropriations act for the fiscal year ending June 30, 1987.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 64,335,000	63,290,000
General Fund Appropriation—Federal	\$ 24,343,000	26,095,000
Total Appropriation	\$178,063,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) Vendor rate adjustments shall average 3% on January 1, 1986.
- (2) \$2,423,000 for fiscal year 1986 and \$3,231,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for phased-in increases in child protective services field staff.
- (3) \$116,000 for fiscal year 1986 and \$116,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand the homebuilders program beyond current service levels.

(4) \$185,000 for fiscal year 1986 and \$185,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand services in the therapeutic day-care program beyond current levels.

(5) \$516,000 for fiscal year 1986 and \$487,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for field staff increases in day-care screening, licensing, monitoring, and information and referral. The department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day-care facility during the facility's licensing period. The department shall make available to any parent, guardian, or custodian requesting information about day-care providers, for inspection and copying (with copying fees waivable in cases of hardship), any documents in its possession relating to any licensed day-care facility that are not exempt from public disclosure under chapter 42.17 RCW. The department shall require that every licensed day-care facility display prominently on its premises the address and telephone number of the appropriate local or regional office of the department and the name(s) of any department employee(s) responsible for the licensing and monitoring of the facility.

(6) \$3,654,000 for fiscal year 1986, of which \$3,370,000 is from the general fund—state appropriation, and \$3,654,000 for fiscal year 1987, of which \$3,370,000 is from the general fund—state appropriation, are provided solely to increase the safety and quality of care in children's group homes, including the conversion of at least 75 but not more than 143 beds for use in intensive residential treatment of severely disturbed youth at a monthly rate of \$2,100 per occupied bed, effective July 1, 1985. The department shall develop and implement written standards as to which children may be placed in residential treatment, clearly distinguishing the residential treatment population from the remaining group care population. As used in this subsection, "residential treatment" includes permanent planning for child placement, counseling of natural parents when appropriate, and recruiting, training, and counseling of adoptive or foster parents when appropriate, for which services the department may develop additional rates. The department shall develop a client outcome monitoring system as part of a specific plan for performance-based contracts whereby a portion of vendor payments for group care and residential treatment is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(7) \$615,000 for fiscal year 1986, of which \$554,000 is from the general fund—state appropriation, and \$615,000 for fiscal year 1987, of

which \$554,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for family foster care, effective July 1, 1985.

(8) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase private agency service fees in connection with foster care placements, effective July 1, 1985.

(9) \$17,000 for fiscal year 1986 and \$17,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for group crisis residential centers, effective July 1, 1985.

(10) \$51,000 for fiscal year 1986 and \$51,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for family interim care homes, effective July 1, 1985.

(11) \$139,000 for fiscal year 1986, of which \$132,000 is from the general fund—state appropriation, and \$139,000 for fiscal year 1987, of which \$132,000 is from the general fund—state appropriation, are provided solely to expand the children's hospitalization alternative program by up to 25 additional beds, including expansion into geographical areas not presently served.

(12) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for emergency medical examinations of child protective services clients who are not eligible for federally matched medical assistance.

(13) \$455,000 of the general fund—state appropriation for fiscal year 1986 is provided solely for contracted services to "street kids." For purposes of this subsection, "street kids" are children between the ages of eight and seventeen who do not receive care, shelter, or supervision from parents or other responsible adults, who are not placed in residential settings by the department, and who are living in a dangerous urban environment. Services may include street outreach, advocacy, counseling, and foster care. Not more than 150 "street kids" may receive services supported under this subsection from any single center at any one time. All programs receiving funds under this subsection shall provide cultural- and language-sensitive services to minority "street kids."

(14) \$11,241,000 for fiscal year 1986, of which \$7,976,000 is from the general fund—state appropriation, and \$11,370,000 for fiscal year 1987, of which \$6,381,000 is from the general fund—state appropriation, shall be initially allotted for day-care payments. The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year.

(15) \$175,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the victims of sexual assault program.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	13,977,000	13,958,000
General Fund Appropriation—Federal . . . \$	39,000	39,000
Total Appropriation	\$28,013,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(b) \$397,000 for fiscal year 1986 and \$397,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to increase vendor rates to private group care providers.

(c) The department shall develop a specific plan for performance-based contracts whereby a portion of vendor payments for private group care and other community residential placements is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(d) \$2,630,000 for fiscal year 1986 and \$2,481,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for Woodinville, Sunrise, Oakridge, Canyon View, Parke Creek, Twin Rivers, and Ridgeview state group homes. The total number of youths in residential status at these state group homes shall average at least 100 per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state appropriation in this section shall be reduced by \$2,067 per month for every unfilled bed below 100.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	21,814,000	21,179,000
General Fund Appropriation—Federal . . . \$	445,000	445,000
Total Appropriation	\$43,883,000	

The appropriations in this subsection are subject to the following conditions and limitations: The department shall review and evaluate the number of beds necessary to ensure the prudent management of juvenile offenders in the juvenile rehabilitation system prior to closing any cottages at the Green Hill school. Such analysis shall be presented to the ways and

means committees of the senate and house of representatives on June 1, 1986.

(3) PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,323,000	1,323,000
Total Appropriation	\$2,646,000	

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	49,275,000	50,057,000
General Fund Appropriation—Federal . . . \$	17,930,000	18,178,000
General Fund Appropriation—Local \$	355,000	355,000
Total Appropriation	\$136,150,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$240,000 for fiscal year 1986 and \$240,000 for fiscal year 1987 from the general fund—state are provided solely for continuation of the community psychiatric training program at the University of Washington.

(b) \$309,000 for fiscal year 1986 and \$309,000 for fiscal year 1987 from the general fund—federal are provided solely for the continuation of the minority mental health program.

(c) \$565,000 for fiscal year 1986 of which \$500,000 is from the general fund—state appropriation and \$565,000 for fiscal year 1987 of which \$500,000 is from the general fund—state appropriation, is provided solely to increase the children's hospitalization alternative program by 25 additional beds to allow for increased service capacity and to extend the program to unserved areas within the state. The department shall not increase the number of beds over 85 in total.

(d) \$452,000 for fiscal year 1986, of which \$405,000 is from the general fund—state appropriation and \$783,000 for fiscal year 1987, of which \$689,000 is from the general fund—state appropriation are provided solely for the Kitsap resources consolidated residential treatment center's alternative project. Of the \$452,000 for fiscal year 1986, \$61,000 of the general fund—state appropriation is provided solely for initial program costs associated with implementation. The state reimbursement rate shall not exceed \$180 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals will be made to the project. No involuntary treatment referrals of Kitsap county residents will be made to Western State Hospital after December 31, 1985. The maximum reimbursement rate to Kitsap county private hospitals shall be \$250 per day per patient. Kitsap resources consolidated shall provide

quarterly reports to the senate and house committees on ways and means describing the numbers and characteristics of clients served and resulting diversions from private hospitals and Western State Hospital. In addition, the department shall present an annual report to the same legislative committees beginning January 1, 1987, indicating progress made toward meeting the long-term residential bed needs of Kitsap County.

(e) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	66,188,000	66,904,000
General Fund Appropriation—Federal . . . \$	3,103,000	3,116,000
Total Appropriation	\$139,311,000	

The appropriations in this subsection are subject to the following conditions and limitations: \$20,000 for fiscal year 1986 and \$20,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to conduct a study to develop alternatives for the long range use of Northern state hospital.

(3) PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,439,000	1,438,000
General Fund Appropriation—Federal . . . \$	771,000	771,000
Total Appropriation	\$4,419,000	

The appropriations in this section are subject to the following conditions and limitations: \$38,000 for fiscal year 1986 and \$38,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for an allocation to a nonprofit agency advocating for the mentally ill for the purposes of technical assistance to state agencies, educational programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

	FY 1986	FY 1987
General Fund Appropriation—Federal . . . \$	111,000	111,000
Total Appropriation	\$222,000	

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	30,435,000	30,969,000
General Fund Appropriation—Federal . . . \$	26,046,000	26,252,000
Total Appropriation	\$113,702,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$56,000 for fiscal year 1986 and \$56,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) \$1,952,000 for fiscal year 1986 of which \$1,144,000 is from the general fund—state appropriation and \$1,952,000 for fiscal year 1987 of which \$1,144,000 is from the general fund—state appropriation, is provided solely to increase compensation for staff providing treatment and training in division contracted community residential and training programs. Contracts with vendors shall specify the amount of payments to be used solely for this purpose.

(c) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	53,405,000	52,812,000
General Fund Appropriation—Federal . . . \$	37,330,000	37,330,000
Total Appropriation	\$180,877,000	

(3) PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,652,000	1,652,000
General Fund Appropriation—Federal . . . \$	388,000	388,000
Total Appropriation	\$4,080,000	

(4) SPECIAL PROJECTS

	FY 1986	FY 1987
General Fund Appropriation—State \$	54,000	54,000
General Fund Appropriation—Federal . . . \$	606,000	606,000
Total Appropriation	\$1,320,000	

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	137,965,000	132,964,000
General Fund Appropriation—Federal . . . \$	120,741,000	126,895,000
Total Appropriation	\$518,565,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) \$187,048,000 for fiscal year 1986, of which \$94,078,000 is from the general fund—state appropriation, and \$188,104,000 for fiscal year 1987,

of which \$94,610,000 is from the general fund—state appropriation, are provided for nursing home services.

(a) If Substitute Senate Bill No. 3390 is not enacted before July 1, 1985, \$2,500,000 in fiscal year 1986 and \$2,500,000 in fiscal year 1987 of the general fund—state appropriation shall be provided solely for full-scope audits under chapter 74.46 RCW as interpreted by the state auditor.

(b) Rates shall be adjusted for inflation under RCW 74.46.495 by 3% on July 1, 1985.

(c) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(d) \$65,000 for fiscal year 1986 and \$65,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for prospective rate increases for installation of sprinkler systems in facilities not meeting federal and state fire safety requirements.

(3) \$63,899,000 for fiscal year 1986, of which \$39,543,000 is from the general fund—state appropriation, and \$64,554,000 for fiscal year 1987, of which \$34,555,000 is from the general fund—state appropriation, are provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) Vendor rate adjustments shall average 3% on January 1, 1986.

(b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(c) \$80,000 for fiscal year 1986 and \$80,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to purchase insurance coverage for adult family homes in order to promote participation in the program.

(d) \$41,000 for fiscal year 1986 and \$41,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to extend eligibility for adult family home and congregate care services to adult protective services clients.

(e) \$200,000 for fiscal year 1986 and \$200,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for case management services under the senior citizen services act for adult protective services clients.

(f) \$7,558,000 for fiscal year 1986 and \$7,666,000 for fiscal year 1987 from the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(g) \$39,225,000 for fiscal year 1986, of which \$25,611,000 is from the general fund—state appropriation, and \$39,286,000 for fiscal year 1987,

of which \$19,762,000 is from the general fund—state appropriation, shall be initially allotted for chore services. The department shall revise eligibility and cost-sharing criteria and/or establish waiting lists for the chore services program, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year, including state general fund moneys used to match federal moneys under the community options programs entry system.

(4) The bureau of nursing home affairs shall increase patient review staff by two full time equivalents not later than October 1, 1985.

(5) \$545,000 for fiscal year 1986 of the general fund—state appropriation is provided solely to continue the three respite care demonstration projects as established and defined under chapter 158, Laws of 1984 until June 30, 1986.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 213,137,000	224,186,000
General Fund Appropriation—Federal	\$ 171,118,000	178,924,000
Total Appropriation	\$787,365,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1987.

(2) Not later than October 1, 1985, the department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) Grant payment standards and vendor rates shall be increased by 3% on January 1, 1986, above the standards and rates in effect on March 1, 1985, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$100,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	17,844,000	18,136,000
General Fund Appropriation—Federal . . . \$	7,034,000	7,059,000
General Fund Appropriation—Local . . . \$	82,000	83,000
Total Appropriation	\$50,238,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$441,000 for fiscal year 1986 and \$441,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase recovery house vendor rates, effective July 1, 1985.

(3) \$286,000 for fiscal year 1986, of which \$268,000 is from the general fund—state appropriation, and \$286,000 for fiscal year 1987, of which \$268,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for detoxification, effective July 1, 1985.

(4) The department shall ensure that grants to counties for alcohol and drug services are distributed to providers of such services on an equitable basis. Consideration shall be given to the percentage of indigent clients served by each provider and the resources available to such provider from other than public funds.

(5) \$500,000 for fiscal year 1986 and \$500,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to continue the three youth substance abuse programs begun with federal funds in 1984.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	214,708,000	223,549,000
General Fund Appropriation—Federal . . . \$	149,853,000	154,247,000

Total Appropriation \$742,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate adjustments for the Indian health and family planning programs shall average 3% on January 1, 1986.

(2) \$610,000 for fiscal year 1986, of which \$185,000 is from the general fund—state appropriation, and \$610,000 for fiscal year 1987, of which \$185,000 is from the general fund—state appropriation, are provided solely for early and periodic screening, diagnosis and treatment services and family planning services under the limited casualty program for the medically needy.

(3) \$524,000 for fiscal year 1986, of which \$270,000 is from the general fund—state appropriation, and \$524,000 for fiscal year 1987, of which \$270,000 is from the general fund—state appropriation, are provided solely to increase fee maximums for maternity care services by up to ten percent.

(4) The legislature finds that rising hospital costs continue to be a matter of serious concern to the public and to the state government. The department shall continue to pay for inpatient hospital services principally on the basis of diagnosis-related groups. The department shall continue in force rateable reductions not less than those imposed in 1984 on hospital payments under the medical care services program and the limited casualty program for the medically indigent.

(5) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 21,765,000	21,646,000
General Fund Appropriation—Federal	\$ 33,260,000	33,375,000
General Fund Appropriation—Local	\$ 4,024,000	3,996,000
General Fund Appropriation—State and Local Improvements Revolving Ac- count—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referen- dum 38)—Appropriation	\$ 22,444,000	22,444,000
General Fund Appropriation—State and Local Improvements Revolving Ac- count—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referen- dum 27); chapter 258, Laws of 1979		

ex. sess. (chapter 43.99D RCW); and
chapter 234, Laws of 1979 ex. sess.
(Referendum 38)—Reappropriation \$ 28,908,000
Total Appropriation \$191,862,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public and private nonprofit community health centers serving populations that lack access to affordable health care. Grants awarded under this subsection shall be used by the centers to provide primary health care services to persons who have no health care coverage. The grants shall be in addition to any federal or other funding available to the centers. No center may receive funding under this subsection if it fails or refuses to provide medically necessary care on the basis of any patient's inability to pay or lack of coverage, or if it does not contract with the department to provide care under the medical assistance program. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of community health centers to assure compliance with the purposes of this subsection. In awarding grants, the secretary shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 187, Laws of 1984, regarding standards for organic chemicals in drinking water.

(4) \$34,000 for fiscal year 1986 and \$34,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 156, Laws of 1984, regarding compiling of information on sentinel birth defects.

(5) \$90,000 for fiscal year 1986 and \$90,000 for fiscal year 1987 of the general fund—local appropriation are provided solely for monitoring and implementation of health and sanitation standards for agricultural labor camps under chapter 248-63 WAC, as adopted by the state board of health in 1984. In health jurisdictions where there is no agreement with the local health officer for local enforcement of the standards, the department shall enforce the standards and charge fees under RCW 43.20A.670 in amounts sufficient to cover its enforcement costs.

(6) \$260,000 for fiscal year 1986 and \$276,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research or

in research concerning the effects of smoking on the cardiovascular and respiratory systems.

(7) \$593,000 for fiscal year 1986 and \$554,000 for fiscal year 1987 of the general fund—local appropriation is provided solely for radiation control activities, including those required under Engrossed Substitute Senate Bill No. 3799 and Engrossed Second Substitute House Bill No. 3.

NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	6,347,000	6,235,000
General Fund Appropriation—Federal . . . \$	14,684,000	14,686,000
Total Appropriation	\$41,952,000	

The appropriations in this section are subject to the following conditions and limitations: Vendor rate adjustments shall average 3% on January 1, 1986.

NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	31,922,000	31,049,000
General Fund Appropriation—Federal . . . \$	19,555,000	19,477,000
General Fund—Institutional Impact Account Appropriation \$	37,000	37,000
Total Appropriation	\$102,077,000	

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services shall transfer from its various programs up to \$1,600,000 from the general fund—state appropriations from the operating programs to the administration and support services program for travel, goods and services, and equipment for the biennium ending June 30, 1987, and revise initial allotments accordingly.

***NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM**

	FY 1986	FY 1987
General Fund Appropriation—State \$	61,840,000	62,614,000
General Fund Appropriation—Federal . . . \$	72,747,000	72,979,000
General Fund Appropriation—Local \$	366,000	366,000
Total Appropriation	\$270,912,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Department staff shall assist general assistance clients in establishing eligibility for social security and/or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(2) *The department shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1985, the department shall report to the ways and means and social and health services committees of the senate and house of representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal. In administering the program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.*

(3) *The department shall develop a program to supplement the community work and training program for recipients of food stamps established under RCW 74.04.477. The supplemental program shall provide that the program be extended to an additional four counties, two east and two west of the Cascade mountains, and shall serve a minimum of three hundred recipients each year. The supplemental program shall be run under the same terms and conditions as set forth in RCW 74.04.477 and the regulations thereunder.*

(4) *The department shall develop a program to supplement the community work and training program for recipients of aid to families with dependent children established under RCW 74.04.473. The supplemental program shall provide for community work and training services to a minimum of four hundred recipients this biennium, under the same terms and conditions as set forth in RCW 74.04.473 and the regulations thereunder.*

*Sec. 214 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 7,815,000	8,043,000
General Fund Appropriation—Federal	\$ 15,556,000	16,093,000
Total Appropriation	\$47,507,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,195,000 for fiscal year 1986, of which \$359,000 is from the general fund—state appropriation, and \$1,597,000 for fiscal year 1987, of which \$478,000 is from the general fund—state appropriation, are provided solely to implement the order of the King county superior court in Carter v. Simpson, cause number 82-5-50039-0. If this order is reversed on appeal, the unexpended balance of the amounts provided in this subsection shall revert.

(2) In serving custodial parents not on public assistance who apply for support enforcement services, the department shall, to the maximum extent permitted by federal and state law, give priority to cases in which the custodial parent is at risk of becoming eligible for aid to families with dependent children.

(3) The department shall study and make recommendations to the legislature regarding a comprehensive and equitable plan for determining financial responsibility of clients and relatives of clients who receive department-provided or department-funded services. A committee shall be established to oversee the study, to be composed of representatives of the department, the affected population, the public, and other branches of government, including both caucuses of both houses of the legislature. The secretary of social and health services, or the secretary's designee, shall serve as chairperson of the committee. The study shall consider the legal, ethical, financial, managerial, and pragmatic consequences of the imposition of financial responsibility on utilizers of services provided or funded by the department. The study specifically shall address, but is not limited to:

(a) The level of financial responsibility assessed under existing statutes and policy for utilization of various department services by clients and their responsible relatives;

(b) The effect of financial responsibility on discouraging the utilization of necessary services provided by the department; and

(c) An equitable method of assessing the amount of financial responsibility.

The study findings shall be submitted to the appropriate committees of the house of representatives and the senate no later than November 1, 1986, along with any recommendations for legislative action.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

	FY 1986
General Fund Appropriation—State	\$ 105,000,000
General Fund Appropriation—Federal	\$ 56,000,000
General Fund Appropriation—Local	\$ 1,000,000
Total Appropriation	\$ 162,000,000

The appropriations in this section are subject to the following conditions and limitations: These general fund reappropriations are for services and supplies not in excess of the unexpended balances of the 1983-1985 appropriations for such purposes.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	6,383,000	6,146,000
General Fund Appropriation—Federal . . . \$	70,233,000	70,406,000
General Fund—Building Code Council		
Account Appropriation \$	84,000	120,000
Total Appropriation	\$153,372,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$975,000 for fiscal year 1986 and \$975,000 for fiscal year 1987 of the general fund—state appropriation shall be used solely for grants in aid to public or private nonprofit organizations operating shelters for homeless persons. Grants awarded under this subsection shall be used to provide temporary emergency shelter, including either direct shelter services or vouchers to pay for low-cost commercial accommodations, to persons and families who are without housing and lack funds to purchase lodging. Grantee organizations shall give priority in the use of grant funds to shelter for families and children. Grants shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(2) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to private nonprofit organizations operating food banks which distribute food without charge to persons unable to purchase enough food for their subsistence, and to private nonprofit organizations operating food distribution systems that furnish donated or purchased food to food banks. Grants awarded under this subsection shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Sixty percent of the funds under this

subsection shall be provided to food banks and forty percent to food distribution organizations. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for administration of grants in aid to emergency shelter and food programs under subsections (1) and (2) of this section.

(4) If Second Substitute House Bill No. 738 is not enacted by July 1, 1985, \$250,000 in fiscal year 1986 and \$250,000 in fiscal year 1987 of the general fund—state appropriation shall revert.

(5) \$120,000, of which \$96,000 is from the general fund—state appropriation for fiscal year 1986 and \$24,000 is from the general fund—building code council account appropriation for fiscal year 1986, and \$120,000 from the general fund—building code council account appropriation for fiscal year 1987 is provided solely to implement Engrossed Substitute Senate Bill No. 3261. The general fund—state appropriation shall be paid back to the state general fund from the building code council account by June 30, 1989.

(6) \$60,000 of the general fund—building code council account appropriation for fiscal year 1986 is provided solely to implement Substitute House Bill No. 1114. The funds generated from the surcharge on building permits established by SHB 1114 shall be deposited in the general fund—building code council account. If federal funds are available for the purposes of SHB 1114, a portion of the amount provided in this subsection equal to the amount of available federal funds shall revert.

(7) A maximum of \$100,000 for fiscal year 1986 and \$100,000 for fiscal year 1987 of the general fund—state appropriation may be spent in a study of mitigating the impact of the proposed Navy home port at Everett, Washington.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF VETERANS AFFAIRS

	FY 1986	FY 1987
General Fund Appropriation—State \$	8,466,000	8,281,000
General Fund Appropriation—Federal . . . \$	1,669,000	1,669,000
General Fund Appropriation—Local . . . \$	2,402,000	2,402,000
Total Appropriation	\$24,889,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$202,000 for fiscal year 1986 and \$202,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

(2) The department shall contract with the University of Washington's health policy analysis program to assess the potential for medicare certification and reimbursement in the state's veterans' homes. \$10,000 for fiscal year 1986 and \$10,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for the purposes described in this subsection.

NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,477,000	1,477,000
General Fund Appropriation—Federal . . . \$	556,000	556,000
Total Appropriation	\$4,066,000	

NEW SECTION. Sec. 220. FOR THE DEATH INVESTIGATION COUNCIL

	FY 1986	FY 1987
General Fund—Death Investigations		
Account Appropriation \$	3,000	2,000
Total Appropriation	\$5,000	

NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

	FY 1986	FY 1987
General Fund—Public Safety and Edu-		
cation Account Appropriation \$	67,000	67,000
Accident Fund Appropriation \$	1,893,000	1,848,000
Medical Aid Fund Appropriation \$	1,893,000	1,848,000
Total Appropriation	\$7,616,000	

The appropriations in this section are subject to the following conditions and limitations: \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the accident fund appropriation, and \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the medical aid fund appropriation, are provided solely for a mediation program and the publication and indexing of board decisions, as provided in Substitute Senate Bill No. 4190. If the bill is not enacted by July 1, 1985, the amounts provided shall revert.

NEW SECTION. Sec. 222. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

	FY 1986	FY 1987
General Fund—Death Investigations		
Account Appropriation \$	15,000	15,000

General Fund—Public Safety and Education Account Appropriation	\$	3,506,000	3,506,000
Total Appropriation		\$7,042,000	

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

		FY 1986	FY 1987
General Fund Appropriation	\$	4,014,000	3,795,000
General Fund—Public Safety and Education Account Appropriation	\$	3,952,000	3,954,000
Accident Fund Appropriation	\$	35,481,000	34,916,000
Electrical License Fund Appropriation	\$	3,642,000	3,651,000
Medical Aid Fund Appropriation	\$	34,530,000	33,868,000
Plumbing Certificate Fund Appropriation	\$	218,000	218,000
Pressure Systems Safety Fund Appropriation	\$	524,000	531,000
Worker and Community Right to Know Fund Appropriation	\$	540,000	961,000
Farm Worker Revolving Fund Appropriation—Local	\$	78,000	72,000
Total Appropriation		\$164,945,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall establish a review committee. The review committee shall monitor on a regular quarterly basis the progress reports and work plans of the agency's information systems, including the medical information and payment system (MIPS), to ensure executive-level oversight and control of the data processing and management information systems within the agency. The review committee shall include representatives of the department of labor and industries, the office of financial management, and other appropriate persons.

(2) \$160,000 of the general fund appropriation is provided solely as a loan for the worker-right-to-know program and shall be repaid to the general fund when sufficient funds are available in the worker and community right to know fund.

(3) The farm worker revolving fund appropriation is provided solely for increased activities in connection with the licensing and regulation of farm labor contractors under Substitute House Bill No. 199. If the bill is not enacted by July 1, 1985, this appropriation shall lapse.

NEW SECTION. Sec. 224. FOR THE BOARD OF PRISON TERMS AND PAROLES

		FY 1986	FY 1987
General Fund Appropriation	\$	1,458,000	1,294,000
Total Appropriation		\$2,752,000	

The appropriations in this section are subject to the following conditions and limitations: \$77,000 for fiscal year 1986 and \$77,000 for fiscal year 1987 of the general fund—state appropriation are provided to continue the board membership at seven members through June 30, 1986, under Engrossed Substitute House Bill No. 204. If Engrossed Substitute House Bill No. 204 is not enacted by July 1, 1985, the amounts provided shall revert.

NEW SECTION. Sec. 225. FOR THE HOSPITAL COMMISSION

	FY 1986	FY 1987
General Fund Appropriation	\$ 950,000	883,000
General Fund—Hospital Commission		
Account Appropriation	\$ 631,000	698,000
Total Appropriation	\$3,162,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for attorney general support. The attorney general shall assign at least one assistant attorney general to work with the commission on a full-time basis, and shall provide additional support if necessary in connection with any litigation arising from chapter 288, Laws of 1984.

(2) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to conduct formal hearings as the commission deems necessary.

(3) \$48,000 for fiscal year 1986 and \$48,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for audits of patient discharge data.

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 2,526,000	2,526,000
General Fund Appropriation—Federal	\$ 75,144,000	75,144,000
General Fund Appropriation—Local	\$ 3,866,000	3,866,000
Administrative Contingency Fund		
Appropriation—Federal	\$ 3,204,000	3,204,000
Unemployment Compensation Administra-		
tion Fund Appropriation	\$ 52,696,000	52,696,000
Total Appropriation	\$274,872,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the

maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

(2) \$300,000 for fiscal year 1986 and \$300,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for contracting with other agencies for the Washington conservation corps. None of these funds may be spent by the employment security department for administration.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,111,000	1,109,000
General Fund Appropriation—Federal . . . \$	1,918,000	1,912,000
Total Appropriation	\$6,050,000	

The appropriations in this section are subject to the following conditions and limitations: The department of services for the blind shall report to the legislature, no later than January 1, 1986, on its efforts to meet the needs of deaf-blind persons, particularly in the areas of improving access to existing services and coordination with other agencies. This report shall be written in conjunction with the divisions of vocational rehabilitation and developmental disabilities of the department of social and health services.

NEW SECTION. Sec. 228. FOR THE CORRECTIONS STANDARDS BOARD

	FY 1986	FY 1987
General Fund Appropriation—State \$	346,000	346,000
General Fund Appropriation—Federal . . . \$	36,000	36,000
General Fund—Local Jail Improvement and Construction Account Appropria- tion \$	21,232,000	11,904,000
Total Appropriation	\$33,900,000	

NEW SECTION. Sec. 229. FOR THE SENTENCING GUIDELINES COMMISSION

	FY 1986	FY 1987
General Fund Appropriation \$	269,000	223,000
Total Appropriation	\$492,000	

(End of Part II)

PART III
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

FY 1986	FY 1987
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General Fund Appropriation—State	\$ 818,000	777,000
General Fund Appropriation—Federal	\$ 7,281,000	6,697,000
General Fund Appropriation—Geothermal Account/Federal	\$ 42,000	44,000
General Fund—Building Code Council Account Appropriation	\$ 375,000	375,000
Total Appropriation	\$16,409,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 in each fiscal year is provided solely for the state building energy management program. The office of financial management shall revert savings in state agency budgets resulting from this program.

(2) The general fund—building code council account appropriation is provided solely for an in situ testing program by the University of Washington college of architecture and department of mechanical engineering, of annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the Pacific northwest electric power planning and conservation council. These funds shall be inclusive of administrative costs incurred by the state energy office. The funds generated from the surcharge on building permits established in Substitute House Bill No. 1114 shall be deposited in the general fund—building code council account. This appropriation is limited to the amount of revenues in the building code council account.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 52,000	52,000
General Fund Appropriation—Private/Local	\$ 41,000	41,000
Total Appropriation	\$186,000	

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 21,258,000	21,143,000
General Fund Appropriation—Federal	\$ 10,122,000	10,128,000
General Fund Appropriation—Private/Local	\$ 64,000	64,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation	\$ 1,154,000	1,158,000
General Fund—Flood Control Account Appropriation	\$ 2,000,000	2,000,000

General Fund—Special Grass Seed Burning Account Appropriation	\$ 35,000	35,000
General Fund—Reclamation Revolving Account Appropriation	\$ 561,000	562,000
General Fund—Emergency Water Project Revolving Account Appropri- ation: Appropriated pursuant to chap- ter 1, Laws of 1977 ex. sess.	\$ 311,000	335,000
General Fund—Emergency Water Project Revolving Account Appropri- ation: Appropriated pursuant to chap- ter 1, Laws of 1977 ex. sess: Reappropriation	\$ 3,000,000	3,570,000
Water Project Revolving Account Subtotal	\$ 3,311,000	3,905,000
General Fund—Litter Control Account Appropriation	\$ 2,356,000	2,394,000
General Fund—Water Quality Account Appropriation	\$ 10,000,000	90,000,000
General Fund—State and Local Im- provements Revolving Account— Waste Disposal Facilities: Appropri- ated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$ 363,000	373,000
General Fund—State and Local Im- provements Revolving Account— Waste Disposal Facilities: Appropri- ated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26): Reappropriation	\$ 20,000,000	26,278,000
Referendum 26 Subtotal	\$ 20,363,000	26,651,000
General Fund—State and Local Im- provements Revolving Account— Waste Disposal Facilities 1980: Ap- propriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$ 39,346,000	39,441,000
General Fund—State and Local Im- provements Revolving Account— Waste Disposal Facilities 1980: Ap- propriated pursuant to chapter 159, Laws of 1980 (Referendum 39): Re- appropriation	\$ 130,000,000	127,400,000

Referendum 39 Subtotal	\$ 169,346,000	166,841,000
General Fund—State and Local Im- provements Revolving Account—		
Water Supply Facilities	\$ 3,354,000	3,412,000
General Fund—State and Local Im- provements Revolving Account—		
Water Supply Facilities: Reappropri- ation	\$ 18,000,000	18,043,000
Water Supply Subtotal	\$ 21,354,000	21,455,000
Stream Gaging Basic Data Fund Appro- priation	\$ 100,000	100,000
Total Appropriation	\$608,460,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985-87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985-87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to

100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) Contingent on the enactment of House Bill No. 811, House Bill No. 1081, Substitute Senate Bill No. 3703, or Engrossed Second Substitute Senate Bill No. 3827, the appropriation from the water quality account may be expended by the department to pay up to 50% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution or water storage facilities which enhance water quality. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(6) In order to monitor the expenditure of Referendum 38 funds that are to be expended prior to the use of funds provided by Second Substitute Senate Bill No. 4136, the department of ecology shall provide an annual report to the legislature of the funds remaining from Referendum 38 and the projects that are in work and awaiting approval. If SSB 4136 is not enacted by July 1, 1985, the annual reports shall not be required.

(7) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(8) Not more than \$10,545,000 of the general fund—state appropriation for fiscal year 1986 and \$10,473,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program. This includes funds necessary to implement Engrossed Substitute House Bill No. 975.

(9) Not more than \$4,304,000 of the general fund—state appropriation for fiscal year 1986 and \$4,301,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:

- (a) Public water supply reservation;
- (b) Well drilling enforcement;
- (c) Ground/surface water data collection;
- (d) State-wide groundwater planning;
- (e) Increased shoreline management grants to local governments; and
- (f) Shoreline management support.

(10) Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and \$2,133,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:

- (a) Groundwater management and investigation;
- (b) Groundwater technical assistance; and
- (c) Municipal water management.

(11) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(12) \$200,000 of the general fund—state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur.

(13) \$354,000 of the general fund—state appropriation is provided solely for the department to develop a state hazardous waste management plan, including criteria for the siting of hazardous waste management facilities.

(14) For the purpose of implementing the requirements of a shellfish protection program, including a pilot program for the prevention of non-point source pollution of important shellfish resource areas, the department of ecology shall expend up to a maximum of \$300,000 for:

(a) The development of regulations designating priority shellfish protection resource areas;

(b) Contracts with local governments and conservation districts to develop plans, educational programs, and other activities to clean up and protect shellfish resource areas; and

(c) Washington conservation corps activities and other programs to assist land owners in eliminating animal waste related pollution.

(15) The office of financial management is authorized to allow the department to deviate from the annual allocation of moneys provided in this

section. This authorization pertains only to moneys appropriated and reapropriated for construction grants and hazardous waste remedial action construction contracts.

NEW SECTION. Sec. 304. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

	FY 1986	FY 1987
General Fund Appropriation \$	1,300,000	1,400,000
Total Appropriation	\$2,700,000	

The appropriation in this section is contingent on the enactment of Engrossed Second Substitute Senate Bill No. 3828.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

	FY 1986	FY 1987
General Fund Appropriation \$	388,000	388,000
Total Appropriation	\$776,000	

NEW SECTION. Sec. 306. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

	FY 1986	FY 1987
General Fund Appropriation—		
Private/Local \$	1,370,000	1,370,000
Total Appropriation	\$2,740,000	

NEW SECTION. Sec. 307. FOR THE STATE PARKS AND RECREATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation—State \$	17,328,000	16,628,000
General Fund Appropriation—Federal . . . \$	330,000	330,000
General Fund Appropriation—		
Private/Local \$	326,000	326,000
General Fund—Trust Land Purchase		
Account Appropriation \$	4,243,000	3,620,000
General Fund—Winter Recreation		
Parking Account Appropriation \$	155,000	155,000
General Fund—Snowmobile Account		
Appropriation \$	437,000	437,000
General Fund—Outdoor Recreation Account		
Appropriation \$	86,000	74,000
Motor Vehicle Fund Appropriation \$	500,000	500,000
Total Appropriation	\$45,475,000	

NEW SECTION. Sec. 308. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

	FY 1986	FY 1987
General Fund Appropriation—State \$	185,000	182,000

General Fund Appropriation—Federal . . . \$	307,000	307,000
Total Appropriation	\$981,000	

NEW SECTION. Sec. 309. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

	FY 1986	FY 1987
General Fund—Outdoor Recreation Account Appropriation—State \$	6,994,000	7,839,000
General Fund—Outdoor Recreation Account Appropriation—Federal \$	2,767,000	3,026,000
Total Appropriation	\$20,626,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$54,000 of the outdoor recreation account—state appropriation shall be used by the committee to update and expand the outdoor recreation guide required by RCW 43.99.142.

(2) A maximum of \$120,000 of the outdoor recreation account—state appropriation shall be used by the committee for grants to update the current off-road vehicle (ORV) plan as required by RCW 46.09.250.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation \$	10,265,000	10,016,000
Motor Vehicle Fund Appropriation \$	258,000	261,000
Total Appropriation	\$20,800,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,951,000 of the general fund—state appropriation shall be expended in each fiscal year solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(2) The motor vehicle fund appropriation shall be used in conformance with constitutional limitations.

(3) \$175,000 of the general fund appropriation is provided solely for the Washington state economic development board. If House Bill No. 627 is not enacted before July 1, 1985, the amount provided in this subsection shall revert.

(4) Not more than \$251,000 of the general fund—state appropriation shall be expended in fiscal year 1986 for the high-technology coordinating board. A plan shall be submitted to the legislature not later than December 20, 1985, detailing the future activities, structure, and costs of the board.

(5) Funds provided for county economic development councils shall be matched at fifty percent, except that no funds contained in this appropriation nor in-kind contributions shall be used for such matching funds.

(6) The department may contract with the small business development center at Washington State University for services to assist the promotion and expansion of small businesses in the state.

***NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF FISHERIES**

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 21,641,000	21,459,000
General Fund Appropriation—Federal	\$ 5,406,000	5,518,000
General Fund Appropriation—		
Private/Local	\$ 1,425,000	1,424,000
General Fund—Aquatic Lands Enhancement Account Appropriation	\$ 157,000	157,000
Total Appropriation	\$57,187,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$204,000 of the general fund—state appropriation shall be expended in each fiscal year for the increased departmental and tribal coordination and planning of the salmon fishery management.

(2) \$404,000 of the general fund—state appropriation or so much thereof as may be necessary shall be expended on developing long-term regional salmon fishery resource policy statements and a detailed salmon enhancement plan with proposed enhancement projects, and identifying the full production capacity of the salmon hatcheries.

*Sec. 311 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF GAME

	FY 1986	FY 1987
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$ 123,000	124,000
General Fund—Aquatic Lands Enhancement Account Appropriation	\$ 158,000	158,000
General Fund—Public Safety and Education Account Appropriation	\$ 233,000	245,000
Game Fund Appropriation—State	\$ 20,054,000	19,585,000
Game Fund Appropriation—Federal	\$ 5,664,000	5,803,000

Game Fund Appropriation—		
Private/Local	\$ 647,000	646,000
Game Fund—Special Wildlife Account		
Appropriation	\$ 148,000	148,000
Total Appropriation	\$53,736,000	

NEW SECTION, Sec. 313. FOR THE STATE CONVENTION AND TRADE CENTER

	FY 1986	FY 1987
General Fund—State Convention and		
Trade Center Account Appropriation ..	\$ 2,270,000	2,643,000
Total Appropriation	\$4,913,000	

NEW SECTION, Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 15,799,000	14,992,000
General Fund Appropriation—Federal ..	\$ 129,000	129,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$ 1,508,000	1,488,000
General Fund—Geothermal Account		
Appropriation—Federal	\$ 8,000	8,000
General Fund—Forest Development Account Appropriation	\$ 6,606,000	6,481,000
General Fund—Survey and Maps Account Appropriation	\$ 362,000	369,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation	\$ 708,000	724,000
General Fund—Resource Management		
Cost Account Appropriation	\$ 24,595,000	24,655,000
Total Appropriation	\$98,561,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$601,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1986, and \$581,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1987, associated with court actions brought by the state against timber companies that have defaulted on timber sales contracts. Ten percent of all funds recovered by the state in these court actions shall be deposited in the general fund until the total deposited in the general fund equals \$1,182,000.

(2) \$310,000 of the general fund—state appropriation in each fiscal year is provided solely for costs associated with flood damage litigation in Skagit and Whatcom counties.

(3) \$482,000 of the general fund—state appropriation for fiscal year 1986 shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

	FY 1986	FY 1987
General Fund Appropriation—State \$	7,482,000	7,352,000
General Fund Appropriation—Federal . . . \$	387,000	354,000
General Fund—Feed and Fertilizer Ac- count Appropriation \$	10,000	7,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation \$	214,000	220,000
Commercial Feed Fund Appropriation \$	246,000	236,000
Seed Fund Appropriation \$	486,000	498,000
Nursery Inspection Fund Appropriation . . . \$	315,000	316,000
Total Appropriation	\$18,123,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$851,000 of the general fund—state appropriation shall be expended in each fiscal year for enhanced export and domestic marketing in the agricultural development program.

(2) Not more than \$549,000 of the general fund—state appropriation in each fiscal year shall be expended for the continuation of the IMPACT center at Washington State University.

(3) \$125,000 for fiscal year 1986 and \$125,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the purchase of materials or biological control agents for controlling or eradicating noxious weeds and shall be available only for distribution by the director of the department to those activated county noxious weed control boards and active weed districts that employ administrative personnel to supervise a weed control program and that have a budget from other than state sources of at least twenty-five thousand dollars annually. The moneys provided under this paragraph shall be allocated to such boards and districts based on the severity of the noxious weed control problems.

NEW SECTION. Sec. 316. FOR THE CONSERVATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation \$	182,000	182,000
Total Appropriation	\$364,000	

NEW SECTION. Sec. 317. FOR THE WASHINGTON CENTEN-
NIAL COMMISSION

	FY 1986	FY 1987
General Fund Appropriation \$	754,000	739,000

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General Fund—State Centennial Commission Account Appropriation	\$	77,000	145,000
Total Appropriation	\$	\$1,715,000	

NEW SECTION. Sec. 318. FOR THE WORLD FAIR COMMISSION

		FY 1986	FY 1987
General Fund Appropriation	\$	3,384,000	504,000
Total Appropriation	\$	\$3,888,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) Not more than \$354,000 shall be used for commission administration and oversight in fiscal year 1986.
- (2) \$247,000 is provided for operation of the state of Washington exhibit at EXPO '86 in fiscal year 1986.
- (3) \$2,783,000 is provided for the development and construction of the state of Washington exhibit at EXPO '86 in fiscal year 1986.

(End of Part III)

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE STATE PATROL

		FY 1986	FY 1987
General Fund Appropriation—State	\$	6,684,000	6,611,000
General Fund Appropriation—Federal	\$	70,000	70,000
General Fund Appropriation—			
Private/Local	\$	718,000	539,000
General Fund—Death Investigations			
Account Appropriation	\$	12,000	12,000
Total Appropriation	\$	\$14,716,000	

The appropriations in this section are subject to the following conditions and limitations: \$95,000 for fiscal year 1986 and \$63,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to operate a missing children clearinghouse under Substitute House Bill No. 242. If the bill is not enacted before July 1, 1985, the amounts provided shall revert.

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

		FY 1986	FY 1987
General Fund Appropriation	\$	6,342,000	5,697,000
General Fund—Architects' License Account Appropriation	\$	234,000	234,000
General Fund—Medical Disciplinary Account Appropriation	\$	440,000	440,000

General Fund—Health Professions Account Appropriation	\$ 2,826,000	2,770,000
General Fund—Professional Engineers' Account Appropriation	\$ 405,000	400,000
General Fund—Real Estate Commission Account Appropriation	\$ 2,834,000	2,434,000
Total Appropriation	\$25,056,000	

NEW SECTION. Sec. 403. FOR THE MARINE EMPLOYEES'

COMMISSION

	FY 1986	FY 1987
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$ 137,000	137,000
Total Appropriation	\$274,000	

The appropriations in this section are subject to the following conditions and limitations: The commission shall contract for \$50,000 a year with the public employment relations commission for secretarial support and mediation services.

(End of Part IV)

PART V

EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$ 19,173,000
General Fund Appropriation—Federal	\$ 7,412,000
General Fund—Public Safety and Education Account Appropriation	\$ 464,000
Total Appropriation	\$ 27,049,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—public safety and education account appropriation may be expended solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

(a) Establish a definition of environmental literacy;

(b) Identify existing environmental and conservation education resources in the public and private sectors; and

(c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) \$1,550,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 9,568,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 3,465,393,000

The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(2) \$317,285,000 is provided solely for the remaining months of the 1984-85 school year.

(3) Allocations for certificated salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education certificated salary allocation defined in section 504 of this act by the district's formula-generated certificated staff units determined as follows:

(a) One certificated staff unit for each twenty average annual full time equivalent kindergarten, elementary, and secondary students, excluding handicapped full time equivalent enrollment as calculated according to the procedures in the allocation model established in section 506 of this act and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsection (3) (b) through (d) of this section: PROVIDED, That those school districts with a minimum enrollment of 250 full time equivalent students and whose full time equivalent student enrollment count in a given enrollment month exceeds the first of the month full time equivalent enrollment count by 5% shall be entitled to an additional state allocation of 110% of the pro rata share that such enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(b) During the 1985-86 school year, one certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, for the 1986-87 school year one certificated staff unit for each average annual seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skills centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been

judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated unit.

(d) A district that operates no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students shall be allocated certificated staff units for enrollment in each such high school as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(e) In addition to those staffing ratios specified by RCW 28A.41.140, school districts with an enrollment of at least 100 annual average full time equivalent students in grades kindergarten through third grade shall receive during the 1986-87 school year a certificated unit allocation in addition to that provided in subsection (3)(a) of this section, at a rate of one certificated staff unit per 1,000 annual average full time equivalent students enrolled in grades kindergarten through third grade.

(4) Allocations for classified salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education classified salary allocation as defined in section 504 of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) Fringe benefit allocations shall be calculated at a rate of 20.03 percent in the 1985-86 school year and 20.08 percent in the 1986-87 school year of certificated salary allocations provided pursuant to subsection (3) of this section, and a rate of 16.86 percent in the 1985-86 school year and 16.91 percent in the 1986-87 school year of classified salary allocations provided pursuant to subsection (4) of this section.

(6) Insurance benefit allocations for the 1985-86 and 1986-87 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (3) of this section and for the number of classified staff units determined in subsection (4) of this section multiplied by 1.152.

(7)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$5,614 per staff unit in the 1985-86 school year and a maximum of \$5,833 per staff unit in the 1986-87 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$10,698 per staff unit in the 1985-86 school year and a maximum of \$11,115 per staff unit in the 1986-87 school year.

(8) Allocations for costs of substitutes for classroom teachers shall be provided at a rate of \$268 per full time equivalent basic education classroom teacher during the 1985-86 and 1986-87 school years.

(9) The superintendent shall distribute a maximum of \$3,010,000 outside the basic education formula during fiscal years 1986 and 1987 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$320,000 may be expended in fiscal year 1986 and a maximum of \$342,000 in fiscal year 1987.

(b) For summer vocational programs at skills centers, not more than \$999,000 shall be expended in fiscal year 1986 and not more than \$1,077,000 in fiscal year 1987.

(c) For school district emergencies, a maximum of \$136,000 may be expended in fiscal year 1986 and a maximum of \$136,000 may be expended in fiscal year 1987.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

(1) For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(a) "LEAP Document 7" means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) Each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the districts prior year staff mix factor calculated using LEAP Document 1.

(c) Each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized for the district's basic education program.

(b) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

(c) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

(d) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PART-TIME CLASSIFIED EMPLOYEE INSURANCE BENEFITS

General Fund Appropriation	\$	4,381,000
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The appropriation in this section is subject to the following conditions and limitations: A maximum of \$4,381,000 may be allocated during the months of July and August 1985 for insurance benefits for part-time classified employees as specified in section 503(8) of Engrossed Substitute House Bill No. 386 for such benefits for the time period from September 1, 1984, through June 30, 1985.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	355,371,000
General Fund Appropriation—Federal	\$	30,153,000
Total Appropriation	\$	385,524,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$32,235,000 of the general fund—state appropriation is provided solely for the remaining months of the 1984–85 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1985–86 and 1986–87 school years in accordance with a district's actual handicapped enrollments and the allocation model established in new LEAP Document 8 as developed by the legislative evaluation and accountability program committee on May 28, 1985, at 14:04 hours.

(3) A maximum of \$250,840 may be expended from the general fund—state appropriation to fund three teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	20,982,000
General Fund Appropriation—Federal	\$	6,663,000
Total Appropriation	\$	27,645,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$10,449,000 of the general fund—state appropriation may be expended for the 1985–86 school year, distributed as follows:

(a) A maximum of \$4,745,000 is provided for programs in state institutions for the handicapped or emotionally disturbed distributed at a maximum average rate of \$9,927 per full time equivalent student.

(b) A maximum of \$3,203,000 is provided for programs in state institutions for delinquent youth distributed at a maximum average rate of \$5,550 per full time equivalent student.

(c) A maximum of \$275,844 is provided for programs in state group homes for delinquent youth distributed at a maximum average rate of \$3,448 per full time equivalent student.

(d) A maximum of \$532,000 is provided for juvenile parole learning center programs distributed at a maximum average rate of \$1,326 per full time equivalent student, excluding funds provided through the basic education formula established in section 503 of this act.

(e) A maximum of \$1,695,000 is provided for programs in county detention centers distributed at a maximum average rate of \$3,851 per full time equivalent student.

(2) A maximum of \$10,089,000 of the general fund—state appropriation may be expended for the 1986–87 school year, distributed as follows:

(a) A maximum of \$4,465,000 is provided for programs in state institutions for the handicapped or emotionally disturbed distributed at a maximum average rate of \$9,967 per full time equivalent student.

(b) A maximum of \$3,116,000 is provided for programs in state institutions for delinquent youth distributed at a maximum average rate of \$5,555 per full time equivalent student.

(c) A maximum of \$276,000 is provided for programs in state group homes for delinquent youth distributed at a maximum average rate of \$3,456 per full time equivalent student.

(d) A maximum of \$533,000 is provided for juvenile parole learning center programs distributed at a maximum average rate of \$1,319 per full time equivalent student, excluding funds provided through the basic education formula established in section 503 of this act.

(e) A maximum of \$1,698,000 is provided for programs in county detention centers distributed at a maximum average rate of \$3,859 per full time equivalent student.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 9,342,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$760,000 is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent shall distribute funds for the 1985-86 and 1986-87 school years at a maximum rate of \$410 per eligible student.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR REMEDIATION ASSISTANCE

General Fund Appropriation \$ 24,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,644,000 is provided solely for the remaining months of the 1984-85 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1985-86 and 1986-87 school years at a maximum rate of \$337 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test in the previous year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 4,918,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$408,000 is provided solely for distribution to school districts for the remaining months of the 1984-85 school year.

(2) A maximum of \$2,326,000 may be expended by school district programs for highly capable students during the 1985-86 school year, distributed at a maximum rate of \$326 per student for up to one percent of each district's 1985-86 full time equivalent enrollment.

(3) A maximum of \$2,391,000 may be expended in school district programs for highly capable students in the 1986-87 school year, at a maximum rate of \$330 per student for up to one percent of each district's 1986-87 full time equivalent enrollment.

(4) A maximum of \$271,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	108,324,000
(1) Education Consolidation and Improvement Act	\$	105,360,000
(2) Education of Indian Children	\$	335,000
(3) Adult Basic Education	\$	2,629,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	63,312,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1985-86 school year shall be distributed at a rate of \$2,779 per student for a maximum of 11,255 full time equivalent students.

(2) Funding for vocational programs during the 1986-87 school year shall be distributed at a rate of \$2,820 per student for a maximum of 11,255 full time equivalent students.

(3) Not more than \$779,000 of this appropriation may be expended for adult basic education programs.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation	\$	2,332,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$1,166,000 of this appropriation shall be expended during fiscal year 1986.

(2) The appropriation in this section is intended to provide an average state support level of \$750 per student for fiscal year 1986 and \$779 per student for fiscal year 1987.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$ 208,894,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) A maximum of \$92,238,000 may be distributed for pupil transportation operating costs in the 1985–86 school year.
- (2) A maximum of \$755,000 may be expended for regional transportation coordinators.
- (3) A maximum of \$56,000 may be expended for bus driver training.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$ 6,000,000
General Fund Appropriation—Federal	\$ 69,584,000
Total Appropriation	\$ 75,584,000

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund—Public Safety and Education Account Appropriation	\$ 15,123,000
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The appropriation in this section is subject to the following conditions and limitations: Not more than \$549,000 may be expended for regional traffic safety education coordinators.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation	\$ 4,126,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) Not more than \$2,017,000 of this appropriation is provided for operation by the educational service districts of regional computer demonstration centers and computer information centers.
- (2) Not more than \$831,000 of this appropriation is provided for teacher training in drug and alcohol abuse education and prevention in grades K through 12.
- (3) Not more than \$623,000 of this appropriation is provided for pilot programs to encourage potential high school drop-outs to remain in school.
- (4) Not more than \$575,000 of this appropriation is provided for a contract with the Pacific Science Center for educational programs serving public schools.

(5) Not more than \$80,000 of this appropriation is provided for a contract with the Cispus learning center for environmental education programs.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation \$ 255,000

The appropriation in this section is subject to the following conditions and limitations: These funds shall be expended for teacher in-service training in math, science, and computer technology.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation—Federal \$ 24,085,000

(End of Part V)

PART VI
HIGHER EDUCATION

*NEW SECTION. Sec. 601. HIGHER EDUCATION

The appropriations in sections 602 through 609 of this act are subject to the following conditions and limitations:

(1) No funds may be used for the inauguration or operation of new degree programs until the program has been reviewed and favorably recommended by the council for postsecondary education or its successor agency.

(2) The expenditure per student requirements in sections 602 through 608 of this act may be reduced by two percent if the director of financial management certifies, on or before the tenth day of the last regular instructional period of the fiscal biennium, that the failure to meet the minimum support per student is attributable to financial or other circumstances beyond the control of the institution. The director's rationale for granting the waiver shall be transmitted to the legislative ways and means committees within ten days of notification to the institution.

(3) *No state funds may be used for the direct support of intercollegiate athletics other than specifically allowed for that purpose in this act.* It is the intent of the legislature that intercollegiate sports become self-supporting to the greatest extent feasible by June 30, 1989.

(4) Off-campus courses that are intended to provide graduate educational opportunities for employed adults shall be offered on a partially or completely self-sustaining basis to the greatest extent feasible.

(5) A report, including relevant descriptive data, on the progress of the institutions of higher education in meeting the objectives of affirmative action and state policies on women and minority businesses in the hiring of personnel at the management level shall be prepared and submitted by the first day of each October for the review of the council for postsecondary education. The council shall submit a report on the information and degree

of compliance with such standards to the legislative ways and means committees each November 1.

(6) The research and regional universities shall report to the senate and house ways and means committees, the senate education committee, and the house higher education committee by July 1, 1985, regarding their existing summer session tuition and fee structure and their proposed summer session fee structure under a self-sustaining operation.

(7) The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College may waive all tuition, operating, and service and activities fees for undergraduate or graduate students from foreign nations, excluding Canada, providing reciprocal placements and waivers for Washington residents subject to the following limitations:

(a) No more than the equivalent of 50 waivers may be awarded at each of the two state universities.

(b) No more than the equivalent of 15 waivers may be awarded at each of the regional universities and The Evergreen State College.

The waivers are not subject to the limitations established in RCW 28B.15.740. Students receiving waivers shall not be counted within the expenditure per student requirements in subsection (2) of this section or sections 602 through 608 of this act.

*Sec. 601 was partially vetoed, see message at end of chapter.

***NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

	FY 1986	FY 1987
General Fund Appropriation	\$ 240,678,000	240,760,000
Total Appropriation	\$481,438,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$132,157,000 from the fiscal year 1986 general fund appropriation and \$132,157,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$1,587 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$2,808,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$160,000 may be spent on activities related to federated learning centers.

(2) \$1,920,000 from the fiscal year 1986 general fund appropriation and \$1,920,000 from the fiscal year 1987 general fund appropriation are provided solely for the operation of the state board office.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$12,657,000
- (b) Plant operations and maintenance \$61,424,000

(4) *A maximum of \$648,000 may be spent for intercollegiate sports purposes.*

*Sec. 602 was partially vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

	FY 1986	FY 1987
General Fund Appropriation	\$ 218,702,000	218,721,000
Medical Aid Fund Appropriation	\$ 1,059,000	1,059,000
Accident Fund Appropriation	\$ 1,059,000	1,059,000
General Fund—Death Investigations		
Account Appropriation	\$ 335,000	379,000
Total Appropriation	\$442,373,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,790,000 from the fiscal year 1986 general fund appropriation and \$126,791,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$4,281 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,829,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$400,000 may be spent for costs of initiating in underserved urban areas those undergraduate programs that are intended to become substantially self-supporting. Full time equivalent enrollments resulting from expenditures under this subsection are not subject to the conditions of subsection (1) of this section. The university shall make every effort to provide the classes authorized in this subsection on the university campus.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$8,318,000
- (b) Plant operations and maintenance \$48,148,000

(4) Salary increases, *other than normal increments*, for the faculty of the University of Washington, effective January 1, 1986, may be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for

granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

(5) A maximum of \$25,000 from the general fund appropriation may be spent for the purpose of developing and/or operating a cardiac transplantation unit. The university shall provide a report to the senate and house ways and means committees on January 1, 1986, and January 1, 1987. The report shall detail total expenditures to date by fiscal year and by each fund source relating to the development and/or operation of the cardiac transplantation unit and shall include expenditures from all fund sources.

(6) A minimum of \$789,000 shall be spent for support of computer grants.

(7) \$131,000 of the general fund appropriation is provided solely for the handling of the papers of Senator Magnuson and Senator Jackson.

*Sec. 603 was partially vetoed, see message at end of chapter.

*NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 125,353,000	124,940,000
Total Appropriation	\$250,293,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$55,330,000 from the fiscal year 1986 general fund appropriation and \$55,320,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$3,458 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,222,000 shall be spent for enhancement of the instructional equipment budget.

(2) The office of financial management shall initially allot for the following:

(a) Equipment	\$3,743,000
(b) Plant operations and maintenance (09)	\$33,092,000
(c) Agriculture Research (021)	\$23,573,000
(d) Cooperative Extension (032)	\$16,505,000

(3) A maximum of \$170,000 may be spent for continued funding of the endrin replacement project.

(4) The college of agriculture and home economics shall establish a plan for agricultural research projects and programs. The plan shall be developed in consultation with representatives of the state's agricultural industry. The plan shall identify the amount of funds allocated to or proposed to be allocated to the research projects and programs, by subject area, during each of fiscal years 1986 and 1987 and shall establish an order of priority for funding the various types and subject areas of agricultural research. The order of priority and funding shall reflect the current and future needs of Washington state agriculture and the process to coordinate with research of other land grant universities. The dean of the college shall submit the plan to the office of financial management and to the ways and means committees of the house of representatives and senate by January 1, 1986.

(5) Salary increases , **other than normal increments**, for the faculty of Washington State University, effective January 1, 1986, shall be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

(6) A maximum of \$7,500 per academic year full time equivalent enrollment averaged for the biennium may be spent at the southwest joint center for education on the total cost of providing education programs as authorized by the legislature.

(7) A maximum of \$1,165,000 may be spent on intercollegiate sports activities.

(8) Nothing in this section prevents expenditure for civic improvements.

*Sec. 604 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 36,274,000	35,293,000
Total Appropriation	\$71,567,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,912,000 from the fiscal year 1986 general fund appropriation and \$17,932,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,632 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$199,000 shall be spent for enhancement of the instructional equipment budget.

(2) A maximum of \$402,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$918,000
- (b) Plant operations and maintenance \$13,072,000

(4) A maximum of \$1,000,000 may be spent on intercollegiate sports activities.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 31,191,000	30,341,000
Total Appropriation	\$61,531,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,059,000 from the fiscal year 1986 general fund appropriation and \$15,202,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,625 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$147,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$318,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$805,000
- (b) Plant operations and maintenance \$9,848,000

(4) A maximum of \$441,000 may be spent on intercollegiate sports activities.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

	FY 1986	FY 1987
General Fund Appropriation	\$ 16,768,000	16,875,000

Total Appropriation \$33,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,813,000 from the fiscal year 1986 general fund appropriation and \$7,007,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,831 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$132,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, at least \$582,000 shall be spent for enrollments in underserved urban areas.

(2) A maximum of \$130,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) \$20,000 is provided solely for fiscal year 1986 from the general fund appropriation for the Washington state institute for public policy to complete the Washington state minorities incarceration study using the staff of the University of Washington. \$15,000 of this amount is provided solely for increasing the number of sample counties in the study. \$5,000, or the amount equal to the unexpended balance of the 1983-85 appropriation for this purpose, is provided solely for continuation of the original study. The expanded study shall be presented to the legislature by November 1, 1985.

(4) \$75,000 of the fiscal year 1986 general fund appropriation is provided solely for the institute of public policy to conduct a study using the staff of the school of business administration at the University of Washington to update the 1972 Washington input-output study. The study shall be completed and a report made to the senate and house ways and means committees by June 30, 1986.

(5) A maximum of \$40,000 from the general fund—state appropriation may be spent for matching funds as provided in this subsection. The Washington state center for the improvement of the quality of undergraduate instruction shall include The Evergreen State College, as a participant with other higher education institutions desiring to participate, in instructional program innovation through the establishment of federated learning centers. State funds shall be matched with cash matching funds to the greatest extent possible.

(6) The office of financial management shall initially allot for the following:

- (a) Equipment \$722,000
- (b) Plant operations and maintenance \$6,184,000

(7) A maximum of \$178,000 may be spent on intercollegiate sports activities.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 38,731,000	37,603,000
Total Appropriation	\$76,333,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,582,000 from the fiscal year 1986 general fund appropriation and \$21,442,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,668 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$371,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$407,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$1,991,000
- (b) Plant operations and maintenance \$9,752,000

(4) A maximum of \$395,000 may be spent on intercollegiate sports activities.

***NEW SECTION. Sec. 609. FOR THE COUNCIL FOR POST-SECONDARY EDUCATION**

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 17,966,000	17,967,000
General Fund Appropriation—Federal	\$ 1,817,000	1,817,000
State Educational Grant Appropriation	\$ 20,000	20,000
Total Appropriation	\$39,607,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) ***\$16,824,000 from the fiscal year 1986 general fund—state appropriation and \$16,824,000 from the fiscal year 1987 general fund—state appropriation are provided solely for student financial aid, including administrative costs.*** No later than June 30, 1986, the council's first priority shall be to provide financial assistance to the core of students with extremely high unmet need. The council shall adopt a definition for this group of students and provide financial aid for all such students at a standard to be established by the council. To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The council shall take all necessary management precautions to ensure that financial aid awards to individuals and institutions do not exceed the amounts provided in subsection (1) of this section. Any over-commitment of funds shall be paid directly from the funds provided for the coordination and policy analysis program until those funds are exhausted.

*Sec. 609 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 610. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

	FY 1986	FY 1987
General Fund Appropriation—State \$	3,513,000	2,763,000
General Fund Appropriation—Federal . . . \$	11,280,000	11,280,000
General Fund—Fire Service Training		
Account Appropriation \$	250,000	250,000
Total Appropriation	\$29,336,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) No state funds may be used by the advisory council for vocational education.

(2) \$750,000 of the general fund—state appropriation is provided solely for services and supplies in the job skills program initiated but not completed during the 1983–85 biennium.

(3) If Substitute Senate Bill No. 3442 is not enacted by July 1, 1985, the fire service training account appropriations in this section shall revert.

(4) A maximum of \$2,980,390 is provided for the fire service training program, of which \$1,288,801 is from the general fund—state appropriation, \$1,191,589 is from the general fund—federal appropriation, and \$500,000 is from the fire service training account appropriation.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION PERSONNEL BOARD

	FY 1986	FY 1987
Higher Education Personnel Board Service		
Fund Appropriation \$	894,000	885,000
Total Appropriation	\$1,779,000	

NEW SECTION. Sec. 612. FOR THE STATE LIBRARY

	FY 1986	FY 1987
General Fund Appropriation—State \$	4,262,000	4,262,000
General Fund Appropriation—Federal . . . \$	1,188,000	1,188,000
General Fund Appropriation—		
Private/Local \$	50,000	50,000
Washington Library Network Computer		
System Revolving Fund Appropria-		
tion—Private/Local \$	6,281,000	6,943,000
Total Appropriation	\$24,224,000	

NEW SECTION. Sec. 613. FOR THE WASHINGTON STATE ARTS COMMISSION

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,952,000	1,586,000
General Fund Appropriation—Federal . . . \$	469,000	469,000
Total Appropriation	\$4,476,000	

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund—state appropriation may be expended for works of art in the rotunda area of the legislative building, assisted by the joint legislative arts committee, to assist in the recognition of the 1989 Centennial. The works of art shall depict the early history of the state of Washington and its natural resources, agriculture, economy, and industry.

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

	FY 1986	FY 1987
General Fund Appropriation \$	315,000	315,000
Total Appropriation	\$630,000	

NEW SECTION. Sec. 615. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

	FY 1986	FY 1987
General Fund Appropriation \$	313,000	313,000
Total Appropriation	\$626,000	

NEW SECTION. Sec. 616. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

	FY 1986	FY 1987
General Fund Appropriation \$	281,000	281,000
General Fund—State Capitol Historical Association Museum Account Appropriation \$	56,000	56,000
Total Appropriation	\$674,000	

Sec. 617. Section 387, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Acquisition and renewal of Neill Residence Hall (CR-86-3-007)

	Reappropriation	Appropriation
GF, ((St)) H Ed Constr Acct		3,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs

6/30/85

Thereafter

3,000,000

(End of Part VI)

PART VII
SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State \$ 1,700,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 702. FOR THE GOVERNOR—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

General Fund Appropriation \$ 26,790,000
Special Fund Salary Increase
Revolving Fund Appropriation \$ 19,120,000
Total Appropriation \$ 45,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,578,000 of the general fund appropriation and \$1,305,000 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of $\$983.72 + (\$3.28 \times \text{points})$ and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. The adjustments shall take place July 1, 1985, and July 1, 1986, and shall equal \$75 a year for all affected classes and employees.

(2) \$350,000 of the general fund—state appropriation shall be used solely by the office of the governor to hire an independent consultant with expertise in developing and evaluating public employee job classification systems and implementing comparable worth. The consultant shall:

- (a) Review the Willis methodology;
- (b) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years;
- (c) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes; and

(d) Evaluate the job class specifications for the implementation of comparable worth.

(3) The department of personnel and the higher education personnel board shall provide any assistance needed by the consultant to perform the activities in subsection (2) of this section. Both the state personnel board and higher education personnel board must submit joint reports to the legislature on the progress to date in implementing the consultant's recommendations no later than January 1, 1986, and July 1, 1986. On January 1, 1987, both boards shall submit a final report to the legislature.

(4) \$150,000 of the general fund—state appropriation shall be used solely for the office of the governor to allocate to agencies that provide technical assistance to the consultant hired under subsection (2) of this section.

(5) \$23,612,000 of the general fund appropriation and \$17,815,000 of the special fund salary increase revolving fund appropriation are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590 and the implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155. The settlement shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher education personnel board. The governor as the chief executive officer of the state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before January 1, 1987, and until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.

(6) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1986, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.

(7) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 703. FOR INSURANCE BENEFITS

(1) The monthly contributions for insurance benefits shall not exceed \$167 per eligible employee.

(2) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1985-87 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(3) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended.

NEW SECTION. Sec. 704. FOR JUDGES' SALARIES

For the 1985-87 biennium:

(1) Each justice of the supreme court shall receive an annual salary of sixty-six thousand dollars.

(2) Each judge of the court of appeals shall receive an annual salary of sixty-three thousand dollars.

(3) Each judge of the superior court shall receive an annual salary of sixty thousand dollars.

NEW SECTION. Sec. 705. FOR THE GOVERNOR—RETIREMENT CONTRIBUTIONS

	FY 1986	FY 1987
General Fund Appropriation	\$ 54,000,000	12,000,000
Special Fund Retirement Contribution Re-		
volving Fund Appropriation	\$ 12,850,000	12,850,000
Total Appropriation	\$91,700,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The governor shall transfer \$26,000,000 of the general fund appropriation to the department of retirement systems during July and August 1985 solely for payment to the teachers' retirement system.

(2) The governor shall allocate not more than \$16,000,000 to the superintendent of public instruction to be used solely for employer contributions to the teachers' retirement system for school and educational service districts during the 1985-86 school year for nonstate-supported certificated staff.

(3) The governor shall allocate to state agencies from the general fund appropriation \$12,000,000 for fiscal year 1986 and \$12,000,000 for fiscal year 1987, and from the special fund retirement contribution revolving fund appropriation \$12,850,000 for fiscal year 1986 and \$12,850,000 for fiscal year 1987. The allocations in this subsection shall be used solely for payment of employer contributions to the public employees' retirement system.

NEW SECTION. Sec. 706. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS

	FY 1986	FY 1987
General Fund Appropriation	\$ 143,000,000	143,000,000
Total Appropriation	\$286,000,000	

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be transferred on a quarterly basis.

(1) \$27,500,000 of the fiscal year 1986 appropriation and \$27,500,000 of the fiscal year 1987 appropriation are provided solely for payment for unfunded liability of the law enforcement officers' and fire fighters' retirement system.

(2) The fiscal year 1986 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis. The fiscal year 1987 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis.

NEW SECTION. Sec. 707. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the General Fund—Institutional Impact Account	\$	350,000
General Fund Appropriation: For transfer to the Energy Account—Nonappropriated, for interest earned in prior biennia	\$	164,733
General Fund Appropriation: For transfer to the General Fund—Flood Control Assistance Account pursuant to RCW 86.26-.007	\$	4,000,000

General Fund—Forest Development Account Appropriation: For transfer to the General Fund—Resource Management Cost Ac- count to the extent funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$ 11,908,000
Motor Vehicle Fund—Highway Stabilization Account Appropriation: For transfer to the Motor Vehicle Fund—State	\$ 25,000,000
Motor Vehicle Fund Appropriation: For trans- fer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1985, through June 30, 1987	\$ 11,250,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or be- fore July 20, 1987, an amount up to \$9,853,000 in excess of the cash require- ments in the State Treasurer's Service Fund for fiscal year 1988, for credit to the fiscal year in which earned	\$ 9,853,000
General Fund—Charitable, Educational, Pe- nal and Reformatory Institutions Account Appropriations: For transfer to the General Fund—Resource Management Cost Ac- count to the extent that funds are available as determined by the department of natu- ral resources. The department shall provide the state treasurer with a schedule of such transfers	\$ 600,000
General Fund Appropriation: For transfer to the Tort Claims Revolving Fund on June 30, 1985	\$ 2,000,000
General Fund Appropriation: For transfer to the Tort Claims Revolving Fund as re- quired to maintain a positive working capi- tal balance.....	\$ 2,000,000

NEW SECTION. Sec. 708. FOR THE DEPARTMENT OF RE-
TIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to
the Department of Retirement Systems

Expense Fund	\$	14,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Ex- pense Fund	\$	72,000
Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund.....	\$	327,000

NEW SECTION. Sec. 709. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

\$	1,145,000
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(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1987, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Criminal Justice		
Training Account	\$	4,094
General fund—Institutional Impact Account	\$	30,593
General Fund—Architects' License Account	\$	1,277
General Fund—Cemetery Account	\$	10
General Fund—Trust Land Purchase Ac- count	\$	73
General Fund—Archives and Records Management Account	\$	5,987
General Fund—Judiciary Education Ac- count	\$	249
General Fund—State Timber		
Tax Reserve Account	\$	169
General Fund—Health Professions Account.....	\$	110
General Fund—Professional Engineers' Ac- count	\$	218
General Fund—Real Estate Commission Ac- count	\$	19,933
General Fund—State Investment Board		
Expense Account	\$	5,732
General Fund—Capitol Building		
Construction Account	\$	30,618
General Fund—Motor Transport Account	\$	10,539
General Fund—State Capitol Historical As- sociation Museum Account	\$	67

General Fund—Resource Management Cost	
Account	\$ 31,248
General Fund—Litter Control Account	\$ 2,767
General Fund—Traffic Safety Education Ac- count	\$ 292
General Fund—Salmon Enhancement	
Construction Account	\$ 5,982
General Fund—State Building Account	\$ 10,680
General Fund—L.I.R. Water Supply	
Facilities Account	\$ 359
General Fund—State Social and Health	
Services Construction Account	\$ 60,813
General Fund—Fisheries Capital	
Projects Account	\$ 1,760
Grade Crossing Protective Fund	\$ 1,772
State Patrol Highway Account	\$ 47,224
Fertilizer, Agriculture, Mineral and	
Lime Fund	\$ 131
Commercial Feed Fund	\$ 296
Seed Fund	\$ 2,863
Electrical License Fund	\$ 1,943
State Game Fund	\$ 41,881
Highway Safety Fund	\$ 8,351
Motor Vehicle Fund	\$ 21,502
Public Service Revolving Fund	\$ 21,945
Horse Racing Commission Fund	\$ 1,516
State Treasurer's Service Fund	\$ 6,831
Legal Services Revolving Fund	\$ 3,818
General Administration Facilities	
and Services Revolving Fund	\$ 996
Department of Personnel Service Fund	\$ 8,604
State Employees' Insurance Fund	\$ 3,355
Data Processing Revolving Fund	\$ 860
State Auditing Services Revolving Fund	\$ 338
Liquor Revolving Fund	\$ 18,665
Department of Retirement Systems Expense	
Fund	\$ 1,456
Accident Fund	\$ 15,683
Medical Aid Fund	\$ 15,720
Washington Library Network	
Computer System Revolving Fund	\$ 9,647

NEW SECTION. Sec. 710. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of

court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) In settlement of all claims for expenses in Fox v. State, Superior Court for King County, Judgment No. 83-2-16479-6, pursuant to RCW 9.01.200, including interest \$ 4,280.00
- (2) In settlement of all claims for expenses in State v. Christian, Superior Court for King County, Judgment No. 59720, pursuant to RCW 9.01.200, including interest \$ 4,880.00
- (3) In settlement of all claims for expenses in State v. Thew, District Court for Spokane County, Judgment No. 8314016, pursuant to RCW 9.01.200, including interest \$ 1,385.00
- (4) In settlement of all claims for expenses in State v. Thacker, Superior Court for Kitsap County, Judgment No. C-3363, pursuant to RCW 9.01.200, including interest \$ 37,715.00
- (5) In settlement of all claims for expenses in State v. Brusseau, Superior Court for Spokane County, Judgment No. 8410532, pursuant to RCW 9.01.200, including interest \$ 900.38
- (6) In settlement of all claims for expenses in Niederer v. Powers, Superior Court for King County, Judgment No. 82-5-50674-6, pursuant to RCW 9.01.200 \$ 3,250.00
- (7) In settlement of all claims for expenses in Carrillo v. State, Superior Court for King County, Judgment No. 84-2-10706-5, pursuant to RCW 9.01.200, including interest \$ 8,812.20
- (8) In settlement of all claims for expenses in Lindsey v. Murphy Brothers Construction, Inc., Superior Court for Ferry County, Judgment No. 7081, pursuant to RCW 9.01.200, including interest \$ 5,607.22
- (9) In settlement of all claims for expenses in Keith v. Cain, Superior Court for King County, Judgment No. 83-2-00358-0,

	pursuant to RCW 9.01.200	\$	3,427.72
(10)	Department of Social and Health Services:		
	(a) Payment for medical insurance premiums for the month of July 1976 due the Health Care Financing Administration	\$	300,190.30
	(b) Payment of judgment in Washington Natural Gas Co. v. State, Superior Court for King County, Judgment No. 80-2-04165-7, including interest	\$	52,330.00
	(c) In settlement of all claims of the parties in Boyce, et al. v. DSHS, Superior Court for Thurston County, Judgment No. 80-2-00309-4, including interest	\$	315,307.00
	(d) Payment of judgment in United Nursing Homes v. State, Superior Court for Thurston County, Judgment No. 80-2-01170-4, including interest: PROVIDED, That to the extent that federal financial participation is available, the department of social and health services shall apply such funds before using this appropriation	\$	72,222.41
	(e) In settlement of all claims of the parties in Washington Federation of State Employees v. State, Superior Court for Thurston County, Cause No. 80-2-00966-1	\$	71,840.93
(11)	Irwin & Associates, Payment of judgment in Irwin v. State, Superior Court for King County, Judgment No. 84-2-18326-8, including interest	\$	56,510.00
(12)	Michael R. Boespflug, In settlement of all claims in State v. State Credit Assoc., Inc., Superior Court for King County, Judgment No. 848-936 including interest	\$	34,709.40
(13)	In settlement of all claims of the parties in Burman v. State, Superior Court for King County, Cause No. 82-2-09155-3: PROVIDED, That payment shall be made from the Public Safety and Education Account, under the control of the court, and any remaining balance be returned to the state	\$	1,200,000.00
(14)	William J. Rush, Payment of judgment in State v. American Antenna Corp., Superior Court for Pierce County, Judgment No.		

82-2-01064-8.....	\$	80,000.00
(15) Ray A. Bonderman, Payment for loss of personal property while under protection of the department of fisheries.....	\$	889.80
(16) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Ray Beller.....	\$	4,086.03
(b) Barry J. Wheeler.....	\$	2,150.72
(c) Robert M. Smith.....	\$	600.05
(d) Richard E. Rubenser.....	\$	22,107.05
(e) John Frank Thelen.....	\$	4,885.00
(f) Lewis B. Cox.....	\$	4,224.50
(g) Frank Saitta.....	\$	3,320.00
(h) David K. Billingsley.....	\$	1,441.80
(i) Patrick A. Wolf.....	\$	5,928.00
(j) Dean C. Farrens.....	\$	2,524.50
(17) Office of the Attorney General, payment of judgments for costs (United States Court of Appeals, Third Circuit, Judgment dated May 23, 1983, in appeal Nos. 81-2341/50; United States District Court, Eastern District of Pennsylvania, Judgment dated August 9, 1983 in M.D.L. No. 323; and United States Court of Appeals, Third Circuit, Judgment dated September 6, 1984 in appeal No. 83-1742), including interest, pursuant to Agreement Re Satisfaction of Judgments which, upon payment of that amount as a result of authorization from the current session, will fully and completely discharge the state from any and all further claims under the judgments.....	\$	34,035.86
(18) Anthony Schwab, Payment of judgment in State v. Schwab, Supreme Court No. 50756-2, including interest.....	\$	2,298.45

NEW SECTION. Sec. 711. FOR THE STATE TREASURER—

STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution.....	\$	4,337,900
General Fund Appropriation for public utility district excise tax distribution.....	\$	21,932,000

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General Fund Appropriation for prosecuting attorneys' salaries	\$	1,708,071
General Fund Appropriation for motor vehicle excise tax distribution	\$	43,415,000
General Fund Appropriation for local mass transit assistance	\$	136,800,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	1,263,292
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	22,073
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	18,778,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	269,336,034
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	44,000,000
General Fund—Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	37,760,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	23,378,000
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	7,858,000
General Fund—Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	200,000
Total Appropriation	\$	610,788,370

NEW SECTION. Sec. 712. FOR THE STATE TREASURER—

FEDERAL REVENUES FOR DISTRIBUTION

Federal Forest Revolving Fund Appropriation for federal forest fund distribution	\$	25,164,000
General Fund Appropriation for federal flood control funds distribution	\$	30,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
General Fund—Geothermal Account Appropriation	\$	117,260
General Fund Appropriation for distribution to counties in conformance with Public Law 97-99	\$	837,896
Total Appropriation	\$	26,199,156

**NEW SECTION. Sec. 713. FOR THE STATE TREASURER—
BOND RETIREMENT AND INTEREST, INCLUDING ONGOING
BOND REGISTRATION AND TRANSFER CHARGES**

Fisheries Bond Redemption Fund 1977 Appropriation	\$	3,476,774
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	4,666,130
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,746,565
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,626,243
Highway Bond Retirement Fund Appropriation	\$	138,861,113
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	234,600
Higher Education Bond Redemption Fund 1977 Appropriation	\$	15,087,751
Ferry Bond Retirement Fund 1977 Appropriation	\$	29,142,170
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,594,770
General Administration Building Bond Redemption Fund Appropriation	\$	29,425
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,470,955
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation	\$	3,215,565
Spokane River Toll Bridge Account Appropriation	\$	886,400
Higher Education Bond Retirement Fund 1979 Appropriation	\$	32,531,592
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	208,589,280
Fisheries Bond Redemption Fund 1976 Appropriation	\$	766,136
State Building Bond Redemption Fund 1967 Appropriation	\$	652,100
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	16,067,247
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,876,110

Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,276,470
Water Pollution Control Facilities Bond Re- demption Fund 1967 Appropriation	\$	4,015,067
State Building and Higher Education Construc- tion Bond Redemption Fund 1967 Appro- priation	\$	10,240,447
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,456,880
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	98,604,041
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,974,758
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,734,611
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,990,090
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,508,345
State Building Authority Bond Redemption Fund Appropriation	\$	9,562,105
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	276,830
University of Washington Hospital Bond Re- tirement Fund 1975 Appropriation	\$	1,165,915
Washington State University Bond Redemption Fund 1977 Appropriation	\$	559,295
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,173,165
State Building Bond Redemption Fund 1973 Appropriation	\$	3,824,535
State Building Bond Retirement Fund 1975 Appropriation	\$	1,358,440
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,374,678
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,480,564
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	375,371
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,457,123
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,201,300

State Facilities Renewal Bond Retirement Fund

Appropriation	\$	6,356,000
Total Appropriation	\$	677,486,956

NEW SECTION. Sec. 714. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1985.

NEW SECTION. Sec. 715. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 716. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 717. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the respective construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 718. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 719. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1985 legislature shall be construed in a manner consistent with legislation enacted by

the 1985 legislature to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 720. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 244, Laws of 1984, section 9, chapter 6, Laws of 1985 and RCW 43.63A.200;

(2) Section 2, chapter 244, Laws of 1984, section 42, chapter 57, Laws of 1985 and RCW 43.79.450; and

(3) Section 3, chapter 244, Laws of 1984 and RCW 43.79.452.

NEW SECTION. Sec. 721. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 722. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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Passed the Senate June 10, 1985.

Passed the House June 10, 1985.

Approved by the Governor June 27, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State June 27, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to several sections, Second Substitute Senate Bill No. 3656, entitled:

"AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1985 and ending June 30, 1987."

Section 1, Subsection (3), Page 2, Biennial budget.

The effect of this section is to place an absolute prohibition on transferring appropriations between fiscal years 1986 and 1987. Based on the language of Subsection (4) of this section, I do not believe the Legislature intended this absolute prohibition and the consequent restrictions on management actions. In removing this language, I do not intend to transfer appropriations between programs. Rather, I

want to ensure the ability to allot monies as needed over the entire biennium. I have therefore vetoed this section.

As further explanation of my veto of Subsection (3), I am offering the following comment on the language in Subsection (5) which states the Legislature's intent that the dollars appropriated are to sustain state government through the biennium without any supplemental appropriations. I endorse this statement and will manage within the scope of this policy. However, if the assumptions underlying the appropriations in this document as to enrollments, caseloads, prison population, and other critical factors vary significantly, it could result in a supplemental budget request.

Section 2, Page 2, OFM review of publications.

This section prohibits production or publication of any magazine or brochure unless it has been expressly authorized by the director of Financial Management. I believe agency directors and elected officials should be responsible for the content of their publications and whether or not to publish them. I also believe that sufficient oversight authority already exists under RCW 40.07. However, we will advise agencies of the Legislature's concern. Agencies will be required to review their policies on publications and expected to use restraint.

Section 119, The Proviso, Page 7, Excess appropriations by OFM for State Auditor.

I have vetoed the proviso to this section which places certain conditions and limitations upon the director of Financial Management in relationship to the State Auditor. RCW 43.09.418 currently allows the director of the office of Financial Management the discretion to approve payments to the State Auditor in excess of the legislative appropriation in cases of necessity. This proviso in the budget would require OFM to approve any additional payments as determined by the State Auditor. This language appears to limit the discretion of OFM rather than broaden it.

Section 121, Subsection (4) in part, Page 8, DWI grants.

I have vetoed the following sentence from Subsection (4) of Section 121: "No city or county is eligible for grants under this subsection unless the city or county has levied or proposed all optional excise taxes authorized by the Legislature." This language appears to disqualify most, if not all, of the fifty jurisdictions presently receiving grants. Few have "levied or proposed all optional excise taxes" which probably means the half-cent sales tax, the quarter percent real estate excise tax, the gambling excise taxes, and other miscellaneous excise taxes.

However, the message from the Legislature to cities and counties is clear - don't ask for more money until you have exhausted or tried to exhaust all avenues to raise local taxes for funding this activity. The funds provided in this budget are to allow local governments time to assume full responsibility for support of this program.

Section 214, Subparagraph (2), Page 36, Work Incentive Demonstration Project

The Work Incentive Demonstration Project (WIN Demo) is a federal program which would require the consolidation of WIN Work Programs under DSHS administration. At the current time, responsibility for the program is divided between DSHS and the Employment Security Department. Implementation of WIN Demo would result in a reduction of federal funds. It is possible, however, that this reduction would be offset by operating efficiencies.

I am vetoing the requirement that a WIN Demo application be submitted to the federal Department of Health and Human Services. I have the matter of WIN Demo and other means to increase the effectiveness of these programs under consideration. My intention is to initiate program changes in this area within the near future.

Section 214, Subparagraphs (3) and (4), Page 36 and 37, Community Work Training Programs.

I am vetoing the sections requiring increases in these programs because no money was appropriated for the staff needed to carry them out.

Section 311, Subsection (2), Page 55, Plans for Salmon fishery management.

I have vetoed Subsection (2) of Section 311 because Subsections (1) and (2) appear redundant in part. I have chosen to retain Subsection (1), which appears to more accurately conform with the description of the activities intended for these funds.

Section 601, Subsection (3) in part, Page 75 and Section 602, Subparagraph (4), Page 77, Community College intercollegiate sports.

I have vetoed the first sentence of Subsection (3) of Section 601 and Subsection (4) of Section 602 which would have placed a \$648,000 maximum on what could have been spent for intercollegiate sports purposes by the State Board for Community College Education. This amount was based upon inaccurate data provided to the Legislature. While I do not condone providing less than accurate figures, either through oversight, inadvertence or neglect, it would be inappropriate to create unintended consequences by imposing the extent of this reduction. I have left intact the portion of Subsection (3) which expresses the Legislature's intent for intercollegiate sports becoming self-supporting to the greatest extent feasible by June 30, 1989. The Board has agreed to restrict spending to 90 percent of the actual current funding level for this activity, which is consistent with the approach for most four year institutions.

Section 603, Subsection (4) in part, Page 78 and Section 604, Subsection (5) in part, Page 80, University of Washington and Washington State University faculty salary increases.

I have vetoed the language "other than normal increments" from the first sentence in Subsection (4) of Section 603 and Subsection (5) of Section 604. I have done so because this language appears to have been included inadvertently and only serves to confuse the meaning of this section. The University of Washington and Washington State University do not have "normal increments" for faculty salaries. The vetoed language is standard in salary provisions in a number of other areas of state government where normal increments do occur.

Section 604, Subsection (6), Page 80, W.S.U. Southwest Joint Center for Education.

I have vetoed this section which places a maximum of \$7,500 per academic year for full-time equivalent enrollment average for the biennium to be spent at the Southwest Joint Center for Education for Washington State University. The Southwest Joint Center is intended to provide students in Southwest Washington access to first rate scientific and technical instruction provided by Washington State University. This is a worthwhile objective, but the current costs of this program are more than four times higher on a per student basis than any other similar program. The Legislature found the difference unacceptable and I agree. Reducing costs to a yearly average of \$7,500, however, is simply not practical. It would very likely result in the total failure of this program. While vetoing this provision, I expect the administrators of the Southwest Joint Center program to take effective action beginning immediately to reduce per student costs to a level which is comparable to other similar programs.

Section 609, Subsection (1) in part, Page 84, Funding for Council for Postsecondary Education.

I have vetoed the first sentence in Subsection (1) of Section 609 which reads "16,824,000 from the fiscal year 1986 general fund - State Appropriation and \$16,824,000 from fiscal year 1987 general fund - State Appropriation are provided solely for student financial aid, including administrative costs." A technical error in this subsection resulted in \$300,000 of general operating funds for the agency being earmarked for financial aid. The result is an inadvertent \$300,000 reduction for other council programs which would severely impact this agency.

With the exception of Sections 1 (3), 2, 119 - The proviso, 121 (4) in part, 214 (2), (3) and (4), 311 (2), 601 (3) in part, 602 (4), 603 (4) in part, 604(5) in part, 604 (6), and 609 (1) in part, Second Substitute Senate Bill No. 3656 is approved."

HJR 12 PROPOSED CONSTITUTIONAL AMENDMENTS

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1985 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1985**

HOUSE JOINT RESOLUTION NO. 12

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund or industrial insurance trust fund may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House February 15, 1985.

Passed the Senate February 27, 1985.

Filed in Office of Secretary of State March 4, 1985.

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1985 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1985**

HOUSE JOINT RESOLUTION NO. 22

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 2 of the Constitution of the state of Washington to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election: PROVIDED, That the only requirement under this subsection concerning the number of electors necessary to approve a proposition to levy an additional tax for the public schools is that three-fifths of the electors voting on the proposition vote "yes": PROVIDED FURTHER, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the ((support of the common)) public schools may ((provide such support)) be for a two year period;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than

HJR 22 PROPOSED CONSTITUTIONAL AMENDMENTS

forty per centum of the total number of votes cast in such taxing district at the last preceding general election; PROVIDED, That the only requirement under this subsection concerning the number of electors necessary to approve a proposition to levy an additional tax for the public schools is that three-fifths of the electors voting on the proposition vote "yes"; PROVIDED FURTHER, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 4, 1985.

Passed the Senate April 10, 1985.

Filed in Office of Secretary of State April 16, 1985.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT THE 1985 REGULAR SESSION FOR SUBMISSION TO THE VOTERS AT THE STATE GENERAL ELECTION, NOVEMBER 1985

HOUSE JOINT RESOLUTION NO. 23

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the state Constitution by adding a new section to read as follows:

Article VII, section Notwithstanding any provision of this Constitution, the legislature may by general law for the purpose of permitting special financing of public improvements authorize the legislative authority of any county, city, or town to create boundaries, within its jurisdiction, after such legislative authority conducts a public hearing, containing only that real property which the legislative authority determines will be increased in

true and fair value by reason of specified public improvements within those boundaries. The legislature may further provide that all or a portion of the property taxes levied within those boundaries against increases in the true and fair value of such real property may be used to pay for the specified public improvements or to pay public obligations incurred to fund the specified public improvements. Any such public obligations payable solely from revenues from these public improvements, including such property taxes levied against the increases in real property value and other available non-tax money shall not be the general obligation of or guaranteed by all or any part of the full faith and credit of the sponsor or any other state or local government, or any tax revenues other than tax allocation revenues, and shall not be considered a debt of the sponsor or other state or local government for general indebtedness limitation purposes.

For purposes of this section, "property taxes" means:

(1) Property taxes subject to the aggregate limitation on tax levies by the state and all taxing districts in section 2 of this Article; and

(2) Property taxes levied by port districts and public utility districts, except for property taxes levied specifically for the purpose of making required payments of principal and interest on general indebtedness.

For purposes of this section, "public improvements" means capital projects that benefit the public at large and do not discriminate against any citizen on the basis of race, national origin, color, sex, age, economic status, or the presence of any sensory, mental, or physical handicap.

Nothing in this section authorizes the provision of public improvements which counties, cities, and towns may not otherwise provide.

Nothing in this section authorizes a county, city, or town to exercise powers of eminent domain contrary to the provisions of Article I, section 16.

Nothing in this section authorizes a county, city, or town to pledge all or part of its full faith and credit without complying with the laws relating to the incurring of general indebtedness, including Article VIII, section 1 and Article VIII, section 6, or to aggregate tax levies in excess of the limitation on levies in section 2 of this Article.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 28, 1985.

Passed the Senate April 28, 1985.

Filed in Office of Secretary of State April 30, 1985.

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1985 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1985**

HOUSE JOINT RESOLUTION NO. 42

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII of the Constitution of the state of Washington by adding a new section to read as follows:

Article VIII, section The use of agricultural commodity assessments by agricultural commodity commissions in such manner as may be prescribed by the legislature for agricultural development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 5 of this article.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 16, 1985.

Passed the Senate April 17, 1985.

Filed in Office of Secretary of State April 25, 1985.

AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 1985 1st extraordinary session, chapters 1 through 6, (49th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this twelfth day of July, 1985.

A handwritten signature in black ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

DENNIS W. COOPER
Code Reviser

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SSB 3398	72	SSB 3786	382
SB 3400	459	SSB 3792	305
SB 3401	173	SB 3794	200
SB 3406	43	SSB 3797	378
SSB 3407	40	SSB 3799	383
SB 3408	41	SB 3800	469
SB 3409	42	SB 3804	321
SB 3415	224	SB 3812	316
SB 3420	319	SB 3818	192
SB 3426	314	SB 3826	71
SB 3427	354	2SSB 3828	451
SB 3436	252	SB 3829	322
SSB 3438	308	SB 3830	254
SSB 3442	312	SB 3846	214
SB 3445	253	SB 3851	323
SSB 3450	428	SB 3852	294
SB 3456	371	SB 3854	273
SB 3467	187	SSB 3856	470
SSB 3468	293	SSB 3882	295
SB 3486	172	SSB 3897	238
SB 3494	170	SSB 3898	296
SSB 3500	376	SSB 3904	297
SSB 3516	379	SB 3906	235
SSB 3536	95	SSB 3911	386
SB 3538	46	SSB 3920	460
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SB 3551	32	SSB 3989	54
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SB 3576	27	SSB 4107	447
SSB 3580	290	SB 4110	225
SB 3593	255	SSB 4114	171
SSB 3594	66	SB 4115	439
SB 3596	201	SB 4121	26
SSB 3598	90	SB 4122	25
SB 3601	380	SB 4127	226
SSB 3602	239	SB 4129	298
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SB 4216	202	HB 92	77
SB 4227	216	SHB 94	124
SSB 4228	471	HB 99	148
SSB 4229	50	SHB 101	473
SSB 4231	464	HB 107	327
SB 4236	199	HB 116	461
SB 4259	203	SHB 124	217
SSB 4263	440	SHB 127	155
SB 4266	67	HB 132	179
SSB 4267	432	SHB 133	142
SB 4278	391	HB 139	246
SB 4288	299	2SHB 141	403
SSB 4294	227	HB 142	82
SB 4302	426	HB 149	83
SSB 4314	208	SHB 150	396
SSB 4358	325	HB 152	180
SSB 4361	291	HB 153	276
SSB 4386	392	SHB 155	156
SSB 4399	388	HB 156	157
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		SHB 163	101
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		HB 183	104
		SHB 187	400
		SHB 188	78
		SHB 189	112
		SHB 190	340
		SHB 194	153
		SHB 199	280
		SHB 203	429
		SHB 204	279
		HB 213	81
		SHB 214	267
		SHB 220	114
		HB 222	189
		SHB 223	123
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		SHB 232	453
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HB 281	167	SHB 606	398
HB 293	137	HB 610	213
SHB 297	247	SHB 622	268
SHB 303	161	SHB 625	466
HB 310	86	2SHB 627	467
HB 312	16	HB 629	282
SHB 314	405	HB 643	138
HB 318	406	HB 657	103
SHB 321	120	SHB 660	333
SHB 323	244	HB 670	107
HB 327	331	HB 675	139
HB 331	218	SHB 717	206
2SHB 356	245	HB 718	395
HB 357	334	HB 720	140
SHB 358	336	SHB 731	113
SHB 379	397	2SHB 738	229
SHB 380	454	SHB 746	108
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SHB 403	98	SHB 804	345
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2SHB 428	162	HB 808	220
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SHB 435	462	SHB 815	249
SHB 444	102	HB 830	85
SHB 459	127	SHB 831	130
SHB 460	121	HB 832	274
SHB 461	446	SHB 837	122
SHB 466	248	SHB 839	126
SHB 469	131	SHB 843	415
HB 479	182	SHB 846	444
SHB 481	116	SHB 848	346
SHB 482	117	2SHB 849	420
SHB 490	17	SHB 850	18
HB 492	183	HB 853	258
SHB 500	5	SHB 855	164
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HB 1000	132
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HB 1004	133
HB 1006	134
HB 1009	135
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2SHB 1056	422
SHB 1060	413
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SHB 1063	39
2SHB 1065	423
2SHB 1078	418
SHB 1079	232
SHB 1080	221
SHB 1082	337
SHB 1084	339
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SHB 1114	144
SHB 1116	425
SHB 1129	128
SHB 1133	205
SHB 1169	329
SHB 1170	409
SHB 1190	408
SHB 1191	143
SHB 1195	411
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1.16.020	AMD	175	2	5.36.020	REP	68	1
1.16.050	AMD	189	1	5.56.020	REP	68	1
2.08	ADD	357	5	5.56.030	REP	68	1
2.08.061	AMD	357	1	5.56.040	REP	68	1
2.08.062	AMD	357	2	5.60.010	REP	68	1
2.08.064	AMD	357	3	5.60.040	REP	68	1
2.42	ADD	389	11-18	6.32.010	AMD	215	1
2.42.050	AMD	389	20	7	ADD	394	1-4
2.56.100	AMD	57	1	7.04	ADD	265	2
3.46.030	AMD	303	13	7.04.090	AMD	265	1
3.46.120	AMD	389	3	7.06.020	AMD	265	3
3.50.020	AMD	303	14	7.16.090	REP	68	1
3.50.100	AMD	389	4	7.24.040	REP	9	3
3.58.010	AMD	7	1	7.24.050	REEN	9	2
3.62.020	AMD	389	5	7.48A.040	AMD	235	1
3.62.040	AMD	389	6	7.48A.050	AMD	235	2
4.08.010	REP	68	1	7.68.020	AMD	443	11
4.08.070	REP	68	1	7.68.030	AMD	443	12
4.08.200	REP	68	1	7.68.035	AMD	443	13
4.12.025	AMD	68	2	7.68.060	AMD	443	14
4.12.026	REP	68	1	7.68.070	AMD	443	15
4.12.027	REP	68	1	7.68.130	AMD	443	16
4.16.110	REEN	11	2	7.69	ADD	443	4,5
4.16.370	REEN	11	3	7.69.010	AMD	443	1
4.20.020	AMD	139	1	7.69.020	AMD	443	2
4.20.060	AMD	139	2	7.69.030	AMD	443	3
4.24	ADD	275	1,2	7.70.020	AMD	326	27
4.24.240	AMD	326	25	8.12.300	AMD	469	3
4.24.290	AMD	326	26	8.12.430	AMD	469	4
4.24.300	AMD	443	19	8.12.460	AMD	469	5
4.24.310	AMD	443	20	9.02	ADD	213	3
4.28.005	REP	68	1	9.41	ADD	428	2,5
4.28.090	AMD	469	1	9.41.070	AMD	428	3
4.28.110	AMD	469	2	9.41.090	AMD	428	4
4.32.040	REP	68	1	9.41.290	AMD	428	1
4.32.230	REP	68	1	9.45.250	REP	430	6
4.36.180	REP	68	1	9.46.020	AMD	75	1
4.36.200	REP	68	1	9.46.020	AMD	86	1
4.44.030	REP	68	1	9.46.020	AMD	468	1
4.44.050	REP	68	1	9.46.020	AMD	473	1
4.44.430	REP	68	1	9.46.030	AMD	170	1
4.56.020	REP	68	1	9.46.030	AMD	473	2
4.76.020	REP	68	1	9.46.100	AMD	405	505
4.76.040	REP	68	1	9.46.110	AMD	172	1
4.76.050	REP	68	1	9.46.110	AMD	468	2
4.76.060	REP	68	1	9.46.116	AMD	7	2
4.84.080	AMD	240	1	9.61.230	AMD	288	11
4.84.180	REP	68	1	9.68.140	AMD	235	3
4.92	ADD	217	6	9.69.100	AMD	443	21
4.92.060	AMD	217	1	9.73.030	AMD	260	2
4.92.070	AMD	217	2	9.94.049	AMD	350	3
4.92.130	AMD	217	3	9.94A	ADD	346	1-4,7
4.92.140	AMD	188	8	9.94A	ADD	443	8,10
4.92.140	AMD	217	4	9.94A.030	AMD	346	5
4.92.150	AMD	188	9	9.94A.110	AMD	443	6
4.92.150	AMD	217	5	9.95.009	AMD	279	1
5	ADD	447	1-3	9.95A.010	REP	52	1
5.04.010	REP	68	1	9.95A.020	REP	52	1

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9.95A.030	REP	52			
9.95A.040	REP	52			
9.95A.050	REP	52	9A.82.130	AMD	455
9.95A.060	REP	52	9A.82.130	REP	455
9.95A.070	REP	52			
9.95A.080	REP	52	9A.82.140	AMD	455
9.95A.090	REP	52	9A.82.140	REP	455
9.95A.900	REP	52			
9.95A.905	REP	52	9A.82.150	AMD	455
9A	ADD	288	9A.82.150	REP	455
9A.04.080	AMD	186			
9A.04.080	AMD	455	9A.82.160	AMD	455
9A.36.040	AMD	303	9A.82.160	REP	455
9A.44.120	AMD	404			
9A.52.010	AMD	289	9A.82.170	AMD	455
9A.52.010	REEN	289	9A.82.170	REP	455
9A.56	ADD	382			
9A.56	ADD	430	9A.82.900	REP	455
9A.56.010	AMD	382			
9A.64.020	AMD	53	9A.82.901	AMD	455
9A.64.030	AMD	7	9A.82.901	REP	455
9A.72	ADD	327			
9A.72.110	AMD	327	10	ADD	89
9A.72.130	AMD	327	10.01.160	AMD	389
9A.82	ADD	455	10.05	ADD	352
9A.82.010	AMD	455	10.05	ADD	352
9A.82.010	REP	455	10.05.010	AMD	352
	(Effective 7/1/95)		10.05.020	AMD	352
9A.82.020	AMD	455	10.05.040	AMD	352
9A.82.020	REP	455	10.05.050	AMD	352
	(Effective 7/1/95)		10.05.060	AMD	352
9A.82.030	AMD	455	10.05.070	AMD	352
9A.82.030	REP	455	10.05.080	AMD	352
	(Effective 7/1/95)		10.05.090	AMD	352
9A.82.040	AMD	455	10.05.100	AMD	352
9A.82.040	REP	455	10.05.110	AMD	352
	(Effective 7/1/95)		10.05.120	AMD	352
9A.82.050	REP	455	10.16.090	REP	68
	(Effective 7/1/95)		10.31.100	AMD	267
9A.82.060	AMD	455	10.31.100	AMD	303
9A.82.060	REP	455	10.46.030	REP	68
	(Effective 7/1/95)		10.52.020	REP	68
9A.82.070	REP	455	10.77.250	AMD	245
	(Effective 7/1/95)		10.82.070	AMD	389
9A.82.080	AMD	455	10.82.080	AMD	245
9A.82.080	REP	455	10.98.040	AMD	201
	(Effective 7/1/95)		10.98.050	AMD	201
9A.82.090	AMD	455	10.98.080	AMD	201
9A.82.090	REP	455	10.98.090	AMD	201
	(Effective 7/1/95)		10.98.100	AMD	201
9A.82.100	AMD	455	10.98.140	AMD	201
9A.82.100	REP	455	10.99.040	AMD	303
	(Effective 7/1/95)		10.99.050	AMD	303
9A.82.110	AMD	455	11.02	ADD	30
9A.82.110	REP	455	11.02.001	REEN	30
	(Effective 7/1/95)		11.02.005	REEN	30
9A.82.120	AMD	455	11.12.250	REEN	23
9A.82.120	REP	455	11.12.255	REEN	23
			11.12.260	REEN	23

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11.16.050	REP	30	143	11.96.070	REEN	31	8
11.28.120	AMD	133	1	11.96.080	REEN	31	9
11.28.240	REEN	30	5	11.96.090	REEN	31	10
11.36.021	REEN	30	6	11.96.100	AMD	31	11
11.52.012	AMD	194	1	11.96.100	REEN	31	11
11.52.020	AMD	194	2	11.96.110	AMD	31	12
11.52.022	AMD	194	3	11.96.110	REEN	31	12
11.68.090	AMD	30	7	11.96.120	REEN	31	13
11.68.090	REEN	30	7	11.96.130	AMD	31	14
11.68.110	REEN	30	8	11.96.130	REEN	31	14
11.92.040	REEN	30	9	11.96.140	REEN	31	15
11.92.140	REEN	30	10	11.96.150	REEN	31	16
11.92.150	REEN	30	11	11.96.160	REEN	31	17
11.93.010	REEN	30	12	11.96.170	REEN	31	18
11.93.020	AMD	30	13	11.96.180	REEN	31	19
11.93.020	REEN	30	13	11.97.010	REEN	30	38
11.93.030	REEN	30	14	11.97.900	REEN	30	39
11.93.040	REEN	30	15	11.98	ADD	30	141
11.93.050	REEN	30	16	11.98.009	REEN	30	40
11.93.060	REEN	30	17	11.98.016	REEN	30	41
11.93.070	REEN	30	18	11.98.019	AMD	30	42
11.93.080	REEN	30	19	11.98.019	REEN	30	42
11.93.900	REEN	30	20	11.98.029	AMD	30	43
11.93.910	REEN	30	21	11.98.029	REEN	30	43
11.93.911	REEN	30	22	11.98.029	REP	30	143
11.93.912	AMD	30	23	11.98.039	AMD	30	44
11.93.912	REEN	30	23	11.98.039	REEN	30	44
11.93.920	REEN	30	24	11.98.045	REEN	30	45
11.94	ADD	30	140	11.98.051	REEN	30	46
11.94.010	AMD	30	25	11.98.055	REEN	30	47
11.94.010	REEN	30	25	11.98.060	REEN	30	48
11.94.020	AMD	30	26	11.98.065	REEN	30	49
11.94.020	REEN	30	26	11.98.070	AMD	30	50
11.94.030	AMD	30	27	11.98.070	REEN	30	50
11.94.030	REEN	30	27	11.98.080	AMD	30	51
11.94.040	AMD	30	28	11.98.080	REEN	30	51
11.94.040	REEN	30	28	11.98.090	REEN	30	52
11.94.050	AMD	30	29	11.98.100	REEN	30	53
11.94.050	REEN	30	29	11.98.110	AMD	30	54
11.94.060	AMD	30	30	11.98.110	REEN	30	54
11.94.060	REEN	30	30	11.98.130	REEN	30	55
11.95.010	REEN	30	31	11.98.140	REEN	30	56
11.95.020	REEN	30	32	11.98.150	REEN	30	57
11.95.030	REEN	30	33	11.98.160	REEN	30	58
11.95.040	REEN	30	34	11.98.170	REEN	30	59
11.95.050	REEN	30	35	11.98.900	AMD	30	60
11.95.060	AMD	30	36	11.98.900	REEN	30	60
11.95.060	REEN	30	36	11.98.910	REEN	30	61
11.95.070	AMD	30	37	11.98.920	REEN	30	62
11.95.070	REEN	30	37	11.100.010	REEN	30	63
11.96.009	REEN	31	2	11.100.015	REEN	30	64
11.96.020	REEN	31	3	11.100.020	REEN	30	65
11.96.030	REEN	31	4	11.100.023	AMD	30	66
11.96.040	REEN	31	5	11.100.023	REEN	30	66
11.96.050	REEN	31	6	11.100.025	AMD	30	67
11.96.060	AMD	31	7	11.100.025	REEN	30	67
11.96.060	REEN	31	7	11.100.030	REEN	30	68
11.96.070	AMD	31	8	11.100.035	REEN	30	69

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RCW	CH.	SEC.	RCW	CH.	SEC.
11.100.037	REEN	30	70	11.110.060	REEN 30 117
11.100.040	REEN	30	71	11.110.070	REEN 30 118
11.100.050	REEN	30	72	11.110.073	REEN 30 119
11.100.060	AMD	30	73	11.110.075	REEN 30 120
11.100.060	REEN	30	73	11.110.080	REEN 30 121
11.100.070	REEN	30	74	11.110.090	REEN 30 122
11.100.090	REEN	30	75	11.110.100	REEN 30 123
11.100.120	REEN	30	76	11.110.110	REEN 30 124
11.100.130	REEN	30	77	11.110.120	REEN 30 125
11.100.140	REEN	30	78	11.110.125	REEN 30 126
11.102.010	REEN	30	79	11.110.130	REEN 30 127
11.102.020	REEN	30	80	11.110.140	REEN 30 128
11.102.030	REEN	30	81	11.110.200	REEN 30 129
11.102.040	REEN	30	82	11.110.210	REEN 30 130
11.102.050	REEN	30	83	11.110.220	REEN 30 131
11.104	ADD	30	142	11.110.230	REEN 30 132
11.104.010	REEN	30	84	11.110.240	REEN 30 133
11.104.020	REEN	30	85	11.110.250	REEN 30 134
11.104.030	REEN	30	86	11.110.260	REEN 30 135
11.104.040	AMD	30	87	11.110.900	REEN 30 136
11.104.040	REEN	30	87	12.04.100	AMD 469 6
11.104.050	AMD	30	88	12.20.060	AMD 240 2
11.104.050	REEN	30	88	13	ADD 443 22-24
11.104.060	REEN	30	89	13.04	ADD 50 1
11.104.070	REEN	30	90	13.04.030	AMD 354 29
11.104.080	REEN	30	91		(Effective 1/1/86)
11.104.090	REEN	30	92	13.04.093	AMD 7 4
11.104.120	AMD	30	93	13.04.093	AMD 354 30
11.104.120	REEN	30	93		(Effective 1/1/86)
11.104.130	AMD	30	94	13.04.115	REP 50 2
11.104.130	REEN	30	94	13.04.450	AMD 257 5
11.106.010	REEN	30	95	13.32A.030	AMD 257 6
11.106.020	REEN	30	96	13.32A.050	AMD 257 7
11.106.030	REEN	30	97	13.32A.060	AMD 257 8
11.106.040	REEN	30	98	13.32A.130	AMD 257 9
11.106.050	AMD	30	99	13.32A.170	AMD 257 10
11.106.050	REEN	30	99	13.34	ADD 257 1
11.106.060	REEN	30	100	13.40.030	AMD 73 1
11.106.070	REEN	30	101	13.40.080	AMD 73 2
11.106.080	REEN	30	102	13.40.190	AMD 257 2
11.106.090	REEN	30	103	13.40.210	AMD 287 1
11.106.100	REEN	30	104	13.40.210	AMD 257 4
11.106.110	REEN	30	105	14.08.330	AMD 246 1
11.108.010	REEN	30	106	15	ADD 457 1-7
11.108.020	REEN	30	107	15.04	ADD 26 1
11.108.030	REEN	30	108	15.13.250	AMD 36 1
11.108.040	AMD	30	109	15.13.260	AMD 36 2
11.108.040	REEN	30	109	15.13.270	AMD 36 3
11.108.050	AMD	30	110	15.13.280	AMD 36 4
11.108.050	REEN	30	110	15.13.470	AMD 36 5
11.108.060	REEN	30	111	15.13.490	AMD 36 6
11.108.900	AMD	30	112	15.28.300	AMD 469 7
11.108.900	REEN	30	112	15.44.010	AMD 261 17
11.110.010	REEN	30	113	15.44.080	AMD 261 18
11.110.020	REEN	30	114	15.44.130	AMD 261 19
11.110.040	REEN	30	115	15.52.320	AMD 57 2
11.110.050	REEN	30	116	15.58	ADD 158 1
11.110.060	AMD	30	117	15.58.260	AMD 158 2

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RCW	CH.	SEC.	RCW	CH.	SEC.		
15.65.020	AMD	261	1	18	ADD 326	1-23	
15.65.020	AMD	457	13	18.04.105	AMD	57	3
15.65.070	AMD	261	2	18.08	ADD	37	2-17
15.65.120	AMD	261	3	18.08.100	REP	37	18
15.65.140	AMD	261	4	18.08.120	REP	37	18
15.65.150	AMD	261	5	18.08.130	REP	37	18
15.65.160	AMD	261	6	18.08.140	REP	37	18
15.65.190	AMD	261	7	18.08.150	AMD	7	5
15.65.200	AMD	261	8	18.08.150	REP	37	18
15.65.250	AMD	261	9	18.08.160	REP	37	18
15.65.260	AMD	261	10	18.08.170	REP	37	18
15.65.280	AMD	261	11	18.08.180	REP	37	18
15.65.350	AMD	261	12	18.08.190	AMD	7	6
15.65.390	AMD	261	13	18.08.190	REP	37	18
15.65.410	AMD	261	14	18.08.110	REP	37	18
15.65.440	AMD	261	15	18.08.200	REP	37	18
15.65.630	AMD	261	16	18.08.210	REP	37	18
15.66.010	AMD	457	14	18.08.220	AMD	7	7
15.66.140	AMD	261	20	18.08.220	REP	37	18
16	ADD	412	14-20	18.08.230	REP	37	18
	(Effective 10/1/85)			18.08.240	AMD	57	4
16.04.025	AMD	415	24	18.08.250	REP	37	18
16.04.050	AMD	469	8	18.08.260	REP	37	18
16.08.010	AMD	415	14	18.08.270	REP	37	18
16.13.010	AMD	415	15	18.11.080	AMD	7	8
16.13.020	AMD	415	16	18.11.100	AMD	7	9
16.13.070	AMD	415	17	18.11.110	AMD	7	10
16.20.020	AMD	415	18	18.20.010	AMD	297	1
16.24.065	AMD	415	20	18.20.020	AMD	213	4
16.28.165	AMD	415	21	18.20.060	AMD	213	5
16.36.030	AMD	415	1	18.20.090	AMD	213	6
16.36.060	AMD	415	2	18.20.110	AMD	213	7
16.36.090	AMD	415	3	18.20.160	AMD	297	2
16.36.095	REP	415	13	18.22.060	AMD	7	11
16.36.096	AMD	415	4	18.22.081	AMD	7	12
16.40.010	REP	415	13	18.22.120	AMD	7	13
16.40.060	REP	415	13	18.25.020	AMD	7	14
16.40.110	REP	415	13	18.25.040	AMD	7	15
16.40.120	REP	415	13	18.25.050	AMD	7	16
16.40.130	REP	415	13	18.25.070	AMD	7	17
16.49	ADD	415	11,12	18.28.030	AMD	7	18
16.49.440	AMD	415	5	18.29.020	AMD	7	19
16.49.510	AMD	415	6	18.29.040	AMD	7	20
16.49.610	AMD	415	7	18.29.060	AMD	7	21
16.49A.490	REP	415	13	18.29.070	AMD	7	22
16.49A.500	REP	415	13	18.32	ADD	111	1
16.49A.510	REP	415	13	18.32	ADD	202	1
16.57.240	AMD	415	8	18.32.110	AMD	7	23
16.60.010	AMD	415	22	18.32.120	AMD	7	24
16.60.011	AMD	415	23	18.32.170	AMD	7	25
16.60.015	AMD	415	26	18.32.180	AMD	7	26
16.65.080	AMD	415	9	18.32.210	AMD	7	27
16.65.320	AMD	415	10	18.32.225	AMD	7	28
16.67.124	REP	261	21	18.34.070	AMD	7	29
17.08.020	AMD	469	9	18.35.040	AMD	7	30
17.08.070	AMD	469	10	18.35.060	AMD	7	31
17.21	ADD	158	3	18.35.080	AMD	7	32
17.21.050	AMD	158	4	18.35.090	AMD	7	33

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.36.010	AMD	131			
18.36.040	AMD	7			
18.36.050	AMD	7			
18.36.115	AMD	7			
18.39	ADD	402			
18.39.050	AMD	7			
18.39.120	AMD	7			
18.39.130	AMD	7			
18.39.145	AMD	7			
18.39.150	AMD	7			
18.39.175	AMD	402			
18.39.215	AMD	402			
18.43.050	AMD	7			
18.43.080	AMD	7			
18.43.100	AMD	7			
18.43.110	AMD	7			
18.43.130	AMD	7			
18.43.150	AMD	57			
18.44.010	AMD	7			
18.44.080	AMD	340			
18.44.110	AMD	340			
18.44.208	AMD	340			
18.44.220	AMD	340			
18.44.300	AMD	340			
18.44.310	AMD	340			
18.46.010	AMD	213			
18.46.050	AMD	213			
18.46.060	AMD	213			
18.50.050	AMD	7			
18.50.102	AMD	7			
18.51	ADD	284			
18.51.050	AMD	284			
18.52.130	AMD	7			
18.52A.020	AMD	284			
18.52A.030	AMD	284			
18.53.050	AMD	7			
18.53.070	AMD	7			
18.55.040	AMD	7			
18.55.050	AMD	7			
18.57.050	AMD	7			
18.57.130	AMD	7			
18.57A.040	AMD	7			
18.59.010	REP	296			
					(Effective 6/30/91)
18.59.020	REP	296			
					(Effective 6/30/91)
18.59.030	REP	296			
					(Effective 6/30/91)
18.59.040	AMD	296			
18.59.040	REP	296			
					(Effective 6/30/91)
18.59.050	REP	296			
					(Effective 6/30/91)
18.59.060	REP	296			
					(Effective 6/30/91)
18.59.070	REP	296			
					(Effective 6/30/91)
18.59.080	REP	296			
18.59.090	REP	296			
					(Effective 6/30/91)
18.59.100	REP	296			
					(Effective 6/30/91)
18.59.110	AMD	7			
18.59.110	REP	296			
					(Effective 6/30/91)
18.59.120	REP	296			
					(Effective 6/30/91)
18.59.130	REP	296			
					(Effective 6/30/91)
18.59.140	REP	296			
					(Effective 6/30/91)
18.59.150	REP	296			
					(Effective 6/30/91)
18.59.200	REP	296			
					(Effective 6/30/91)
18.59.900	REP	296			
					(Effective 6/30/91)
18.59.905	REP	296			
					(Effective 6/30/91)
18.64.009	AMD	7			
18.64.160	AMD	7			
18.71.040	AMD	322			
18.71.040	REEN	322			
18.71.050	AMD	322			
18.71.070	AMD	322			
18.71.080	AMD	322			
18.71.080	REEN	322			
18.71.090	AMD	322			
18.71.090	REEN	322			
18.71.095	AMD	322			
18.71A.040	AMD	7			
18.71A.080	AMD	322			
18.72.380	AMD	7			
18.72.390	AMD	57			
18.74.050	AMD	7			
18.74.060	AMD	7			
18.78.080	AMD	7			
18.78.090	AMD	7			
18.83.105	AMD	7			
18.85.090	AMD	162			
18.85.095	AMD	162			
18.85.215	AMD	162			
18.88.160	AMD	7			
18.88.190	AMD	7			
18.88.200	AMD	7			
18.92.115	AMD	7			
18.92.140	AMD	7			
18.92.145	AMD	7			
18.96.040	AMD	18			
18.96.080	AMD	7			
18.96.090	AMD	18			
18.96.100	AMD	7			
18.96.110	AMD	7			
18.96.110	AMD	18			
18.96.130	AMD	18			

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.96.140	AMD	7			
18.106.070	AMD	465			
18.106.090	AMD	7	19.30.020	AMD	280
18.108.060	AMD	7			
18.108.160	AMD	7	19.30.030	AMD	280
18.120.020	AMD	117			
18.120.020	REEN	117	19.30.040	AMD	280
18.120.020	AMD	326			
18.120.020	REEN	326	19.30.050	AMD	280
18.130.040	AMD	326			
18.135	ADD	117	19.30.060	AMD	280
19.02.040	AMD	466			
19.02.050	AMD	466	19.30.070	AMD	280
19.16.140	AMD	7			
19.16.150	AMD	7	19.30.080	REP	280
19.27	ADD	144			
19.27	ADD	360	19.30.100	REP	280
19.27.020	AMD	360			
19.27.030	AMD	144	19.30.110	AMD	280
19.27.030	RECOD	360			
19.27.040	AMD	360	19.30.120	AMD	280
19.27.040	REEN	360			
19.27.050	AMD	360	19.30.130	AMD	280
19.27.060	AMD	360			
19.27.070	AMD	360	19.30.140	REP	280
19.27.075	AMD	144			
19.27.075	RECOD	360	19.31.040	AMD	7
19.27.120	AMD	360	19.31.140	AMD	7
19.27.130	AMD	119	19.32.110	AMD	213
19.27.130	RECOD	360	19.48.110	AMD	129
19.27.200	REP	144	19.52	ADD	395
19.27.210	REP	144	19.52.020	AMD	224
19.27.220	REP	144	19.60.010	AMD	70
19.27.230	REP	144	19.60.085	AMD	70
19.27.240	REP	144	19.76.100	AMD	469
19.27.250	REP	144	19.80.035	AMD	88
19.27.260	REP	144	19.86	ADD	247
19.27.270	REP	144	19.86.920	AMD	401
19.27.280	REP	144	19.126	ADD	440
19.27.290	REP	144	19.126.050	AMD	440
19.27.300	REP	144	20.01.010	AMD	412
19.27.310	REP	144	20.01.620	REP	412
19.27.320	RECOD	360	20.01.630	REP	412
19.27.410	RECOD	360	20.01.640	REP	412
19.27.420	AMD	360	20.01.650	REP	412
19.27.420	RECOD	360	20.01.660	REP	412
19.27.430	RECOD	360	20.01.670	REP	412
19.27.440	RECOD	360	21.20.430	AMD	171
19.27.450	AMD	360	21.25.010	REP	30
19.27.450	RECOD	360	21.25.020	REP	30
19.27.460	AMD	360	21.25.030	REP	30
19.27.460	RECOD	360	21.25.040	REP	30
19.27.905	REP	144	21.25.050	REP	30
19.30	ADD	280	21.25.060	REP	30
	(Effective 1/1/86)		21.25.070	REP	30
19.30	ADD	280	21.25.080	REP	30
	(Effective 1/1/86)		21.25.090	REP	30
19.30.010	AMD	280	21.25.100	REP	30
			21.25.110	REP	30

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RCW	CH.	SEC.	RCW	CH.	SEC.
21.25.900	REP	30			(Effective 9/1/85)
23A.08	ADD	290	26.50.030	AMD	303 2
23A.08	ADD	290			(Effective 9/1/85)
23A.08	ADD	290	26.50.035	AMD	303 3
23A.08.120	AMD	290	26.50.040	AMD	303 4
23A.08.160	REP	290	26.50.060	AMD	303 5
23A.08.190	AMD	290	26.50.090	AMD	303 6
23A.08.210	REP	290	26.50.200	AMD	303 7
23A.08.390	AMD	290	27.12	ADD	392 1
23A.08.440	REP	290	27.24.070	AMD	389 2
23A.08.450	AMD	290	27.26.010	AMD	21 1
23A.12.020	AMD	290	27.26.010	REP	21 10
23A.16.010	AMD	290			(Effective 6/30/88)
23A.16.030	AMD	290	27.26.020	AMD	21 2
23A.16.040	AMD	290	27.26.020	REP	21 10
23A.24.040	AMD	290			(Effective 6/30/88)
23A.28.135	AMD	290	27.34.090	AMD	57 7
23A.28.240	AMD	7	27.34.220	AMD	64 2
23A.32.050	AMD	290	27.40.010	AMD	29 1
23A.32.073	AMD	290	27.40.034	AMD	469 13
23A.32.075	AMD	290	27.44.020	AMD	64 1
23A.32.077	REP	290	27.60	ADD	268 2
23A.32.079	REP	290	27.60	ADD	291 4
23A.32.140	AMD	290	27.60.020	AMD	291 1
23A.40.032	AMD	290	27.60.040	AMD	291 2
23A.40.037	REP	290	27.60.060	AMD	291 3
23A.40.040	AMD	290	27.60.900	AMD	268 3
23A.40.050	REP	290	28A.02.061	AMD	189 2
23A.40.060	AMD	290	28A.02.070	AMD	60 1
23A.40.070	AMD	290	28A.02.080	AMD	341 1
23A.40.090	REP	290	28A.02.201	AMD	16 1
23A.98.030	AMD	290	28A.02.201	AMD	419 3
24.03	ADD	431	28A.02.201	AMD	441 4
24.46.010	AMD	466	28A.02.300	AMD	311 1
25.04.020	REEN	8	28A.02.310	AMD	311 2
25.04.150	AMD	8	28A.03	ADD	62 1-4
25.04.150	REEN	8	28A.03	ADD	225 1
25.12.040	AMD	469	28A.03	ADD	422 2
26.04	ADD	44	28A.03.310	AMD	341 2
26.04.140	AMD	82	28A.03.360	AMD	403 1
26.04.160	AMD	82	28A.03.400	REP	341 17
26.04.170	AMD	82	28A.03.401	REP	341 17
26.04.180	AMD	82	28A.03.402	REP	341 17
26.04.210	AMD	82	28A.03.403	REP	341 17
26.09.105	AMD	108	28A.03.405	REP	341 17
26.26.030	AMD	7	28A.03.407	REP	341 17
26.26.190	AMD	7	28A.03.409	REP	341 17
26.33.080	AMD	421	28A.04	ADD	349 6
26.33.090	AMD	421	28A.04	ADD	419 1
26.33.100	AMD	421	28A.04.134	AMD	341 3
26.33.110	AMD	421	28A.05	ADD	384 1,4
26.33.160	AMD	421	28A.05.010	AMD	419 4
26.33.310	AMD	421	28A.05.040	AMD	384 3
26.44	ADD	35	28A.05.060	AMD	384 2
26.44	ADD	183	28A.13.010	AMD	341 4
26.44	ADD	259	28A.13.065	REP	341 17
26.44.030	AMD	259	28A.13.070	AMD	341 5
26.50.020	AMD	303	28A.21.071	AMD	341 7

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RCW	CH.	SEC.	RCW	CH.	SEC.
28A.21.120	AMD	341	8	28A.57.030	AMD 385 2
28A.21.360	AMD	341	9	28A.57.031	AMD 385 3
28A.24.172	AMD	7	88	28A.57.032	AMD 385 4
28A.27	ADD	441	2,3	28A.57.033	AMD 385 5
28A.27.010	AMD	441	1	28A.57.034	AMD 385 6
28A.30.040	AMD	341	10	28A.57.035	AMD 385 7
28A.31	ADD	49	4,5	28A.57.040	AMD 385 8
28A.31	ADD	216	6	28A.57.050	AMD 6 1
28A.31.102	AMD	49	2	28A.57.050	AMD 385 9
28A.31.104	AMD	49	1	28A.57.055	AMD 385 10
28A.31.108	REP	49	6	28A.57.057	AMD 385 11
28A.31.114	AMD	49	3	28A.57.060	AMD 385 12
28A.31.130	AMD	216	1	28A.57.070	AMD 385 13
28A.31.132	AMD	216	2	28A.57.075	AMD 385 14
28A.31.134	AMD	216	3	28A.57.080	AMD 385 15
28A.31.136	AMD	216	4	28A.57.090	AMD 385 16
28A.31.140	AMD	216	5	28A.57.100	AMD 385 17
28A.41.140	AMD	349	5	28A.57.110	AMD 385 18
28A.41.143	AMD	7	89	28A.57.150	AMD 385 19
28A.41.145	AMD	441	5	28A.57.170	AMD 385 20
28A.41.250	REP	341	17	28A.57.180	AMD 385 21
28A.41.270	REP	341	17	28A.57.190	AMD 385 22
28A.41.280	REP	341	17	28A.57.196	AMD 385 23
28A.41.290	REP	341	17	28A.57.200	AMD 385 24
28A.41.412	REP	341	17	28A.57.240	AMD 385 25
28A.41.520	AMD	59	1	28A.57.245	AMD 385 26
28A.41.525	AMD	59	2	28A.57.342	AMD 385 27
28A.44.170	AMD	341	11	28A.57.344	AMD 385 28
28A.46.010	AMD	57	9	28A.57.390	AMD 385 29
28A.47.055	REP	136	3	28A.58	ADD 349 2,7
28A.47.070	REP	136	3	28A.58	ADD 399 2
28A.47.100	AMD	136	1	28A.58	ADD 422 1,3
28A.47.760	REP	136	3	28A.58.099	AMD 46 1
28A.47.762	REP	136	3	28A.58.099	AMD 210 1
28A.47.764	REP	136	3	28A.58.131	AMD 7 93
28A.47.766	REP	136	3	28A.58.135	AMD 324 1
28A.47.768	REP	136	3	28A.58.137	AMD 7 94
28A.47.770	REP	136	3	28A.58.246	AMD 341 12
28A.47.772	REP	136	3	28A.58.246	AMD 344 1
28A.47.774	REP	136	3	28A.58.247	AMD 344 2
28A.47.792	AMD	4 E1	11	28A.58.248	REP 341 17
28A.47.830	AMD	136	2	28A.58.248	REP 344 3
28A.47.841	AMD	3 E1	1	28A.58.420	AMD 277 8
28A.47.844	AMD	3 E1	2	28A.58.435	AMD 7 95
28A.47B.010	AMD	4 E1	12	28A.58.772	AMD 341 13
28A.52.070	AMD	7	90	28A.58.820	AMD 341 14
28A.56.005	AMD	385	31	28A.58.824	AMD 370 32
28A.56.010	AMD	385	32		(Effective 1/1/86)
28A.56.020	AMD	7	91	28A.58.826	AMD 370 33
28A.56.020	AMD	385	33		(Effective 1/1/86)
28A.56.030	AMD	385	34	28A.58.828	AMD 370 34
28A.56.040	AMD	385	35		(Effective 1/1/86)
28A.56.050	AMD	7	92	28A.58.830	AMD 370 35
28A.56.060	AMD	385	36		(Effective 1/1/86)
28A.56.070	AMD	385	37	28A.58.832	REP 341 17
28A.57	ADD	385	30	28A.67	ADD 349 4
28A.57	ADD	385	38	28A.67	ADD 420 3
28A.57.020	AMD	385	1	28A.67	ADD 420 4

"E1" Denotes 1st ex. sess.

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RCW	CH.	SEC.	RCW	CH.	SEC.
	(Effective 9/1/86)		28B.10.646	REP 461	16
28A.67	ADD 420	5,7,8	28B.10.650	AMD 370	53
28A.67.020	AMD 379	5		(Effective 1/1/86)	
28A.67.050	REP 341	17	28B.10.790	AMD 370	54
28A.67.065	AMD 420	6		(Effective 1/1/86)	
28A.67.074	AMD 341	15	28B.10.792	AMD 370	55
28A.71	ADD 419	2		(Effective 1/1/86)	
28A.71.210	AMD 214	1	28B.10.802	AMD 370	56
28A.97	ADD 434	2-4		(Effective 1/1/86)	
28B	ADD 370	97-102	28B.10.821	AMD 57	10
28B.04.020	AMD 370	36	28B.10.830	REP 218	3
	(Effective 1/1/86)		28B.10.832	REP 218	3
28B.04.030	AMD 370	37	28B.10.834	REP 218	3
	(Effective 1/1/86)		28B.10.836	REP 218	3
28B.04.040	AMD 370	38	28B.10.840	AMD 370	57
	(Effective 1/1/86)			(Effective 1/1/86)	
28B.04.050	AMD 370	39	28B.10.850	AMD 4 E1	13
	(Effective 1/1/86)		28B.10.851	AMD 57	11
28B.04.060	AMD 370	40	28B.10.852	AMD 57	12
	(Effective 1/1/86)		28B.12.040	AMD 370	58
28B.04.070	AMD 370	41		(Effective 1/1/86)	
	(Effective 1/1/86)		28B.12.050	AMD 370	59
28B.04.080	AMD 370	42		(Effective 1/1/86)	
	(Effective 1/1/86)		28B.12.060	AMD 370	60
28B.04.110	AMD 370	43		(Effective 1/1/86)	
	(Effective 1/1/86)		28B.12.070	AMD 370	61
28B.05.030	AMD 370	44		(Effective 1/1/86)	
	(Effective 1/1/86)		28B.14C.010	AMD 390	2
28B.05.040	AMD 7	96	28B.14C.010	AMD 4 E1	14
28B.05.050	AMD 370	45	28B.14C.080	AMD 390	3
	(Effective 1/1/86)		28B.14C.090	AMD 390	4
28B.05.130	AMD 370	46	28B.14C.100	AMD 390	5
	(Effective 1/1/86)		28B.14C.110	AMD 390	6
28B.07.020	AMD 370	47	28B.14C.120	AMD 390	7
	(Effective 1/1/86)		28B.14C.130	AMD 390	8
28B.07.030	AMD 370	48	28B.14D.040	AMD 57	13
	(Effective 1/1/86)		28B.14D.900	AMD 390	9
28B.07.040	AMD 370	49	28B.14G.900	AMD 390	10
	(Effective 1/1/86)		28B.15	ADD 356	1
28B.10	ADD 152	2	28B.15	ADD 390	12
28B.10	ADD 343	1-6	28B.15.012	AMD 370	62
28B.10.020	AMD 370	50		(Effective 1/1/86)	
	(Effective 1/1/86)		28B.15.013	AMD 370	63
28B.10.045	REP 370	105		(Effective 1/1/86)	
	(Effective 1/1/86)		28B.15.014	AMD 362	1
28B.10.050	AMD 370	91	28B.15.015	AMD 370	64
	(Effective 1/1/86)			(Effective 1/1/86)	
28B.10.052	REP 370	105	28B.15.020	AMD 390	11
	(Effective 1/1/86)		28B.15.031	AMD 356	2
28B.10.115	AMD 218	1	28B.15.031	AMD 390	13
28B.10.215	AMD 370	51	28B.15.041	AMD 390	14
	(Effective 1/1/86)		28B.15.067	AMD 390	15
28B.10.220	AMD 370	52	28B.15.070	AMD 370	65
	(Effective 1/1/86)			(Effective 1/1/86)	
28B.10.265	AMD 390	1	28B.15.070	AMD 390	16
28B.10.350	AMD 152	1	28B.15.076	AMD 370	66
28B.10.644	REP 461	16		(Effective 1/1/86)	
28B.10.645	REP 461	16	28B.15.076	AMD 390	17

"E1" Denotes 1st ex. sess.

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RCW	CH.	SEC.	RCW	CH.	SEC.	
28B.15.100	AMD	370	28B.16.260	REP	461	16
	(Effective 1/1/86)		28B.16.270	REP	461	16
28B.15.100	AMD	390	28B.16.280	REP	461	16
28B.15.202	AMD	390	28B.16.290	REP	461	16
28B.15.210	AMD	390	28B.20.060	AMD	218	2
28B.15.220	AMD	390	28B.20.100	AMD	61	1
28B.15.310	AMD	390	28B.20.130	AMD	370	92
28B.15.380	AMD	390		(Effective 1/1/86)		
28B.15.402	AMD	390	28B.20.280	AMD	370	82
28B.15.502	AMD	390		(Effective 1/1/86)		
28B.15.520	AMD	198	28B.20.400	REP	218	4
28B.15.520	AMD	390	28B.20.402	REP	218	4
28B.15.522	AMD	390	28B.20.700	AMD	390	36
28B.15.535	AMD	390	28B.20.705	AMD	390	37
28B.15.540	AMD	390	28B.20.715	AMD	390	38
28B.15.543	AMD	341	28B.20.720	AMD	390	39
28B.15.543	AMD	370	28B.20.735	AMD	390	40
	(Effective 1/1/86)		28B.30	ADD	39	1-5
28B.15.543	AMD	390	28B.30.100	AMD	61	2
28B.15.545	AMD	390	28B.30.150	AMD	370	93
28B.15.600	AMD	390		(Effective 1/1/86)		
28B.15.730	AMD	370	28B.30.400	REP	218	5
	(Effective 1/1/86)		28B.30.500	AMD	370	83
28B.15.732	AMD	370		(Effective 1/1/86)		
	(Effective 1/1/86)		28B.30.510	AMD	408	1
28B.15.734	AMD	370	28B.30.700	AMD	390	41
	(Effective 1/1/86)		28B.30.710	AMD	390	42
28B.15.736	AMD	370	28B.30.730	AMD	390	43
	(Effective 1/1/86)		28B.30.740	AMD	390	44
28B.15.740	AMD	390	28B.31.040	AMD	57	14
28B.15.750	AMD	370	28B.31.100	AMD	390	45
	(Effective 1/1/86)		28B.35.100	AMD	137	1
28B.15.752	AMD	370	28B.35.120	AMD	370	94
	(Effective 1/1/86)			(Effective 1/1/86)		
28B.15.754	AMD	370	28B.35.205	AMD	370	84
	(Effective 1/1/86)			(Effective 1/1/86)		
28B.15.756	AMD	370	28B.35.220	REP	218	7
	(Effective 1/1/86)		28B.35.361	AMD	390	46
28B.15.758	AMD	370	28B.35.370	AMD	57	15
	(Effective 1/1/86)		28B.35.370	AMD	390	47
28B.15.760	AMD	370	28B.35.700	AMD	390	48
	(Effective 1/1/86)		28B.35.710	AMD	390	49
28B.15.762	AMD	370	28B.35.720	AMD	390	50
	(Effective 1/1/86)		28B.35.730	AMD	390	51
28B.15.764	AMD	370	28B.35.750	AMD	390	52
	(Effective 1/1/86)		28B.40.100	AMD	137	2
28B.15.800	AMD	390	28B.40.120	AMD	370	95
28B.15.820	AMD	390		(Effective 1/1/86)		
28B.16	ADD	266	28B.40.206	AMD	370	85
28B.16	ADD	442		(Effective 1/1/86)		
28B.16	ADD	461	28B.40.220	REP	218	7
28B.16.020	AMD	365	28B.40.240	REP	370	105
28B.16.020	AMD	461		(Effective 1/1/86)		
28B.16.100	AMD	365	28B.40.244	REP	370	105
28B.16.100	AMD	461		(Effective 1/1/86)		
28B.16.105	AMD	461	28B.40.361	AMD	390	53
28B.16.110	AMD	94	28B.50	ADD	370	1-14
28B.16.250	REP	461		(Effective 1/1/86)		

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RCW	CH.	SEC.	RCW	CH.	SEC.	
28B.50.030	AMD	461	14	28B.80.035	REP 370	105
28B.50.101	REP	218	6	(Effective 1/1/86)		
28B.50.140	AMD	370	96	28B.80.040	REP 370	105
(Effective 1/1/86)				(Effective 1/1/86)		
28B.50.143	AMD	180	1	28B.80.050	REP 370	105
28B.50.340	AMD	390	54	(Effective 1/1/86)		
28B.50.350	AMD	390	55	28B.80.060	REP 370	105
28B.50.360	AMD	57	16	(Effective 1/1/86)		
28B.50.360	AMD	390	56	28B.80.070	REP 370	105
28B.50.370	AMD	390	57	(Effective 1/1/86)		
28B.50.401	AMD	390	58	28B.80.080	REP 370	105
28B.50.403	AMD	390	59	(Effective 1/1/86)		
28B.50.404	AMD	390	60	28B.80.090	REP 370	105
28B.50.610	DECOD	218	9	(Effective 1/1/86)		
28B.50.640	DECOD	218	9	28B.80.110	AMD 370	16
28B.50.660	DECOD	218	9	(Effective 1/1/86)		
28B.50.830	REP	461	16	28B.80.120	REP 370	105
28B.50.840	REP	461	16	(Effective 1/1/86)		
28B.56.030	AMD	57	17	28B.80.150	AMD 370	17
28B.57.010	AMD	390	61	(Effective 1/1/86)		
28B.57.050	AMD	57	18	28B.80.160	AMD 370	18
28B.57.080	AMD	390	63	(Effective 1/1/86)		
28B.57.100	AMD	390	62	28B.80.170	AMD 370	19
28B.58.010	AMD	390	64	(Effective 1/1/86)		
28B.58.070	AMD	390	65	28B.80.200	AMD 370	20
28B.58.090	AMD	390	66	(Effective 1/1/86)		
28B.59.010	AMD	390	67	28B.80.210	AMD 370	21
28B.59.070	AMD	390	68	(Effective 1/1/86)		
28B.59.090	AMD	390	69	28B.80.220	REP 370	105
28B.59B.070	AMD	390	70	(Effective 1/1/86)		
28B.59C.070	AMD	390	71	28B.80.230	AMD 370	22
28B.59D.060	AMD	390	72	(Effective 1/1/86)		
28B.60.010	REP	218	8	28B.80.240	AMD 370	23
28B.60.020	REP	218	8	(Effective 1/1/86)		
28B.60.030	REP	218	8	28B.80.250	AMD 370	24
28B.60.040	REP	218	8	(Effective 1/1/86)		
28B.60.050	REP	218	8	28B.80.250	REP 461	16
28B.60.055	REP	218	8	28B.80.260	AMD 370	25
28B.60.060	REP	218	8	(Effective 1/1/86)		
28B.60.070	REP	218	8	28B.80.260	REP 461	16
28B.60.080	REP	218	8	28B.80.270	AMD 370	26
28B.60.090	REP	218	8	(Effective 1/1/86)		
28B.60.100	REP	218	8	28B.80.270	REP 461	16
28B.60.110	REP	218	8	28B.80.280	AMD 370	27
28B.60.120	REP	218	8	(Effective 1/1/86)		
28B.65.040	AMD	370	86	28B.80.900	REP 370	105
(Effective 1/1/86)				(Effective 1/1/86)		
28B.65.040	AMD	381	1	28C.04	ADD 312	1,2
28B.65.050	AMD	370	87	28C.04.040	AMD 370	89
(Effective 1/1/86)				(Effective 1/1/86)		
28B.65.050	AMD	381	2	28C.04.140	REP 470	37
28B.65.060	AMD	381	3	(Effective 1/1/86)		
28B.80.010	REP	370	105	28C.04.440	AMD 466	40
(Effective 1/1/86)				28C.04.460	AMD 466	41
28B.80.020	REP	370	105	28C.04.510	AMD 370	90
(Effective 1/1/86)				(Effective 1/1/86)		
28B.80.030	REP	370	105	28C.50.010	AMD 470	12
(Effective 1/1/86)				(Effective 1/1/86)		

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RCW	CH.	SEC.	RCW	CH.	SEC.		
28C.50.040	AMD	57	19	32.04.020	AMD	56	1
28C.50.050	AMD	470	13	32.04.030	AMD	56	2
	(Effective 1/1/86)			32.04.040	AMD	469	16
28C.51.010	AMD	470	14	32.08	ADD	56	4
	(Effective 1/1/86)			32.08.142	AMD	56	3
28C.51.050	AMD	470	15	32.08.225	AMD	56	5
	(Effective 1/1/86)			32.12.020	AMD	56	6
29.07	ADD	205	15	32.12.050	AMD	56	7
29.13.047	AMD	45	2	32.16.010	AMD	56	8
29.27.060	AMD	252	1	32.16.040	AMD	56	9
29.36	ADD	273	2,3	32.16.050	AMD	56	10
29.36.010	AMD	273	1	32.20	ADD	301	1
29.48.007	AMD	205	14	32.20.090	AMD	56	11
	(Effective 1/1/86)			32.20.140	REP	56	38
29.57	ADD	205	3-12	32.20.150	REP	56	38
	(Effective 1/1/86)			32.20.170	REP	56	38
29.57	ADD	205	13	32.20.180	REP	56	38
29.57.010	AMD	205	1	32.20.190	REP	56	38
29.57.020	REP	205	16	32.20.220	AMD	56	12
29.57.030	AMD	205	2	32.20.330	AMD	56	13
29.57.060	REP	205	16	32.24.030	AMD	56	14
29.68.070	AMD	45	3	32.24.080	AMD	56	15
29.68.080	AMD	45	4	32.32	ADD	56	24,25
29.68.090	REP	45	8	32.32	ADD	56	30
29.68.100	AMD	45	5	32.32.025	AMD	56	16
29.68.110	REP	45	8	32.32.040	AMD	56	17
29.68.120	AMD	45	6	32.32.115	AMD	56	18
29.68.130	AMD	45	7	32.32.120	AMD	56	19
30	ADD	329	2,3	32.32.150	AMD	56	20
	(Effective 1/1/86)			32.32.210	AMD	56	21
30.04	ADD	301	2	32.32.215	AMD	56	22
30.04	ADD	305	1,2	32.32.220	AMD	56	23
30.04	ADD	310	1	32.32.230	AMD	56	26
	(Effective 7/1/87)			32.32.265	AMD	56	27
30.04	ADD	329	5-7	32.32.490	AMD	56	28
	(Effective 1/1/86)			32.32.495	AMD	56	29
30.04.060	AMD	305	3	32.32.500	AMD	56	31
30.04.160	AMD	7	97	32.32.505	AMD	56	32
30.04.210	AMD	329	4	32.34	ADD	56	33-36
	(Effective 1/1/86)			33.24	ADD	301	3
30.04.230	AMD	305	4	33.12.060	AMD	239	1
30.04.230	AMD	310	2	33.40	ADD	239	2
	(Effective 7/1/87)			33.48.250	AMD	239	3
30.04.310	REEN	30	137	34.12	ADD	185	29
30.04.405	AMD	305	5	35	ADD	175	1-31
30.12.060	AMD	305	6	35	ADD	397	5-8
30.24.060	REP	30	143	35.03.020	AMD	469	17
30.42.100	AMD	305	7	35.07.240	AMD	469	18
30.42.115	AMD	305	8	35.10	ADD	281	1-10
30.44.210	AMD	469	15	35.10	ADD	281	12,13
31.04	ADD	74	3	35.10.200	REP	281	30
31.04.090	AMD	74	1	35.10.211	REP	281	30
31.04.100	AMD	74	2	35.10.215	REP	281	30
31.12A.010	AMD	7	98	35.10.217	AMD	281	15
31.12A.030	AMD	7	99	35.10.220	REP	281	30
31.24.030	AMD	466	42	35.10.230	REP	281	30
32	ADD	329	8-10	35.10.240	AMD	281	16
	(Effective 1/1/86)			35.10.245	REP	281	30

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RCW	CH.	SEC.	RCW	CH.	SEC.	
35.10.250	REP	281	35.47.010	AMD	469	31
35.10.260	REP	281	35.58	ADD	204	1
35.10.265	AMD	281	35.58.160	AMD	330	1
35.10.300	AMD	281	35.58.274	AMD	7	100
35.10.310	AMD	281	35.61.010	AMD	416	1
35.10.315	AMD	281	35.61.030	AMD	469	32
35.10.317	AMD	281	35.61.060	AMD	416	2
35.10.320	AMD	281	35.61.090	AMD	416	3
35.10.331	AMD	281	35.61.190	AMD	469	33
35.13.171	AMD	6	35.61.250	AMD	416	4
35.14.010	AMD	281	35.61.260	AMD	469	34
35.14.020	AMD	281	35.61.270	AMD	469	35
35.16.020	AMD	469	35.61.290	AMD	416	5
35.20.220	AMD	389	35.61.300	AMD	416	6
35.21	ADD	92	35.63.090	AMD	126	1
35.21	ADD	143	35.67	ADD	445	2
35.21	ADD	332	35.67.030	AMD	445	1
35.21	ADD	398	35.67.070	REP	445	13
35.21	ADD	469	35.67.110	AMD	445	3
35.21.300	AMD	6	35.68.030	AMD	469	37
35.21.320	AMD	469	35.68.050	AMD	469	38
35.21.530	AMD	469	35.70.060	AMD	469	36
35.21.725	REP	332	35.70.080	AMD	469	39
35.21.730	AMD	332	35.79.030	AMD	254	1
35.21.735	AMD	332	35.82.070	AMD	386	1
35.21.740	AMD	332	35.87A.010	AMD	128	1
35.21.745	AMD	332	35.87A.080	AMD	128	2
35.21.755	AMD	332	35.92.010	AMD	444	2
35.21.775	AMD	6	35.92.010	AMD	445	4
35.21.800	AMD	466	35.92.020	AMD	445	5
35.22	ADD	469	35.92.022	AMD	445	7
35.22.060	AMD	469	35.92.025	AMD	445	6
35.22.170	AMD	469	35.92.030	AMD	445	8
35.22.380	REP	445	35.92.050	AMD	445	9
35.22.390	REP	445	35.92.060	AMD	445	10
35.22.400	REP	445	35.92.070	AMD	444	3
35.22.620	AMD	169	35.92.070	AMD	445	11
35.22.620	AMD	219	35.92.080	AMD	445	12
35.23.352	AMD	169	35.94.020	AMD	469	40
35.23.352	AMD	219	35A	ADD	175	34-60
35.23.352	AMD	469	35A.01.040	AMD	281	26
35.24.220	AMD	469	35A.05	ADD	281	14
35.27.300	AMD	469	35A.05.010	REP	281	30
35.30	ADD	469	35A.05.020	REP	281	30
35.32A.010	AMD	175	35A.05.030	REP	281	30
35.32A.030	AMD	175	35A.05.040	REP	281	30
35.32A.040	AMD	175	35A.05.050	REP	281	30
35.32A.060	AMD	175	35A.05.060	REP	281	30
35.33.020	AMD	175	35A.05.070	REP	281	30
35.33.061	AMD	469	35A.05.080	REP	281	30
35.42.080	AMD	469	35A.05.090	REP	281	30
35.43.040	AMD	397	35A.05.100	REP	281	30
35.43.050	AMD	397	35A.05.110	REP	281	30
35.43.140	AMD	469	35A.05.120	REP	281	30
35.44.010	AMD	397	35A.05.130	REP	281	30
35.44.020	AMD	397	35A.05.140	REP	281	30
35.44.090	AMD	469	35A.05.150	REP	281	30
35.44.190	AMD	397	35A.05.160	REP	281	30

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RCW	CH.	SEC.	RCW	CH.	SEC.
35A.05.170	REP	281	30	36.75	ADD 400 1
35A.09.050	AMD	469	41	36.75	ADD 429 2
35A.12.010	AMD	106	1	36.75.300	AMD 369 2
35A.12.160	AMD	469	42	36.77.030	AMD 369 3
35A.13.010	AMD	106	2	36.80.080	AMD 120 3
35A.14.310	AMD	105	1		(Effective 7/1/87)
35A.21	ADD	469	102	36.82	ADD 369 9
35A.27.010	AMD	7	101	36.82.190	AMD 469 50
35A.29.090	REEN	281	27	36.83.010	AMD 400 2
35A.33.020	AMD	175	33	36.87.020	AMD 369 4
35A.33.060	AMD	469	43	36.87.060	AMD 369 5
35A.63.061	AMD	126	2	36.87.070	AMD 369 6
35A.70.030	REP	213	32	36.88	ADD 369 10
35A.70.070	AMD	213	12	36.88.010	AMD 369 7
35A.82.010	AMD	7	102	36.88.010	AMD 400 3
35A.88.030	AMD	7	103	36.88.090	AMD 369 8
36	ADD	398	1-26	36.93.080	AMD 6 7
36	ADD	425	1-5	36.93.090	AMD 281 28
36.01	ADD	92	2	36.94.280	AMD 397 10
36.01.120	AMD	466	44	36.94.420	AMD 141 1
36.12.010	AMD	145	1	36.95.010	AMD 76 1
36.12.080	AMD	145	2	36.95.130	AMD 76 2
36.12.090	AMD	145	3	36.95.140	AMD 76 3
36.18.010	AMD	44	2	37.14.010	AMD 57 20
36.18.020	AMD	7	104	38.20.010	AMD 295 1
36.18.020	AMD	24	1	38.52	ADD 459 6,9
36.18.025	AMD	389	9	39	ADD 169 2-4
36.18.100	REP	44	20	39	ADD 446 16-24
36.18.110	AMD	44	3	39.04	ADD 169 5
36.18.120	AMD	44	4	39.12	ADD 15 2
36.18.150	REP	44	20	39.12.010	AMD 15 1
36.21.060	AMD	318	1	39.12.050	AMD 15 3
36.21.080	AMD	220	1	39.19.040	AMD 466 45
36.29.060	AMD	469	44	39.30	ADD 72 1
36.32.120	AMD	91	1	39.34.020	AMD 33 1
36.32.240	AMD	169	8	39.42.090	AMD 57 21
36.32.250	AMD	169	9	39.44	ADD 130 1-5
36.32.250	AMD	369	1	39.44.130	AMD 84 2
36.34.020	AMD	469	45	39.46.030	AMD 84 1
36.34.090	AMD	469	46	39.50.010	AMD 332 8
36.40.060	AMD	469	47	39.50.030	AMD 71 1
36.40.100	AMD	469	48	39.50.040	AMD 71 2
36.49.010	REP	91	11	39.50.040	AMD 332 9
36.53.020	AMD	91	2	39.84.020	AMD 439 1
36.55.040	AMD	469	49	39.84.090	AMD 466 46
36.57A.070	AMD	6	5	40.10.020	AMD 7 106
36.57A.150	AMD	6	6	40.14.025	AMD 57 22
36.60.010	AMD	187	1	40.14.050	AMD 192 1
36.62.020	REP	213	30	41	ADD 223 1-4
		(Effective 6/30/87)		41.04	ADD 13 4
36.64.060	AMD	7	105	41.04	ADD 411 1
36.68.400	AMD	253	1	41.04	ADD 462 1-5
36.70.330	AMD	126	3	41.04	ADD 462 7,8
36.71.020	AMD	91	3	41.04	ADD 462 11-14
36.71.030	AMD	91	4	41.04.230	AMD 271 1
36.71.040	AMD	91	5	41.04.260	AMD 57 23
36.71.050	AMD	91	6	41.04.445	AMD 13 2
36.71.080	AMD	91	7	41.04.450	AMD 13 3

RCW SECTIONS AFFECTED BY 1985 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
41.05.040	AMD	57	24	42.17.125	AMD 367	7
41.06	ADD	442	8	42.17.155	AMD 367	8
41.06	ADD	461	4-6	42.17.170	AMD 367	9
41.06	ADD	470	11	42.17.200	AMD 367	10
	(Effective 1/1/86)			42.17.2401	AMD 6	8
41.06.020	AMD	365	3	42.17.310	AMD 414	8
41.06.020	AMD	461	1	42.17.370	AMD 367	11
41.06.070	AMD	221	1	42.17.395	AMD 367	12
41.06.079	AMD	178	1	42.17.405	AMD 367	13
41.06.150	AMD	365	5	42.18	ADD 164	12
41.06.150	AMD	461	2	42.28.010	REP 156	26
41.06.160	AMD	94	2		(Effective 1/1/86)	
41.06.167	AMD	94	3	42.28.020	REP 156	26
41.06.169	AMD	461	3		(Effective 1/1/86)	
41.06.175	REP	461	16	42.28.030	AMD 44	5
41.06.185	REP	461	16	42.28.030	REP 156	26
41.06.195	REP	461	16		(Effective 1/1/86)	
41.06.205	REP	461	16	42.28.035	AMD 44	6
41.06.215	REP	461	16	42.28.035	REP 156	26
41.06.430	REP	118	2		(Effective 1/1/86)	
41.06.440	REP	118	3	42.28.040	REP 156	26
41.14.010	AMD	429	3		(Effective 1/1/86)	
41.26	ADD	102	3	42.28.050	REP 156	26
41.26	ADD	103	1		(Effective 1/1/86)	
41.26.005	AMD	102	5	42.28.060	AMD 44	7
41.26.030	AMD	13	5	42.28.060	REP 156	26
41.26.120	AMD	102	2		(Effective 1/1/86)	
41.26.140	AMD	103	2	42.28.070	AMD 44	8
41.26.270	AMD	102	4	42.28.070	REP 156	26
41.32.010	AMD	13	6		(Effective 1/1/86)	
41.32.010	REEN	13	6	42.28.090	AMD 44	9
41.40.010	AMD	13	7	42.28.090	REP 156	26
41.40.370	AMD	138	1		(Effective 1/1/86)	
41.50.090	AMD	102	6	42.28.100	REP 156	26
41.56	ADD	150	1		(Effective 1/1/86)	
41.56.020	AMD	7	107	42.28.110	REP 156	26
41.60	ADD	114	7		(Effective 1/1/86)	
41.60.015	AMD	114	1	42.28.120	REP 156	26
41.60.041	AMD	114	2		(Effective 1/1/86)	
41.60.050	AMD	114	3	42.28.130	REP 156	26
41.60.100	AMD	114	4		(Effective 1/1/86)	
41.60.110	AMD	114	5	42.30.020	AMD 366	1
41.60.120	AMD	114	6	42.30.110	AMD 366	2
41.64.110	AMD	461	7	42.30.120	AMD 69	1
42	ADD	156	1-18	43	ADD 164	1-11
	(Effective 1/1/86)			43	ADD 229	1-11
42	ADD	156	23	43	ADD 269	1-6
	(Effective 1/1/86)			43	ADD 446	7-13
42	ADD	334	1-6	43	ADD 463	1-4
	(Effective 1/1/86)			43	ADD 467	9-14
42.16.011	AMD	57	25	43	ADD 4	E1 1-9
42.17	ADD	359	2	43.01	ADD 461	15
42.17.030	AMD	367	2	43.01.041	AMD 292	1
42.17.050	AMD	367	3	43.01.050	AMD 57	26
42.17.060	AMD	367	4	43.01.200	AMD 307	1
42.17.070	AMD	367	5	43.01.210	AMD 307	2
42.17.100	AMD	367	6	43.03	ADD 233	4
42.17.105	AMD	359	1	43.06	ADD 442	1-6

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.06.100	REP 156	26	43.31.140	REP 466	76
	(Effective 1/1/86)		43.31.150	REP 466	76
43.07.035	AMD 156	19	43.31.160	REP 466	76
	(Effective 1/1/86)		43.31.170	REP 466	76
43.08.190	AMD 405	506	43.31.180	REP 466	76
43.08.250	AMD 57	27	43.31.350	REP 466	76
43.10	ADD 251	1,2	43.31.360	REP 466	76
43.10.067	AMD 7	108	43.31.370	AMD 159	2
43.10.067	AMD 133	2	43.31.370	REP 466	76
43.12	ADD 459	7,8	43.31.373	AMD 466	24
43.17.010	AMD 466	47	43.31.373	REP 466	73
43.17.020	AMD 466	48		(Effective 6/30/89)	
43.19	ADD 188	5	43.31.375	AMD 466	25
43.19.1906	AMD 342	1	43.31.375	REP 466	73
43.19.1935	AMD 188	1		(Effective 6/30/89)	
43.19.19361	AMD 188	2	43.31.377	AMD 466	26
43.19.19362	AMD 188	31	43.31.377	REP 466	73
43.19.19366	AMD 188	4		(Effective 6/30/89)	
43.19.610	AMD 57	28	43.31.379	AMD 466	27
43.19.610	AMD 405	507	43.31.379	REP 466	73
43.20.030	REP 213	30		(Effective 6/30/89)	
	(Effective 6/30/87)		43.31.381	AMD 466	28
43.20.050	AMD 213	1	43.31.381	REP 466	73
43.20.050	REP 213	30		(Effective 6/30/89)	
	(Effective 6/30/87)		43.31.383	AMD 466	29
43.20.100	REP 213	30	43.31.383	REP 466	73
	(Effective 6/30/87)			(Effective 6/30/89)	
43.20.140	REP 213	30	43.31.385	AMD 466	30
	(Effective 6/30/87)		43.31.385	REP 466	73
43.20.200	REP 213	30		(Effective 6/30/89)	
	(Effective 6/30/87)		43.31.387	AMD 466	31
43.20A.600	AMD 213	2	43.31.387	REP 466	73
				(Effective 6/30/89)	
43.21.260	AMD 466	49	43.31.390	AMD 466	33
43.21A.170	AMD 466	50	43.31.400	RECOD 466	74
43.21A.450	AMD 27	1	43.31.405	RECOD 466	74
43.21A.500	AMD 307	3	43.31.410	RECOD 466	74
43.21A.510	AMD 466	51	43.31.415	RECOD 466	74
43.21A.515	AMD 466	52	43.31.420	RECOD 466	74
43.21C	ADD 281	29	43.31.500	DECOD 466	75
43.21C.500	AMD 307	4	43.31.510	DECOD 466	75
43.21G.040	AMD 308	1	43.31.520	DECOD 466	75
43.22.005	AMD 325	1	43.31.525	DECOD 466	75
43.23	ADD 159	3	43.31.530	DECOD 466	75
43.23.030	AMD 457	15	43.31.540	DECOD 466	75
43.24	ADD 116	1	43.31.550	DECOD 466	75
43.24.072	AMD 57	29	43.31.560	DECOD 466	75
43.31	ADD 466	1-14, 16-18,32	43.31.570	DECOD 466	75
43.31.010	REP 466	76	43.31.580	DECOD 466	75
43.31.020	REP 466	76	43.31.590	DECOD 466	75
43.31.030	REP 466	76	43.31.620	DECOD 466	75
43.31.040	REP 466	76	43.31.630	DECOD 466	75
43.31.050	REP 466	76	43.31.640	DECOD 466	75
43.31.060	REP 466	76	43.31.660	DECOD 466	75
43.31.070	REP 466	76	43.31.670	DECOD 466	75
43.31.080	REP 466	76	43.31.680	DECOD 466	75
43.31.110	REP 466	76	43.31.690	DECOD 466	75
43.31.120	REP 466	76	43.31.700	DECOD 466	75

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RCW	CH.	SEC.	RCW	CH.	SEC.			
43.31.710	DECOD	466	75	43.46	ADD	317	1,2	
43.31.720	DECOD	466	75	43.46.010	REP	317	9	
43.31.730	DECOD	466	75	43.46.020	REP	317	9	
43.31.740	DECOD	466	75	43.46.030	AMD	317	3	
43.31.760	DECOD	466	75	43.46.040	AMD	317	4	
43.31.770	DECOD	466	75	43.46.045	AMD	317	5	
43.31.831	REP	466	76	43.46.050	AMD	317	6	
43.31.832	AMD	466	34	43.46.055	AMD	317	7	
43.31.833	AMD	466	35	43.46.070	AMD	317	8	
43.31.834	AMD	466	36	43.46.080	REP	317	9	
43.31.860	REP	466	76	43.51.055	AMD	182	1	
43.31.865	DECOD	466	75	43.51.200	AMD	57	33	
43.31.870	REP	466	76	43.51.270	AMD	163	1	
43.31.875	REP	466	76	43.51.280	AMD	57	34	
43.31.880	REP	466	76	43.51.280	AMD	163	2	
43.31.885	REP	466	76	43.51.310	AMD	57	35	
43.31.890	REP	466	76	43.60A.080	AMD	63	1	
43.31.895	REP	466	76	43.63A	ADD	85	1	
43.31.900	REP	466	76	43.63A	ADD	130	6	
43.31.910	REP	466	76	43.63A	ADD	263	2	
43.31.915	REP	466	76	43.63A	ADD	388	7	
43.31.920	REP	466	76	43.63A.045	REP	6	27	
43.31.925	REP	466	76	43.63A.075	AMD	466	53	
43.31.930	REP	466	76	43.63A.200	AMD	6	9	
43.31.935	REP	466	76	43.63A.200	REP	471	12	
43.31.940	REP	466	76	43.79.080	AMD	57	36	
43.31.942	AMD	57	30	43.79.201	AMD	57	37	
43.31.942	REP	466	76	43.79.330	AMD	57	38	
43.31.944	REP	466	76	43.79.335	AMD	57	39	
43.31.946	REP	466	76	43.79.350	AMD	57	40	
43.31.948	REP	466	76	43.79.445	AMD	57	41	
43.31.958	AMD	57	31	43.79.450	AMD	57	42	
43.31B.010	REP	466	76	43.79.450	REP	471	12	
43.31B.020	REP	466	76	43.79.452	REP	471	12	
43.31B.030	REP	466	76	43.80.125	AMD	84	3	
43.31B.040	REP	466	76	43.83.020	AMD	57	43	
43.31B.050	REP	466	76	43.83.150	AMD	4	EI	15
43.31B.900	REP	466	76	43.83.184	AMD	466	54	
43.33A.020	AMD	195	1	43.83A.030	AMD	57	44	
43.33A.160	AMD	57	32	43.83B.030	AMD	57	45	
43.41.900	DECOD	6	26	43.83B.360	AMD	57	46	
43.41.910	DECOD	6	26	43.83C.030	AMD	57	47	
43.41.920	DECOD	6	26	43.83D.030	AMD	57	48	
43.41.930	DECOD	6	26	43.83H.030	AMD	57	49	
43.41.960	DECOD	6	26	43.83I.166	AMD	57	50	
43.43	ADD	365	4	43.84	ADD	57	51	
43.43.330	AMD	4	1	43.84.090	AMD	233	5	
43.43.340	AMD	365	6	43.84.100	REP	57	90	
43.43.700	AMD	201	7	43.84.110	REP	57	90	
43.43.705	AMD	201	8	43.85.241	REP	57	90	
43.43.710	AMD	201	9	43.88.525	AMD	57	52	
43.43.715	AMD	201	10	43.96D	ADD	274	1	
43.43.725	AMD	201	11	43.96D.010	AMD	466	55	
43.43.730	AMD	201	12	43.96D.020	AMD	466	56	
43.43.735	AMD	201	13	43.96D.040	AMD	466	57	
43.43.740	AMD	201	14	43.99.040	AMD	57	53	
43.43.745	AMD	346	6	43.99.060	AMD	57	54	
43.43.760	AMD	201	15	43.99.110	AMD	77	1	

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.99C.040	AMD	57	55	43.150.080	REP 110 2
43.99F.030	AMD	57	56		(Effective 6/30/90)
43.101.210	AMD	57	57	43.160	ADD 164 14
43.105	ADD	21	7,8	43.160	ADD 433 1
43.105.100	AMD	21	3	43.160	ADD 433 5
43.105.110	AMD	21	4	43.160	ADD 446 4-6
43.105.120	AMD	21	5	43.160	ADD 446 15
43.105.130	AMD	21	6	43.160.020	AMD 6 12
43.131	ADD	39	8	43.160.020	AMD 466 58
43.131	ADD	39	9	43.160.030	AMD 6 13
				43.160.030	AMD 446 1
				43.160.030	REEN 446 2
43.131	ADD	118	1,2	43.160.060	AMD 446 3
43.131	ADD	122	8,9	43.170.020	AMD 466 60
43.131	ADD	185	31,32	43.170.030	AMD 466 61
43.131	ADD	231	10,11	43.175.010	AMD 466 62
43.131	ADD	295	2,3	43.175.020	AMD 466 63
43.131.190	AMD	110	2	43.180.040	AMD 6 14
43.131.213	AMD	213	29	43.180.200	AMD 6 15
43.131.214	AMD	213	30	43.200	ADD 293 2,3
43.131.257	REP	466	76	43.200	ADD 293 5,6
43.131.258	REP	466	76	43.200.015	AMD 293 1
43.131.259	REP	370	106	43.200.150	AMD 293 4
43.131.260	REP	370	106	43.210.010	AMD 231 1
43.131.261	REP	317	9	43.210.010	REP 231 11
43.131.262	REP	317	9		(Effective 6/30/91)
43.131.263	REP	29	2	43.210.020	AMD 231 2
43.131.264	REP	29	2	43.210.020	REP 231 11
43.131.265	REP	18	5		(Effective 6/30/91)
43.131.266	REP	18	5	43.210.030	AMD 231 3
43.131.289	AMD	21	9	43.210.030	REP 231 11
43.131.290	AMD	21	10		(Effective 6/30/91)
43.131.299	REP	156	26	43.210.040	AMD 231 4
				43.210.040	REP 231 11
43.131.300	REP	156	26		(Effective 6/30/91)
				43.210.050	AMD 231 5
43.131.315	AMD	466	72	43.210.050	REP 231 11
43.131.316	AMD	466	73		(Effective 6/30/91)
43.131.317	REP	466	76	43.210.050	AMD 466 64
43.131.318	REP	466	76	43.210.060	REP 231 11
43.131.323	AMD	7	109		(Effective 6/30/91)
43.132.030	AMD	6	10	43.210.060	AMD 466 65
43.140.030	AMD	57	58	43.220	ADD 230 1-5
43.150.010	REP	110	2	43.220.070	AMD 7 110
				43.220.070	AMD 230 7
43.150.020	REP	110	2	43.220.100	REP 230 10
				43.220.110	REP 230 10
43.150.030	REP	110	2	43.220.200	REP 230 10
				44	ADD 467 17-23
43.150.040	AMD	6	11	44.04.080	REP 3 2
43.150.040	REP	110	2	44.04.120	AMD 3 1
				44.04.500	REP 307 10
43.150.050	REP	110	2	46	ADD 333 1-3
				46	ADD 377 1-24
43.150.060	AMD	110	1		(Effective 1/1/86)
43.150.060	REP	110	2	46	ADD 380 1-11
				46	ADD 472 1-11
43.150.070	REP	110	2	46.01.140	AMD 380 12

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RCW	CH.	SEC.	RCW	CH.	SEC.	
46.01.140	REEN	380	12	46.20.620	REP 407	6
46.04.480	AMD	407	1	(Effective 1/1/86)		
46.08.172	AMD	57	59	46.20.630	REP 407	6
46.09.110	AMD	57	60	(Effective 1/1/86)		
46.10.075	AMD	57	61	46.20.640	REP 407	6
46.12.020	AMD	424	1	(Effective 1/1/86)		
	(Effective 7/1/86)			46.20.650	REP 407	6
46.16	ADD	79	1	(Effective 1/1/86)		
46.16	ADD	353	1	46.20.660	REP 407	6
	(Effective 9/1/85)			(Effective 1/1/86)		
46.16	ADD	380	16,17	46.20.670	REP 407	6
46.16.015	AMD	7	111	(Effective 1/1/86)		
46.16.015	REEN	7	111	46.20.680	REP 407	6
46.16.060	AMD	380	13	(Effective 1/1/86)		
46.16.061	AMD	380	14	46.20.690	REP 407	6
46.16.070	AMD	380	15	(Effective 1/1/86)		
46.16.090	AMD	380	18	46.20.700	REP 407	6
46.16.090	AMD	457	16	(Effective 1/1/86)		
46.16.115	REP	380	24	46.29.050	AMD 1 E1	10
46.16.135	AMD	380	19	46.29.280	AMD 157	1
46.16.340	AMD	7	112	46.37.005	AMD 165	1
46.16.565	AMD	173	1	46.37.190	AMD 331	1
46.20.021	AMD	302	2	46.37.430	AMD 304	1
46.20.031	AMD	101	1	46.44.030	AMD 351	1
46.20.055	AMD	234	1	46.44.037	AMD 351	2
46.20.070	AMD	1 E1	1	46.44.041	AMD 351	3
46.20.091	AMD	1 E1	2	46.44.042	AMD 351	4
46.20.100	AMD	234	2	46.44.0941	AMD 351	5
46.20.115	REP	1 E1	13	46.44.105	AMD 351	6
46.20.117	AMD	212	1	46.44.170	AMD 22	1
46.20.117	AMD	1 E1	3	46.44.170	AMD 395	1
46.20.120	AMD	1 E1	4	46.44.175	AMD 22	2
46.20.200	AMD	1 E1	5	46.52.100	AMD 302	6
46.20.285	AMD	407	2	46.52.102	REP 377	29
46.20.308	AMD	407	3	(Effective 1/1/86)		
	(Effective 1/1/86)			46.52.104	REP 377	29
46.20.311	AMD	211	1	(Effective 1/1/86)		
46.20.311	AMD	407	4	46.52.106	REP 377	29
46.20.315	AMD	302	1	(Effective 1/1/86)		
46.20.342	AMD	302	3	46.52.108	REP 377	29
46.20.380	AMD	1 E1	6	(Effective 1/1/86)		
46.20.391	AMD	407	5	46.52.110	REP 377	29
	(Effective 1/1/86)			(Effective 1/1/86)		
46.20.393	REP	407	6	46.52.111	REP 377	29
	(Effective 1/1/86)			(Effective 1/1/86)		
46.20.416	AMD	302	4	46.52.112	REP 377	29
46.20.420	AMD	302	5	(Effective 1/1/86)		
46.20.435	AMD	391	1	46.52.113	REP 377	29
46.20.470	AMD	1 E1	7	(Effective 1/1/86)		
46.20.505	AMD	1 E1	8	46.52.114	REP 377	29
46.20.510	AMD	234	3	(Effective 1/1/86)		
46.20.510	AMD	1 E1	9	46.52.115	REP 377	29
46.20.599	AMD	352	2	(Effective 1/1/86)		
46.20.600	REP	407	6	46.52.116	REP 377	29
	(Effective 1/1/86)			(Effective 1/1/86)		
46.20.610	REP	407	6	46.52.117	REP 377	29
	(Effective 1/1/86)			(Effective 1/1/86)		
				46.52.118	REP 377	29

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RCW	CH.	SEC.	RCW	CH.	SEC.	
		(Effective 1/1/86)	46.85.060	AMD	353	3
46.52.119	REP	377	46.85.120	AMD	173	4
		(Effective 1/1/86)	46.85.190	AMD	173	5
46.52.1192	REP	377	46.85.270	AMD	173	6
		(Effective 1/1/86)	46.85.280	AMD	173	7
46.52.1194	REP	377	46.85.290	AMD	173	8
		(Effective 1/1/86)	46.90.300	AMD	19	1
46.52.1195	REP	377	46.90.300	REEN	19	1
		(Effective 1/1/86)	46.90.427	AMD	19	2
46.52.1196	REP	377	46.90.463	AMD	19	3
		(Effective 1/1/86)	46.90.463	REEN	19	3
46.52.1198	REP	377	47.01	ADD	433	6
		(Effective 1/1/86)	47.01.111	DECOD	6	26
46.52.130	AMD	1 E1	47.01.121	DECOD	6	26
46.52.145	REP	377	47.04	ADD	20	1
		(Effective 1/1/86)	47.05	ADD	400	4
46.52.150	REP	377	47.10.790	AMD	406	1
		(Effective 1/1/86)	47.10.801	AMD	406	2
46.52.160	REP	377	47.10.801	AMD	433	7
		(Effective 1/1/86)	47.10.803	AMD	433	8
46.52.210	REP	377	47.10.810	REP	433	11
		(Effective 1/1/86)	47.17	ADD	177	5
46.61.515	AMD	352	47.17.055	AMD	177	1
46.61.517	AMD	352	47.17.060	AMD	177	2
46.63.020	AMD	302	47.17.281	REP	177	6
46.63.020	AMD	353	47.17.455	AMD	177	3
46.63.020	AMD	377	47.17.575	AMD	177	4
46.63A	ADD	388	47.17.867	REP	177	6
46.64.015	AMD	303	47.20	ADD	228	1-6
46.65.060	AMD	101	47.28.060	AMD	242	1
46.65.090	AMD	302	47.28.080	AMD	242	2
46.68	ADD	140	47.28.090	AMD	242	3
46.68	ADD	380	47.39.040	AMD	6	16
46.68.030	AMD	380	47.42	ADD	142	3,4
46.68.030	REEN	380	47.42	ADD	376	7,8
46.68.041	AMD	1 E1	47.42.020	AMD	376	2
46.68.055	DECOD	407	47.42.040	AMD	376	3
		(Effective 1/1/86)	47.42.046	AMD	142	1
46.68.062	REP	407	47.42.047	AMD	142	2
		(Effective 1/1/86)	47.42.047	AMD	376	4
46.68.110	AMD	460	47.42.055	AMD	376	5
46.68.120	AMD	120	47.42.080	AMD	376	6
46.68.120	AMD	460	47.52.120	AMD	149	1
46.68.124	AMD	7	47.56.286	AMD	7	114
46.68.124	AMD	120	47.56.620	DECOD	7	157
46.70	ADD	109	47.60.560	AMD	176	1
46.70.083	AMD	109	47.68.236	AMD	57	63
46.70.180	AMD	472	47.76	ADD	432	3-8
46.76	ADD	109	47.76.020	AMD	432	1
46.76.050	AMD	109	47.76.030	AMD	57	64
46.79	ADD	109	47.76.030	AMD	432	2
46.79.050	AMD	109	48.01	ADD	264	1
46.80	ADD	109	48.01.050	AMD	277	9
46.80.050	AMD	109	48.02.120	AMD	264	2
46.81.060	AMD	57	48.05	ADD	238	1,2
46.85	ADD	79	48.05.200	AMD	264	3
46.85.020	AMD	173	48.05.320	AMD	470	16
46.85.040	AMD	173				

(Effective 1/1/86)

RCW SECTIONS AFFECTED BY 1985 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
48.07.030	AMD	364	1	48.48.010	REP 470 37
48.07.040	AMD	364	2		(Effective 1/1/86)
48.07.050	AMD	364	3	48.48.020	REP 470 37
48.07.070	AMD	364	4		(Effective 1/1/86)
48.10.070	AMD	264	4	48.48.030	AMD 470 17
48.15.160	AMD	264	5		(Effective 1/1/86)
48.16.070	AMD	264	6	48.48.040	AMD 470 18
48.17.010	AMD	264	7		(Effective 1/1/86)
48.17.080	REP	264	16	48.48.045	AMD 470 19
48.17.520	AMD	264	8		(Effective 1/1/86)
48.18	ADD	264	20	48.48.050	AMD 470 20
48.18.110	AMD	264	9		(Effective 1/1/86)
48.18.290	AMD	264	17	48.48.060	AMD 470 21
48.18.291	AMD	264	18		(Effective 1/1/86)
48.18.292	AMD	264	19	48.48.065	AMD 470 22
48.18.295	AMD	264	21		(Effective 1/1/86)
48.18.296	AMD	264	22	48.48.070	AMD 470 23
48.20	ADD	54	1		(Effective 1/1/86)
		(Effective 1/1/86)		48.48.080	AMD 470 24
48.20.395	AMD	54	5		(Effective 1/1/86)
		(Effective 1/1/86)		48.48.090	AMD 470 25
48.20.420	AMD	264	10		(Effective 1/1/86)
48.20.450	AMD	264	11	48.48.100	REP 470 37
48.20.470	AMD	264	12		(Effective 1/1/86)
48.21	ADD	54	2	48.48.110	AMD 470 26
		(Effective 1/1/86)			(Effective 1/1/86)
48.21.230	AMD	54	6	48.48.130	REP 470 37
		(Effective 1/1/86)			(Effective 1/1/86)
48.22.030	AMD	328	1	48.50.020	AMD 470 27
48.23.300	AMD	264	23		(Effective 1/1/86)
48.30.010	AMD	264	13	48.62	ADD 277 3
48.30.140	AMD	264	14	48.62.010	AMD 277 1
48.31A	ADD	55	3	48.62.030	AMD 277 2
48.31A.020	AMD	55	1	48.62.040	AMD 278 1
48.31A.050	AMD	55	2	48.62.070	AMD 277 4
48.42.010	AMD	264	15	48.62.080	AMD 277 5
48.44	ADD	54	3	48.62.100	AMD 277 6
		(Effective 1/1/86)		48.62.110	AMD 277 7
48.44.020	AMD	283	1	49	ADD 365 7-12
48.44.330	AMD	54	7	49.04.100	AMD 6 17
		(Effective 1/1/86)		49.12	ADD 336 1-3
48.46	ADD	54	4	49.26	ADD 387 1-5
		(Effective 1/1/86)		49.44	ADD 426 3
48.46	ADD	320	7,8	49.44.090	AMD 185 30
48.46.030	AMD	320	1	49.44.120	AMD 426 1
48.46.060	AMD	283	2	49.44.130	AMD 426 2
48.46.060	AMD	320	2	49.48	ADD 48 1
48.46.070	AMD	320	3	49.60	ADD 185 28
48.46.120	AMD	7	115	49.60.010	AMD 185 1
48.46.240	AMD	320	4	49.60.040	AMD 185 2
48.46.270	AMD	320	5	49.60.040	AMD 203 2
48.46.280	AMD	54	8	49.60.050	AMD 185 3
		(Effective 1/1/86)		49.60.050	REP 185 32
48.46.320	AMD	320	6		(Effective 6/30/90)
48.46.330	REP	320	9	49.60.051	REP 185 32
48.46.360	AMD	7	116		(Effective 6/30/90)
48.48	ADD	470	1-10	49.60.060	AMD 185 4
		(Effective 1/1/86)		49.60.060	REP 185 32

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RCW	CH.	SEC.	RCW	CH.	SEC.
	(Effective 6/30/90)		49.60.280	REP 185	32
49.60.070	AMD 185	5		(Effective 6/30/90)	
49.60.070	REP 185	32	49.60.310	AMD 185	26
	(Effective 6/30/90)		49.60.310	REP 185	32
49.60.080	AMD 185	6		(Effective 6/30/90)	
49.60.080	REP 185	32	49.60.320	AMD 185	27
	(Effective 6/30/90)		49.60.320	REP 185	32
49.60.090	AMD 185	7		(Effective 6/30/90)	
49.60.090	REP 185	32	49.70	ADD 409	1-5
	(Effective 6/30/90)		50	ADD 5 E1	1-3
49.60.100	AMD 185	8	50.04	ADD 47	1
49.60.100	REP 185	32	50.04.070	AMD 5 E1	4
	(Effective 6/30/90)		50.04.072	AMD 5 E1	5
49.60.110	AMD 185	9	50.04.080	AMD 41	1
49.60.110	REP 185	32	50.04.225	AMD 7	117
	(Effective 6/30/90)		50.12	ADD 299	2
49.60.120	AMD 185	10	50.12.020	AMD 96	1
49.60.120	REP 185	32	50.16.010	AMD 5 E1	6
	(Effective 6/30/90)		50.20	ADD 285	1,2
49.60.130	AMD 185	11	50.20.015	AMD 285	3
49.60.130	REP 185	32	50.20.043	AMD 40	1
	(Effective 6/30/90)		50.22	ADD 5 E1	11
49.60.140	AMD 185	12	50.22.010	AMD 5 E1	10
49.60.140	REP 185	32	50.22.100	REP 5 E1	13
	(Effective 6/30/90)		50.22.110	REP 5 E1	13
49.60.150	AMD 185	13	50.22.120	REP 5 E1	13
49.60.150	REP 185	32	50.24	ADD 5 E1	8
	(Effective 6/30/90)		50.29	ADD 270	1
49.60.160	AMD 185	14	50.29.020	AMD 42	1
49.60.160	REP 185	32	50.29.020	AMD 270	2
	(Effective 6/30/90)		50.29.020	AMD 299	1
49.60.170	AMD 185	15	50.29.025	AMD 5 E1	7
49.60.170	REP 185	32	50.38.030	AMD 6	18
	(Effective 6/30/90)		50.38.030	AMD 466	66
49.60.180	AMD 185	16	50.44	ADD 5 E1	9
49.60.190	AMD 185	17	50.44.052	REP 5 E1	13
49.60.210	AMD 185	18	50.60.030	AMD 43	1
49.60.215	AMD 90	6	50.65.110	AMD 230	6
49.60.215	AMD 203	1	51.16.060	AMD 315	1
49.60.225	AMD 185	19	51.16.150	AMD 315	2
49.60.226	REP 185	32	51.16.155	AMD 315	3
	(Effective 6/30/90)		51.16.160	AMD 315	4
49.60.230	AMD 185	21	51.16.190	AMD 315	5
49.60.230	REP 185	32	51.28	ADD 338	2
	(Effective 6/30/90)		51.28.025	AMD 347	1
49.60.240	AMD 185	22	51.32	ADD 339	3,4
49.60.240	REP 185	32	51.32.090	AMD 462	6
	(Effective 6/30/90)		51.32.095	AMD 339	2
49.60.226	AMD 185	20	51.36	ADD 337	3
49.60.250	AMD 185	23	51.36.080	AMD 338	1
49.60.250	REP 185	32	51.36.080	AMD 368	2
	(Effective 6/30/90)			(Effective 7/1/87)	
49.60.260	AMD 185	24	51.41.005	REP 339	5
49.60.260	REP 185	32	51.41.010	REP 339	5
	(Effective 6/30/90)		51.41.020	REP 339	5
49.60.270	AMD 185	25	51.41.030	REP 339	5
49.60.270	REP 185	32	51.41.040	REP 339	5
	(Effective 6/30/90)		51.41.050	REP 339	5

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RCW	CH.	SEC.	RCW	CH.	SEC.		
51.41.060	REP	339	5	57.04.030	AMD	469	58
51.41.070	REP	339	5	57.04.070	AMD	141	6
51.41.080	REP	339	5	57.08.010	AMD	444	4
51.41.090	REP	339	5	57.08.050	AMD	154	2
51.41.100	REP	339	5	57.12.010	AMD	330	6
51.48	ADD	315	7	57.12.020	AMD	141	7
51.48	ADD	347	8	57.24.070	AMD	141	8
51.48.010	AMD	347	2	57.28	ADD	153	1
51.48.017	AMD	347	3	57.28.040	AMD	469	59
51.48.030	AMD	347	4	57.32.130	AMD	141	9
51.48.040	AMD	347	5	58.17.160	AMD	99	1
51.48.060	AMD	347	6	58.17.310	AMD	160	1
51.48.080	AMD	347	7	58.24.060	AMD	57	65
51.48.100	AMD	227	1	59.20	ADD	78	1
51.48.120	AMD	315	6	60	ADD	412	1-7
51.48.130	REP	315	10	60.04.070	AMD	44	10
51.48.140	AMD	315	8	60.12.070	AMD	44	11
51.52	ADD	209	1	60.12.190	AMD	44	12
51.52.050	AMD	315	9	60.22.010	AMD	412	9
51.52.095	AMD	209	2	60.28.040	AMD	80	1
51.52.104	AMD	314	1	61	ADD	237	1-17
52.04.061	AMD	313	1		(Effective 1/1/86)		
52.06.085	AMD	7	118	61.16.020	AMD	44	13
52.08.025	AMD	7	119	61.24	ADD	193	1
52.08.041	AMD	7	120	61.24.020	AMD	193	2
52.14.010	AMD	330	2	61.24.030	AMD	193	3
52.16.130	AMD	7	121	61.24.040	AMD	193	4
52.16.160	AMD	112	1	62A.9-104	AMD	412	11
52.18.010	AMD	7	122	62A.9-203	AMD	412	12
52.18.020	AMD	7	123	62A.9-302	AMD	258	3
53.08	ADD	125	1	62A.9-307	AMD	412	13
53.08.170	AMD	81	1		(Effective 10/1/85)		
53.08.320	AMD	7	124	62A.9-310	AMD	412	10
53.12.150	AMD	87	1	63.21.080	AMD	7	125
53.12.260	AMD	330	3	63.40.050	AMD	7	126
53.20.010	AMD	469	51	63.42.060	AMD	7	127
53.20.050	AMD	469	52	64.28.040	AMD	10	2
53.25.040	AMD	469	53	64.28.040	REEN	10	2
53.25.120	AMD	469	54	64.36.010	AMD	358	1
53.54.030	AMD	115	1	64.36.902	AMD	358	2
54.04.120	AMD	95	1	64.36.903	AMD	358	3
54.08.010	AMD	469	55	65.04.020	AMD	44	14
54.12.080	AMD	330	4	65.04.030	AMD	44	15
54.16.285	AMD	6	19	65.04.040	AMD	44	16
54.52.010	AMD	6	20	65.04.060	AMD	44	17
54.52.020	AMD	6	21	65.04.080	AMD	44	18
56.04.070	AMD	141	2	65.04.100	REP	44	20
56.08.010	AMD	250	1	65.12.135	AMD	469	60
56.08.010	AMD	444	5	66.08.070	AMD	226	2
56.08.013	AMD	98	1	66.24.240	AMD	226	1
56.08.070	AMD	154	1	66.24.490	AMD	306	1
56.12.010	AMD	330	5	66.28	ADD	226	3,4
56.12.030	AMD	141	3	66.28	ADD	352	20
56.24.070	AMD	469	56	66.28.010	AMD	363	1
56.24.080	AMD	469	57	66.44.316	AMD	323	1
56.24.120	AMD	141	4	67	ADD	262	1-8
56.28	ADD	153	2		(Effective 1/1/86)		
56.32.070	AMD	141	5	67.12.030	AMD	91	8

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RCW	CH.	SEC.	RCW	CH.	SEC.
67.12.050	AMD	91	9	69.30.050	AMD 51 2
67.12.110	AMD	91	10	69.30.050	REP 213 30
67.16	ADD	146	13		(Effective 6/30/87)
67.16.010	AMD	146	1	69.30.060	AMD 51 3
67.16.020	AMD	146	2	69.30.060	REP 213 30
67.16.050	AMD	146	3		(Effective 6/30/87)
67.16.060	AMD	146	4	69.30.110	AMD 51 4
67.16.090	AMD	146	5	69.30.120	AMD 51 5
67.16.100	AMD	146	6	69.30.140	AMD 51 6
67.16.100	AMD	466	67	70	ADD 236 1-10
67.16.105	AMD	146	7	70	ADD 410 1,2
67.16.130	AMD	146	8	70.01.010	AMD 213 14
67.16.170	AMD	146	9	70.05.110	REP 213 30
67.16.175	AMD	146	10		(Effective 6/30/87)
67.16.180	AMD	146	11	70.08.010	AMD 124 1
67.16.180	DECOD	146	11	70.08.020	AMD 124 2
67.16.190	AMD	146	12	70.08.030	AMD 124 3
67.28.180	AMD	272	1	70.08.040	AMD 124 4
67.34.010	AMD	466	68	70.16.010	REP 213 32
67.38.070	AMD	6	22	70.16.020	REP 213 32
67.40	ADD	233	2,3	70.16.030	REP 213 32
67.40.030	AMD	233	1	70.16.040	REP 213 32
67.40.040	AMD	57	66	70.16.050	REP 213 32
67.70.040	AMD	375	1	70.16.060	REP 213 32
67.70.050	AMD	375	2	70.16.070	REP 213 32
67.70.220	AMD	7	128	70.16.080	REP 213 32
67.70.230	AMD	375	4	70.16.090	REP 213 32
67.70.240	AMD	375	5	70.16.100	REP 213 32
67.70.260	AMD	375	6	70.16.110	REP 213 32
68.05	ADD	402	4	70.16.120	REP 213 32
68.05.100	AMD	402	8	70.16.130	REP 213 32
68.08	ADD	402	2,3	70.16.140	REP 213 32
68.08.105	AMD	300	1	70.16.150	REP 213 32
68.08.230	AMD	402	9	70.16.160	REP 213 32
68.44.030	REEN	30	138	70.16.170	REP 213 32
69	ADD	127	1-3,5	70.16.180	REP 213 32
69.06.010	REP	213	30	70.16.190	REP 213 32
				70.16.200	REP 213 32
				70.20.010	REP 213 32
69.06.020	REP	213	30	70.20.020	REP 213 32
				70.20.030	REP 213 32
				70.20.040	REP 213 32
69.06.050	REP	213	30	70.20.050	REP 213 32
				70.20.060	REP 213 32
				70.20.070	REP 213 32
69.08.030	AMD	25	1	70.20.080	REP 213 32
69.08.040	AMD	25	2	70.20.090	REP 213 32
69.12.070	AMD	213	13	70.20.100	REP 213 32
69.16.115	REP	213	30	70.20.110	REP 213 32
				70.20.120	REP 213 32
				70.20.130	REP 213 32
69.16.120	REP	213	30	70.20.150	REP 213 32
				70.20.160	REP 213 32
				70.20.165	REP 213 32
69.20.095	REP	213	30	70.20.170	REP 213 32
				70.20.180	REP 213 32
				70.20.185	REP 213 32
69.20.095	REP	213	32	70.24.040	REP 213 30
69.20.100	REP	213	30		
69.20.100	REP	213	32		
69.30.010	AMD	51	1		
69.30.030	REP	213	30		

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RCW	CH.	SEC.	RCW	CH.	SEC.	
	(Effective 6/30/87)		70.105	ADD	65	1
70.24.070	REP 213	30	70.105	ADD	448	2-16
	(Effective 6/30/87)		70.105.010	AMD	448	1
70.28.035	REP 213	30	70.105.180	AMD	57	70
	(Effective 6/30/87)		70.105A.030	AMD	7	129
70.39.170	AMD 57	67	70.120.030	AMD	7	130
70.41.010	AMD 213	15	70.120.110	AMD	7	131
70.41.020	AMD 213	16	70.125	ADD	34	2
70.41.030	AMD 213	17	70.125.040	AMD	34	1
70.41.040	AMD 213	18	70.125.070	REP	34	3
70.41.080	AMD 213	19	70.136.030	AMD	7	132
70.41.110	AMD 213	20	71	ADD	354	1-28
70.41.120	AMD 213	21		(Effective 1/1/86)		
70.41.130	AMD 213	22	71.02.413	AMD	245	3
70.41.140	AMD 213	23	71.02.416	REP	245	13
70.41.150	AMD 213	24	71.05.030	AMD	354	31
70.41.160	AMD 213	25		(Effective 1/1/86)		
70.41.180	AMD 213	26	71.05.390	AMD	207	1
70.41.190	AMD 213	27	71.06.010	AMD	354	32
70.44	ADD 166	1		(Effective 1/1/86)		
70.44.050	AMD 330	7	71.06.150	REP	354	34
70.48.210	AMD 298	1		(Effective 1/1/86)		
70.54.110	REP 213	30	71.06.160	REP	354	34
	(Effective 6/30/87)			(Effective 1/1/86)		
70.54.120	AMD 321	1	71.06.170	REP	354	34
70.58.350	REP 213	30		(Effective 1/1/86)		
	(Effective 6/30/87)		71.06.180	REP	354	34
70.74	ADD 191	1		(Effective 1/1/86)		
70.74.191	AMD 191	2	71.06.190	REP	354	34
70.83.050	REP 213	30		(Effective 1/1/86)		
	(Effective 6/30/87)		71.06.200	REP	354	34
70.84	ADD 90	1		(Effective 1/1/86)		
70.84	ADD 309	1	71.06.210	REP	354	34
70.84.030	AMD 90	2		(Effective 1/1/86)		
70.84.040	AMD 90	3	71.06.220	REP	354	34
70.84.060	AMD 90	4		(Effective 1/1/86)		
70.84.070	AMD 90	5	71.06.230	REP	354	34
70.85.100	AMD 260	1		(Effective 1/1/86)		
70.93.180	AMD 57	68	71.06.240	REP	354	34
70.94	ADD 456	3,4		(Effective 1/1/86)		
70.94.331	AMD 372	4	71.06.250	REP	354	34
70.94.656	AMD 57	69		(Effective 1/1/86)		
70.94.800	AMD 456	1	71.06.260	AMD	354	33
70.94.805	AMD 456	2		(Effective 1/1/86)		
70.94.820	AMD 456	5	72	ADD	286	1-4
70.95	ADD 345	4-7,9	72.01.050	AMD	350	1
70.95	ADD 436	1	72.01.050	AMD	378	8
70.95.010	AMD 345	1		(Effective 7/1/86)		
70.95.020	AMD 345	2	72.05.010	AMD	378	9
70.95.030	AMD 345	3		(Effective 7/1/86)		
70.95.080	AMD 448	17	72.05.130	AMD	378	10
70.95.260	AMD 6	23		(Effective 7/1/86)		
70.95.260	AMD 345	8	72.05.140	REP	378	35
70.95.265	AMD 466	69		(Effective 7/1/86)		
70.98	ADD 383	2,3	72.09.100	AMD	151	1
70.98.050	AMD 372	1	72.12.050	REP	350	6
70.98.050	AMD 383	1	72.12.160	AMD	350	2
70.98.090	AMD 372	2	72.13.091	AMD	350	5

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RCW	CH.	SEC.	RCW	CH.	SEC.
72.23.070	REP 354 (Effective 1/1/86)	34	72.65.010	(Effective 7/1/86) AMD 350	4
72.23.230	AMD 245	4	72.72.030	AMD 57	71
72.33.180	AMD 245	5	73.04.080	AMD 181	1
72.33.670	AMD 245	6	73.04.120	AMD 44	19
72.40	ADD 378 (Effective 7/1/86)	12	73.08.080	AMD 181	2
72.40	ADD 378 (Effective 7/1/86)	14	74.04	ADD 245	10
72.40	ADD 378 (Effective 7/1/86)	15	74.04.005	AMD 335	2
72.40	ADD 378 (Effective 7/1/86)	17	74.04.530	AMD 245	7
72.40	ADD 378 (Effective 7/1/86)	18	74.04.540	AMD 245	8
72.40	ADD 378 (Effective 7/1/86)	26	74.04.550	AMD 245	9
72.40	ADD 378 (Effective 7/1/86)	18	74.04.660	AMD 335	3
72.40	ADD 378 (Effective 7/1/86)	26	74.08.060	AMD 335	4
72.40.001	REP 378 (Effective 7/1/86)	35	74.09.035	AMD 5	1
72.40.010	AMD 378 (Effective 7/1/86)	11	74.09.510	AMD 5	2
72.40.020	AMD 378 (Effective 7/1/86)	13	74.09.700	AMD 5	4
72.40.031	AMD 378 (Effective 7/1/86)	16	74.12.035	AMD 335	1
72.40.040	AMD 378 (Effective 7/1/86)	19	74.13.036	AMD 257	11
72.40.050	AMD 378 (Effective 7/1/86)	20	74.13.100	AMD 7	133
72.40.060	AMD 378 (Effective 7/1/86)	21	74.13.106	AMD 7	134
72.40.070	AMD 378 (Effective 7/1/86)	22	74.13.109	AMD 7	135
72.40.080	AMD 378 (Effective 7/1/86)	23	74.13.112	AMD 7	136
72.40.090	AMD 378 (Effective 7/1/86)	24	74.13.115	AMD 7	137
72.40.100	AMD 378 (Effective 7/1/86)	25	74.13.118	AMD 7	138
72.41	ADD 378 (Effective 7/1/86)	27	74.13.121	AMD 7	139
72.41.010	AMD 378 (Effective 7/1/86)	28	74.13.124	AMD 7	140
72.41.020	AMD 378 (Effective 7/1/86)	29	74.13.127	AMD 7	141
72.41.040	AMD 378 (Effective 7/1/86)	30	74.13.130	AMD 7	142
72.41.050	REP 378 (Effective 7/1/86)	35	74.13.133	AMD 7	143
72.42	ADD 378 (Effective 7/1/86)	32	74.13.136	AMD 7	144
72.42.010	AMD 378 (Effective 7/1/86)	31	74.13.139	AMD 7	145
72.42.020	AMD 378 (Effective 7/1/86)	33	74.13.145	AMD 7	146
72.42.040	AMD 378 (Effective 7/1/86)	34	74.18.200	AMD 97	1
72.42.050	REP 378	35	74.18.230	AMD 57	72
			74.18.230	AMD 97	2
			74.20.020	REP 276	16
			74.20.040	AMD 276	1
			74.20.330	AMD 276	3
			74.20A	ADD 276	15
			74.20A.020	AMD 276	4
			74.20A.030	AMD 276	5
			74.20A.040	AMD 276	2
			74.20A.080	AMD 276	6
			74.20A.100	AMD 276	7
			74.20A.160	AMD 276	8
			74.20A.180	AMD 276	9
			74.20A.200	AMD 276	10
			74.20A.230	AMD 276	11
			74.20A.240	AMD 276	12
			74.20A.250	AMD 276	13
			74.20A.270	AMD 276	14
			74.42	ADD 284	3
			74.42.380	AMD 284	2
			74.46.020	AMD 361	16
			74.46.040	AMD 361	4
			74.46.050	AMD 361	5
			74.46.060	AMD 361	6
			74.46.080	AMD 361	7

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RCW SECTIONS AFFECTED BY 1985 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
74.46.090	AMD	361	8	77.12.055	AMD	155	2
74.46.100	AMD	361	9	77.12.265	AMD	355	1
74.46.105	AMD	361	10	77.12.570	AMD	457	22
74.46.130	AMD	361	11	77.12.590	AMD	457	23
74.46.160	AMD	361	12	77.12.600	AMD	457	24
74.46.180	AMD	7	147	77.16	ADD	243	3
74.46.180	AMD	361	1	77.32.010	AMD	457	25
74.46.420	AMD	361	18	77.32.060	AMD	464	1
74.46.460	AMD	361	15	77.32.101	AMD	464	2
74.46.475	AMD	361	13	77.32.161	AMD	464	3
74.46.520	AMD	7	148	77.32.191	AMD	464	4
74.46.520	REP	361	19	77.32.211	AMD	464	5
74.46.530	AMD	361	17	77.32.230	AMD	182	2
74.46.680	AMD	361	2	77.32.230	AMD	464	6
74.46.690	AMD	361	3	77.32.256	AMD	464	7
74.46.760	AMD	7	149	77.32.310	REP	464	12
74.46.820	AMD	361	14	77.32.340	AMD	464	8
75	ADD	457	8-11	77.32.350	AMD	243	1
75	ADD	458	1-6	77.32.350	AMD	464	9
75.08	ADD	457	12	77.32.360	AMD	464	10
75.08.020	AMD	93	1	77.32.380	AMD	464	11
75.08.020	AMD	208	1	79.01.134	AMD	197	1
75.08.065	AMD	458	7	79.01.228	AMD	237	18
75.08.080	AMD	457	17		(Effective 1/1/86)		
75.08.255	AMD	28	1	79.01.264	AMD	197	2
75.10	ADD	248	5	79.01.668	AMD	459	1
75.10.010	AMD	155	1	79.01.744	AMD	93	3
75.12.040	AMD	147	1	79.01.770	AMD	200	1
75.12.120	AMD	51	7	79.08.1078	AMD	6	24
75.20.110	AMD	307	5	79.14.020	AMD	459	2
75.20.300	AMD	307	6	79.14.030	AMD	459	3
75.24	ADD	256	2	79.14.050	AMD	459	4
75.24.060	AMD	256	1	79.24.030	AMD	57	76
75.25.120	AMD	174	1	79.24.060	AMD	57	77
75.28	ADD	248	2-4	79.24.085	AMD	57	78
75.28	ADD	248	6-8	79.24.580	AMD	57	79
75.28.010	AMD	457	18	79.28.080	AMD	197	3
75.28.110	AMD	107	1	79.64.020	AMD	57	80
75.28.265	REP	457	28	79.90.160	AMD	12	1
75.28.280	AMD	457	19	79.90.160	AMD	307	7
75.28.282	REP	457	28	79.92.090	AMD	469	61
75.28.300	AMD	248	1	80	ADD	167	2
75.28.300	AMD	457	20	80.01.040	AMD	450	10
75.28.350	REP	248	9	80.04.010	AMD	161	1
75.44.100	AMD	7	150	80.04.010	AMD	167	1
75.48.020	AMD	4	EI 10	80.04.010	AMD	450	2
75.48.030	AMD	57	73	80.04.110	AMD	450	11
75.48.120	AMD	458	8	80.04.130	AMD	161	2
76	ADD	122	1-5	80.04.130	AMD	206	1
76.04.515	AMD	57	74	80.04.130	AMD	450	12
76.09.030	AMD	466	70	80.04.500	AMD	450	13
76.12.110	AMD	57	75	80.24.010	AMD	450	14
77.04	ADD	93	2	80.28	ADD	427	1
77.04	ADD	208	2	80.28.010	AMD	6	25
77.08	ADD	243	2	80.28.080	AMD	427	2
77.08.020	AMD	457	21	80.32.010	AMD	469	62
77.12	ADD	243	4-6	80.36	ADD	450	1,3-9
77.12.010	AMD	438	1				41,44

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RCW SECTIONS AFFECTED BY 1985 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
80.36.010	AMD	450	15	82.04.431	AMD	431	3
80.36.020	AMD	450	16	82.04.4328	AMD	471	7
80.36.030	AMD	450	17	82.04.440	AMD	190	1
80.36.040	AMD	450	18	82.04.460	AMD	7	154
80.36.050	AMD	450	19	82.08	ADD	38	2
80.36.060	AMD	450	20	82.08	ADD	148	3
80.36.070	AMD	450	21	82.08.010	AMD	2	2
80.36.080	AMD	450	22	82.08.010	AMD	38	3
80.36.090	AMD	450	23	82.08.020	REEN	32	1
80.36.100	AMD	450	24	82.08.0293	AMD	104	1
80.36.110	AMD	450	25	82.08.050	AMD	38	1
80.36.120	AMD	450	26	82.08.120	AMD	38	4
80.36.130	AMD	450	27	82.12	ADD	148	4
80.36.140	AMD	450	28	82.12.010	AMD	132	1
80.36.150	AMD	450	29	82.12.010	AMD	222	1
80.36.160	AMD	450	30	82.12.0251	AMD	353	4
80.36.170	AMD	450	31	82.12.0293	AMD	104	2
80.36.180	AMD	450	32	82.14.050	AMD	57	81
80.36.190	AMD	450	33	82.14.200	AMD	57	82
80.36.200	AMD	450	34	82.14.210	AMD	57	83
80.36.220	AMD	450	35	82.14C.010	REP	179	1
80.36.225	AMD	450	36	82.14C.020	REP	179	1
80.36.230	AMD	450	37	82.14C.030	REP	179	1
80.36.260	AMD	450	38	82.14C.900	REP	179	1
80.36.270	AMD	450	39	82.16.020	AMD	471	10
80.50.030	AMD	7	151	82.20.010	AMD	471	11
80.50.030	REEN	7	151	82.27.010	AMD	413	1
80.50.030	AMD	67	1	82.27.010	REEN	413	1
80.50.030	REEN	67	1	82.27.020	AMD	413	2
80.50.030	AMD	466	71	82.27.030	AMD	413	3
80.50.040	AMD	67	2	82.27.040	AMD	413	4
80.54.010	AMD	450	40	82.27.080	REP	413	5
81.53.281	AMD	405	509	82.29A.080	AMD	57	84
81.64.020	AMD	469	63	82.29A.135	AMD	371	3
81.77.100	AMD	436	2	82.32	ADD	414	3,4
81.80.300	AMD	7	152	82.32.140	AMD	414	7
81.80.318	AMD	7	153	82.32.290	AMD	414	2
82	ADD	232	2-8	82.32.330	AMD	414	9
82	ADD	2	E1 1-8	82.32.340	AMD	414	1
82.02.030	AMD	471	9	82.32.400	AMD	57	85
82.04	ADD	471	5,6	82.36.225	AMD	371	4
82.04	ADD	471	16	82.36.280	AMD	371	5
82.04.100	AMD	148	2	82.38.085	AMD	371	6
82.04.170	AMD	135	1	82.42.090	AMD	57	86
82.04.180	AMD	414	6	82.44	ADD	380	22
82.04.190	AMD	134	1	82.44	ADD	388	6
82.04.255	AMD	32	2	82.48.090	AMD	414	5
82.04.260	AMD	135	2	82.49.070	AMD	7	155
82.04.260	AMD	471	1	84	ADD	449	1-14
82.04.290	AMD	32	3	84.04.090	AMD	395	2
82.04.2901	AMD	32	4	84.24.030	AMD	469	64
82.04.2901	REEN	32	4	84.33.041	AMD	57	87
82.04.2902	REP	32	6	84.33.081	AMD	184	1
82.04.2903	REP	32	6	84.34	ADD	393	3,4
82.04.2904	AMD	32	5	84.34.037	AMD	393	1
82.04.325	AMD	371	2	84.34.060	AMD	393	2
82.04.330	AMD	148	1	84.34.108	AMD	319	1
82.04.330	AMD	414	10	84.36	ADD	395	7

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RCW SECTIONS AFFECTED BY 1985 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
84.36.383	AMD	395	3	85.08.170	REP 396 87
84.36.490	AMD	371	7	85.08.180	REP 396 87
84.40	ADD	395	8	85.08.290	REP 396 87
84.40.405	AMD	7	156	85.08.300	AMD 396 45
84.52.0531	AMD	374	1	85.08.320	AMD 396 46
84.52.0531	REEN	374	1	85.08.610	AMD 396 47
84.52.056	AMD	282	1	85.15.040	AMD 469 75
84.52.069	AMD	348	1	85.18.040	AMD 469 76
84.52.080	AMD	184	2	85.20.030	AMD 396 48
84.56.090	AMD	83	1	85.20.040	REP 396 87
84.56.340	AMD	395	4	85.20.050	AMD 396 49
84.60.020	AMD	395	5	85.20.090	AMD 469 78
85	ADD	396	1-19	85.22.030	AMD 396 50
85.05	ADD	396	21	85.22.040	REP 396 87
85.05	ADD	396	24	85.22.050	AMD 396 51
85.05	ADD	396	31	85.22.070	AMD 396 52
85.05.020	REP	396	87	85.22.080	AMD 469 80
85.05.030	REP	396	87	85.24	ADD 396 27,34
85.05.040	REP	396	87	85.24.020	REP 396 87
85.05.050	REP	396	87	85.24.030	REP 396 87
85.05.060	REP	396	87	85.24.040	REP 396 87
85.05.072	AMD	469	67	85.24.070	AMD 396 53
85.05.085	AMD	396	37	85.24.080	AMD 396 54
85.05.110	AMD	469	68	85.24.150	AMD 469 83
85.05.280	AMD	396	38	85.32.060	AMD 469 84
85.05.410	AMD	396	39	85.36	ADD 396 28,35
85.05.560	AMD	469	69	85.36.010	AMD 396 55
85.05.580	AMD	396	40	86.09	ADD 396 22
85.06	ADD	396	25,32	86.09	ADD 396 29
85.06.020	REP	396	87	86.09	ADD 396 36
85.06.030	REP	396	87	86.09.007	REP 396 87
85.06.040	REP	396	87	86.09.022	REP 396 87
85.06.050	REP	396	87	86.09.025	REP 396 87
85.06.080	AMD	396	41	86.09.028	REP 396 87
85.06.110	AMD	469	72	86.09.031	REP 396 87
85.06.250	AMD	396	42	86.09.034	REP 396 87
85.06.380	AMD	396	43	86.09.037	REP 396 87
85.07.020	AMD	469	73	86.09.040	REP 396 87
85.08	ADD	396	23	86.09.043	REP 396 87
85.08	ADD	396	26	86.09.046	REP 396 87
85.08	ADD	396	30	86.09.049	REP 396 87
85.08	ADD	396	33	86.09.052	REP 396 87
85.08.020	REP	213	30	86.09.055	REP 396 87
	(Effective 6/30/87)			86.09.058	REP 396 87
85.08.020	REP	396	87	86.09.061	REP 396 87
85.08.040	REP	396	87	86.09.064	REP 396 87
85.08.050	REP	396	87	86.09.067	REP 396 87
85.08.060	REP	396	87	86.09.070	REP 396 87
85.08.070	REP	396	87	86.09.073	REP 396 87
85.08.080	REP	396	87	86.09.076	REP 396 87
85.08.090	REP	396	87	86.09.079	REP 396 87
85.08.100	REP	396	87	86.09.082	REP 396 87
85.08.110	REP	396	87	86.09.085	REP 396 87
85.08.120	REP	396	87	86.09.088	REP 396 87
85.08.130	REP	396	87	86.09.091	REP 396 87
85.08.140	REP	396	87	86.09.094	REP 396 87
85.08.150	REP	396	87	86.09.097	REP 396 87
85.08.160	REP	396	87	86.09.100	REP 396 87

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RCW	CH.	SEC.	RCW	CH.	SEC.	
86.09.103	REP	396	86.09.448	AMD	396	71
86.09.106	REP	396	86.09.451	AMD	396	72
86.09.109	REP	396	86.09.457	AMD	396	73
86.09.112	REP	396	86.09.463	AMD	396	74
86.09.115	REP	396	86.09.466	AMD	396	75
86.09.118	REP	396	86.09.568	AMD	396	76
86.09.121	REP	396	86.09.577	AMD	396	77
86.09.124	REP	396	86.09.592	AMD	396	78
86.09.127	REP	396	86.09.598	AMD	396	79
86.09.130	REP	396	86.09.604	AMD	396	80
86.09.133	REP	396	86.09.607	AMD	396	81
86.09.136	REP	396	86.09.610	AMD	396	82
86.09.139	REP	396	86.09.622	AMD	396	83
86.09.142	REP	396	86.09.625	AMD	396	84
86.09.145	REP	396	86.09.700	AMD	396	85
86.09.184	AMD	396	86.09.703	AMD	396	86
86.09.187	AMD	396	86.16.067	AMD	469	86
86.09.238	REP	396	86.26.007	AMD	57	88
86.09.241	REP	396	86.26.050	AMD	454	1
86.09.244	REP	396	87.03	ADD	66	2,3
86.09.247	REP	396	87.03.045	AMD	66	1
86.09.250	REP	396	87.03.050	REP	66	5
86.09.253	REP	396	87.03.055	REP	66	5
86.09.256	REP	396	87.03.060	REP	66	5
86.09.259	AMD	396	87.03.065	REP	66	5
86.09.262	REP	396	87.03.070	REP	66	5
86.09.271	AMD	396	87.03.075	AMD	66	4
86.09.274	AMD	396	87.03.310	AMD	469	87
86.09.283	AMD	396	87.03.430	AMD	469	88
86.09.289	REP	396	87.03.655	AMD	469	89
86.09.295	REP	396	87.03.755	AMD	469	90
86.09.298	REP	396	87.53.080	AMD	469	91
86.09.301	AMD	396	87.56.060	AMD	469	92
86.09.304	AMD	396	87.56.080	AMD	469	93
86.09.316	REP	396	87.56.130	AMD	469	94
86.09.331	REP	396	88.02	ADD	267	2
86.09.334	REP	396	88.02.020	AMD	267	1
86.09.337	REP	396	88.02.030	AMD	452	1
86.09.340	REP	396	88.02.070	AMD	258	4
86.09.343	REP	396	88.32.070	AMD	469	95
86.09.346	REP	396	89.16.500	AMD	307	8
86.09.349	REP	396	90	ADD	417	1-8
86.09.352	REP	396	90.14	ADD	435	2
86.09.355	REP	396	90.14.043	AMD	435	1
86.09.358	REP	396	90.22.020	AMD	196	1
86.09.361	REP	396	90.24.010	AMD	398	28
86.09.364	REP	396		(Effective 1/1/86)		
86.09.367	REP	396	90.24.040	AMD	398	29
86.09.370	REP	396		(Effective 1/1/86)		
86.09.373	REP	396	90.24.065	REP	398	30
86.09.376	REP	396		(Effective 1/1/86)		
86.09.385	AMD	396	90.44	ADD	453	1-5
86.09.388	AMD	396	90.48	ADD	249	1-4
86.09.391	AMD	396	90.48.120	AMD	316	3
86.09.409	AMD	396	90.48.142	AMD	316	6
86.09.418	AMD	396	90.48.144	AMD	316	2
86.09.433	AMD	396	90.48.315	AMD	316	5
86.09.442	AMD	396	90.48.340	AMD	316	4

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RCW		CH.	SEC.
90.48.350	AMD	316	7
90.54	ADD	444	6
90.58.500	AMD	307	9
90.70	ADD	451	1-10
90.70.010	REP	451	12
90.70.020	REP	451	12
90.70.030	REP	451	12
90.70.040	REP	451	12
90.70.050	REP	451	12
90.70.900	AMD	451	11
91.08.070	AMD	469	96
91.08.310	AMD	469	97
91.08.500	AMD	469	98

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LAWS 1854			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
114(pg)	82	REP	68	1
117(pg)	95	REP	68	1
131(pg)	3	REP	68	1
132(pg)	9	REP	68	1
139(pg)	39	REP	68	1
143(pg)	66	REP	68	1
144(pg)	68	REP	68	1
167(pg)	200	REP	68	1
168(pg)	205	REP	68	1
170(pg)	216	REP	68	1
186(pg)	292	REP	68	1
188(pg)	296	REP	68	1
188(pg)	297	REP	68	1
188(pg)	298	REP	68	1
189(pg)	305	REP	68	1
195(pg)	333	REP	68	1
202(pg)	374	AMD	240	1
204(pg)	385	REP	68	1
220(pg)	495	AMD	139	2
237(pg)	85	AMD	240	2
364(pg)	5	REEN	11	2

LAWS 1857			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
10(pg)	10	REP	68	1

LAWS 1862			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
52(pg)	1	REP	156	26
(Effective 1/1/86)				

LAWS 1863			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
501(pg)	1	REP	156	26
(Effective 1/1/86)				

LAWS 1865			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
26(pg)	1	AMD	44	15

LAWS 1866			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
83(pg)	13,14	AMD	82	5

LAWS 1869			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
3(pg)	4	REP	68	1
57(pg)	232	REP	68	1
59(pg)	246	REP	68	1
60(pg)	250	REP	68	1
67(pg)	278	REP	68	1
68(pg)	282	REP	68	1
68(pg)	283	REP	68	1
103(pg)	385	REP	68	1
105(pg)	389	REP	68	1
105(pg)	390	REP	68	1

LAWS 1869 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
105(pg)	391	REP	68	1
106(pg)	398	REP	68	1
115(pg)	425	REP	68	1
313(pg)	19	AMD	44	18
315(pg)	25	AMD	44	17
323(pg)	1	AMD	415	22
324(pg)	2	AMD	415	23
324(pg)	3	AMD	415	26
375(pg)	1	REP	156	26
(Effective 1/1/86)				

LAWS 1873			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
230(pg)	218	REP	68	1
233(pg)	231	REP	68	1
337(pg)	27	AMD	469	6
421(pg)	3	AMD	389	7
467(pg)	3	REP	156	26
(Effective 1/1/86)				

LAWS 1875			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
4(pg)	1	REP	68	1

LAWS 1877			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
4(pg)	4	REP	68	1
5(pg)	15	REP	68	1
7(pg)	24	REP	68	1
17(pg)	76	REP	68	1
20(pg)	90	REP	68	1
23(pg)	105	REP	68	1
23(pg)	107	REP	68	1
48(pg)	232	REP	68	1
50(pg)	246	REP	68	1
51(pg)	250	REP	68	1
57(pg)	282	REP	68	1
57(pg)	283	REP	68	1
86(pg)	392	REP	68	1
87(pg)	396	REP	68	1
87(pg)	397	REP	68	1
87(pg)	398	REP	68	1
88(pg)	405	REP	68	1
94(pg)	431	REP	68	1
110(pg)	527	REP	68	1
255(pg)	10	REP	156	26
(Effective 1/1/86)				

LAWS 1881			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
	4	REP	68	1
	14	REP	68	1
	24	REP	68	1
	76	REP	68	1
	90	REP	68	1
	105	REP	68	1

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LAWS 1913 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
176	1	REP	396	87
176	3	REP	396	87
176	5	REP	396	87
176	6	REP	396	87
176	7	REP	396	87
176	8	REP	396	87
176	9	REP	396	87
176	10	REP	396	87
176	11	REP	396	87
176	12	REP	396	87
176	19	REP	396	87
176	20	AMD	396	45
176	23	AMD	396	46

LAWS 1915			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
14	1	AMD	469	73
84	1	REP	396	87
91	3	AMD	84	2
153	3	AMD	469	67
154	14	AMD	469	4
154	18	AMD	469	5

LAWS 1917			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
111	1	AMD	415	18
123	2	AMD	139	1
130	4	AMD	396	47
130	12	REP	213	30
	(Effective 6/30/87)			
130	12	REP	396	87
130	14	REP	396	87
130	16	REP	396	87
130	17	REP	396	87
130	18	REP	396	87
130	19	REP	396	87
130	20	REP	396	87
130	25	REP	396	87
160	3	AMD	7	48
131	3	AMD	396	48
131	4	REP	396	87
131	5	AMD	396	49
131	8	AMD	469	78

LAWS 1919			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
4	6	AMD	7	55
4	17	AMD	7	56
5	5	AMD	7	14
5	8	AMD	7	16
5	10	AMD	7	17
5	14	AMD	7	15
36	3	AMD	7	34
36	11	AMD	7	35
36	13	AMD	131	1

LAWS 1919 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
114	4	REP	213	30
	(Effective 6/30/87)			
114	8	REP	213	30
	(Effective 6/30/87)			
125	1	AMD	44	16
134	11	AMD	322	5
134	11	REEN	322	5
144	13	AMD	7	51

LAWS 1921			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
79	1	AMD	217	1
79	2	AMD	217	2
129	37	AMD	469	89
146	2	REP	396	87
146	3	REP	396	87
146	5	AMD	396	37
160	1	REP	213	30
	(Effective 6/30/87)			
160	1	REP	396	87

LAWS 1923			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
16	28	AMD	7	19
16	31	AMD	7	21
16	32	AMD	7	22
16	33	AMD	7	20
46	1	REP	213	30
	(Effective 6/30/87)			
46	1	REP	396	87
46	3	REP	396	87
46	4	REP	396	87
46	5	REP	396	87
46	6	REP	396	87
111	3	AMD	91	8
111	5	AMD	91	9
86	1	AMD	175	2
140	2	REP	396	87
140	3	REP	396	87
154	6	AMD	57	75
172	8	AMD	74	1
172	9	AMD	74	2

LAWS 1925 EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
56	2	AMD	415	24
79	1	REP	213	30
	(Effective 6/30/87)			
79	1	REP	396	87
89	1	REP	396	87
115	3	AMD	469	4
124	6	AMD	469	92
124	9	AMD	469	93
124	15	AMD	469	94
138	2	AMD	469	90

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LAWS 1927			LAWS 1985		LAWS 1935			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
51	1	AMD	189	1	112	13	AMD	7	27
165	3	AMD	415	1	112	15	AMD	7	28
165	6	AMD	415	2	112	24	AMD	7	26
165	9	AMD	415	3	113	4	REP	9	3
165	11	REP	415	13	113	5	REEN	9	2
165	12	REP	415	13	159	15	AMD	469	86
165	15	REP	415	13	172	7	AMD	428	3
173	1	AMD	68	2	172	9	AMD	428	4
173	2	REP	68	1					
173	3	REP	68	1					
187	1	AMD	44	18					
240	1	REP	213	30					
		(Effective 6/30/87)							
240	1	REP	396	87					
255	57	AMD	237	18					
		(Effective 1/1/86)							
255	66	AMD	197	2					
255	167	AMD	459	1					
255	196	AMD	93	3					
256	6	AMD	44	11					
LAWS 1929			LAWS 1985		LAWS 1937			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
114	2	AMD	469	58	6	1	REP	156	26
114	4	AMD	141	6			(Effective 1/1/86)		
114	7	AMD	330	6	40	6	AMD	415	20
114	8	AMD	444	4	72	3	REP	396	87
114	21	AMD	154	2	72	8	REP	396	87
198	5	AMD	415	14	72	9	REP	396	87
210	1	REP	415	13	72	10	REP	396	87
					72	11	REP	396	87
					72	12	REP	396	87
					72	13	REP	396	87
					72	14	REP	396	87
					72	15	REP	396	87
					72	16	REP	396	87
					72	17	REP	396	87
					72	18	REP	396	87
					72	19	REP	396	87
					72	20	REP	396	87
					72	21	REP	396	87
					72	22	REP	396	87
					72	23	REP	396	87
					72	24	REP	396	87
					72	25	REP	396	87
					72	26	REP	396	87
					72	27	REP	396	87
					72	28	REP	396	87
					72	29	REP	396	87
					72	30	REP	396	87
					72	31	REP	396	87
					72	32	REP	396	87
					72	33	REP	396	87
					72	34	REP	396	87
					72	35	REP	396	87
					72	36	REP	396	87
					72	37	REP	396	87
					72	38	REP	396	87
					72	39	REP	396	87
					72	40	REP	396	87
					72	41	REP	396	87
					72	42	REP	396	87
					72	43	REP	396	87
					72	44	REP	396	87
					72	45	REP	396	87
					72	46	REP	396	87
					72	47	REP	396	87
					72	48	REP	396	87
					72	49	REP	396	87
LAWS 1933			LAWS 1985		LAWS 1933 EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
32	2	AMD	44	11	62	23-B	AMD	226	1
55	1	AMD	146	1	62	67	AMD	226	2
55	4	AMD	146	2	62	90	AMD	363	1
55	6	AMD	146	3					
55	7	AMD	146	4					
138	1	REP	68	1					
177	2	REP	415	13					
182	3	AMD	396	50					
182	4	REP	396	87					
182	5	AMD	396	51					
182	7	AMD	396	52					
182	8	AMD	469	80					
LAWS 1933			LAWS 1985		LAWS 1933			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
32	2	AMD	44	11	72	11	REP	396	87
55	1	AMD	146	1	72	32	REP	396	87
55	4	AMD	146	2	72	33	REP	396	87
55	6	AMD	146	3	72	34	REP	396	87
55	7	AMD	146	4	72	35	REP	396	87
138	1	REP	68	1	72	36	REP	396	87
177	2	REP	415	13	72	37	REP	396	87
182	3	AMD	396	50	72	38	REP	396	87
182	4	REP	396	87	72	39	REP	396	87
182	5	AMD	396	51	72	40	REP	396	87
182	7	AMD	396	52	72	41	REP	396	87
182	8	AMD	469	80	72	42	REP	396	87
					72	43	REP	396	87
					72	44	REP	396	87
					72	45	REP	396	87
					72	46	REP	396	87
					72	47	REP	396	87
					72	48	REP	396	87
					72	49	REP	396	87

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LAWS 1937 (cont.)			LAWS 1985		LAWS 1937 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
72	62	AMD	396	56	108	8	AMD	7	41
72	63	AMD	396	57	108	10	AMD	7	38
72	80	REP	396	87	108	14	AMD	402	9
72	81	REP	396	87	108	15	AMD	7	39
72	82	REP	396	87	137	7	AMD	213	13
72	83	REP	396	87	146	1	REP	415	13
72	84	REP	396	87	146	2	REP	415	13
72	85	REP	396	87	194	2	AMD	469	9
72	86	REP	396	87	217	1	AMD	226	1
72	87	AMD	396	58					
72	88	REP	396	87					
72	91	AMD	396	59					
72	92	AMD	396	60					
72	95	AMD	396	61					
72	97	REP	396	87					
72	99	REP	396	87					
72	100	REP	396	87					
72	101	AMD	396	62					
72	102	AMD	396	63					
72	106	REP	396	87					
72	111	REP	396	87					
72	112	REP	396	87					
72	113	REP	396	87					
72	114	REP	396	87					
72	115	REP	396	87					
72	116	REP	396	87					
72	117	REP	396	87					
72	118	REP	396	87					
72	119	REP	396	87					
72	120	REP	396	87					
72	121	REP	396	87					
72	122	REP	396	87					
72	123	REP	396	87					
72	124	REP	396	87					
72	125	REP	396	87					
72	126	REP	396	87					
72	129	AMD	396	64					
72	130	AMD	396	65					
72	131	AMD	396	66					
72	137	AMD	396	67					
72	140	AMD	396	68					
72	145	AMD	396	69					
72	148	AMD	396	70					
72	150	AMD	396	71					
72	151	AMD	396	72					
72	153	AMD	396	73					
72	155	AMD	396	74					
72	156	AMD	396	75					
72	190	AMD	396	76					
72	193	AMD	396	77					
72	198	AMD	396	78					
72	200	AMD	396	79					
72	202	AMD	396	80					
72	203	AMD	396	81					
72	204	AMD	396	82					
72	208	AMD	396	83					
72	209	AMD	396	84					
108	6	AMD	7	37					

LAWS 1939			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
34	22	AMD	330	2
107	2	AMD	398	28
		(Effective 1/1/86)		
107	5	AMD	398	29
		(Effective 1/1/86)		
112	16	REP	213	30
		(Effective 6/30/87)		
112	16	REP	213	32
112	17	REP	213	30
		(Effective 6/30/87)		
112	17	REP	213	32
190	16	REP	213	30
		(Effective 6/30/87)		
190	17	REP	213	30
		(Effective 6/30/87)		
196	1	REP	415	13
204	2	AMD	82	1
204	4	AMD	82	2
204	5	AMD	82	3

LAWS 1941			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
55	4	AMD	469	59
71	10	AMD	7	71
71	16	AMD	7	72
71	19	AMD	7	73
171	2	AMD	66	4
173	1	REP	3	2
183	1	REP	396	87
210	5	AMD	141	2
210	8	AMD	141	3
210	9	AMD	330	5
210	10	AMD	250	1
210	10	AMD	444	5
210	44	AMD	154	1
216	2	AMD	64	1
252	15	AMD	162	1

LAWS 1943			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
97	1	REP	156	26
		(Effective 1/1/86)		
117	6	AMD	213	11
130	93	AMD	295	1
138	9	AMD	265	1

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LAWS 1943 (cont.)			LAWS 1985		LAWS 1947 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
166	3	AMD	469	51	79	.33.07	AMD	470	23
247	127	REEN	30	138			(Effective 1/1/86)		
267	13	AMD	141	9	79	.33.08	AMD	470	24
							(Effective 1/1/86)		
					79	.33.09	AMD	470	25
							(Effective 1/1/86)		
					79	.33.10	REP	470	37
							(Effective 1/1/86)		
					79	.33.11	AMD	470	26
							(Effective 1/1/86)		
					79	.33.13	REP	470	37
							(Effective 1/1/86)		
					80	1	AMD	13	6
					80	1	REEN	13	6
					172	9	REP	415	13
					172	10	REP	415	13
					172	11	REP	415	13
					180	7	AMD	181	1
					268	2	AMD	283	1
					274	1	AMD	13	7
					274	38	AMD	138	1
					283	8	AMD	7	42
					283	13	AMD	7	44
					283	14	AMD	7	45
					283	16	AMD	7	46
LAWS 1945			LAWS 1985		LAWS 1949			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
4	1	REP	3	2	16	1	AMD	44	19
35	8	AMD	5	4	46	1	AMD	124	1
35	9	AMD	41	1	46	2	AMD	124	2
35	41	AMD	96	1	46	3	AMD	124	3
35	60	AMD	5	E1 6	46	4	AMD	124	4
63	3	AMD	15	1	183	1	AMD	185	1
63	5	AMD	15	3	183	3	AMD	185	2
130	4	AMD	95	1	183	3	AMD	203	2
182	15	AMD	246	1	183	5	AMD	185	9
192	2	AMD	25	1	183	5	REP	185	32
192	3	AMD	25	2			(Effective 6/30/90)		
216	18	AMD	316	3	183	10	AMD	185	26
235	35	AMD	239	1	183	10	REP	185	32
264	15	AMD	330	7			(Effective 6/30/90)		
					183	11	AMD	185	27
					183	11	REP	185	32
							(Effective 6/30/90)		
					190	22	AMD	264	5
					202	16	AMD	7	68
					202	19	AMD	7	69
					202	20	AMD	7	70
					217	2	AMD	44	10
					222	9	AMD	7	65
					222	10	AMD	7	66
					236	4	AMD	146	5
					239	5	AMD	7	63
					239	6	AMD	7	64
LAWS 1947			LAWS 1985						
Ch.	Sec.	Action	Ch.	Sec.					
79	.01.05	AMD	277	9					
79	.02.12	AMD	264	2					
79	.05.20	AMD	264	3					
79	.05.32	AMD	470	16					
		(Effective 1/1/86)							
79	.07.03	AMD	364	1					
79	.07.04	AMD	364	2					
79	.07.05	AMD	364	3					
79	.07.07	AMD	364	4					
79	.10.07	AMD	264	4					
79	.15.16	AMD	264	5					
79	.16.07	AMD	264	6					
79	.17.01	AMD	264	7					
79	.17.08	REP	264	16					
79	.17.52	AMD	264	8					
79	.18.11	AMD	264	9					
79	.18.29	AMD	264	17					
79	.23.30	AMD	264	23					
79	.30.01	AMD	264	13					
79	.30.14	AMD	264	14					
79	.33.01	REP	470	37					
		(Effective 1/1/86)							
79	.33.02	REP	470	37					
		(Effective 1/1/86)							
79	.33.03	AMD	470	17					
		(Effective 1/1/86)							
79	.33.04	AMD	470	18					
		(Effective 1/1/86)							
79	.33.05	AMD	470	20					
		(Effective 1/1/86)							
79	.33.06	AMD	470	21					
		(Effective 1/1/86)							

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LAWS 1951			LAWS 1985		LAWS 1955 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
31	1	AMD	415	15	12	75.28.300	AMD	248	1
31	2	AMD	415	16	12	75.28.300	AMD	457	20
31	7	AMD	415	17	12	75.28.350	REP	248	9
45	5	AMD	469	76	13	32.04.020	AMD	56	1
51	7	REP	156	26	13	32.04.030	AMD	56	2
		(Effective 1/1/86)			13	32.04.040	AMD	469	16
112	3	AMD	469	59	13	32.12.020	AMD	56	6
117	6	AMD	284	4	13	32.12.050	AMD	56	7
125	3	AMD	357	1	13	32.16.010	AMD	56	8
		(Effective 1/1/87)			13	32.16.040	AMD	56	9
125	4	AMD	357	2	13	32.16.050	AMD	56	10
		(Effective 1/1/87)			13	32.20.090	AMD	56	11
125	6	AMD	357	3	13	32.20.140	REP	56	38
		(Effective 1/1/86)			13	32.20.150	REP	56	38
168	2	AMD	213	8	13	32.20.170	REP	56	38
168	6	AMD	213	9	13	32.20.180	REP	56	38
168	7	AMD	213	10	13	32.20.190	REP	56	38
207	4	AMD	330	4	13	32.20.220	AMD	56	12
237	8	AMD	469	91	13	32.24.030	AMD	56	14
240	7	AMD	454	1	13	32.24.080	AMD	56	15
					15	25.04.020	REEN	8	2
					15	25.04.150	AMD	8	3
					15	25.04.150	REEN	8	3
					15	25.12.040	AMD	469	12
					33	30.04.060	AMD	305	3
					33	30.04.160	AMD	7	97
					33	30.04.210	AMD	329	4
					33	30.04.230	AMD	305	4
					33	30.04.230	AMD	310	2
						(Effective 7/1/87)			
					33	30.04.310	REEN	30	137
					33	30.12.060	AMD	305	6
					33	30.24.010	REEN	30	63
					33	30.24.015	REEN	30	64
					33	30.24.020	REEN	30	65
					33	30.24.030	REEN	30	68
					33	30.24.035	REEN	30	69
					33	30.24.040	REEN	30	71
					33	30.24.050	REEN	30	72
					33	30.24.060	REP	30	143
					33	30.24.070	REEN	30	74
					33	30.24.090	REEN	30	75
					33	30.28.010	REEN	30	79
					33	30.28.020	REEN	30	80
					33	30.28.030	REEN	30	81
					33	30.28.040	REEN	30	82
					33	30.28.050	REEN	30	83
					33	30.30.010	REEN	30	95
					33	30.30.020	REEN	30	96
					33	30.30.030	REEN	30	97
					33	30.30.040	REEN	30	98
					33	30.30.050	AMD	30	99
					33	30.30.050	REEN	30	99
					33	30.30.060	REEN	30	100
					33	30.30.070	REEN	30	101
					33	30.30.080	REEN	30	102
					33	30.30.090	REEN	30	103
					33	30.30.100	REEN	30	104

LAWS 1951 2ND EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
24	8	AMD	7	121

LAWS 1953			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
83	1	AMD	7	36
84	1	REP	396	87
93	5	AMD	7	24
107	1	AMD	82	4
184	2	AMD	175	2
188	9	AMD	300	1
197	9	AMD	264	8
249	1	AMD	389	2
251	18	AMD	141	8
290	36	AMD	402	8

LAWS 1953 EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
2	2	REP	3	2

LAWS 1955			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
12	75.08.020	AMD	93	1
12	75.08.020	AMD	208	1
12	75.08.080	AMD	457	17
12	75.08.150	AMD	155	1
12	75.12.040	AMD	147	1
12	75.12.120	AMD	51	7
12	75.12.130	AMD	28	1
12	75.16.070	AMD	458	7
12	75.24.060	AMD	256	1
12	75.28.010	AMD	457	18
12	75.28.110	AMD	107	1
12	75.28.280	AMD	457	19

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LAWS 1955 (cont.)			LAWS 1985		LAWS 1955 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
33	30.30.110	REEN	30	105	267	11	AMD	213	20
33	30.30.120	REEN	31	16	267	12	AMD	213	21
33	30.44.210	AMD	469	15	267	13	AMD	213	22
36	77.08.020	AMD	457	21	267	14	AMD	213	23
36	77.12.010	AMD	438	1	267	15	AMD	213	24
36	77.16.230	AMD	355	1	267	16	AMD	213	25
36	77.28.020	AMD	457	22	267	18	AMD	213	26
36	77.28.080	AMD	457	23	270	2	AMD	185	3
36	77.28.090	AMD	457	24	270	2	REP	185	32
36	77.32.010	AMD	457	25			(Effective 6/30/90)		
36	77.32.060	AMD	464	1	270	3	AMD	185	4
36	77.32.230	AMD	182	2	270	3	REP	185	32
36	77.32.230	AMD	464	6			(Effective 6/30/90)		
57	4	AMD	66	1	270	4	AMD	185	5
57	5	REP	66	5	270	4	REP	185	32
57	6	REP	66	5			(Effective 6/30/90)		
57	7	REP	66	5	270	5	AMD	185	6
57	8	REP	66	5	270	5	REP	185	32
57	9	REP	66	5			(Effective 6/30/90)		
64	1	AMD	81	1	270	6	AMD	185	7
73	4	AMD	469	53	270	6	REP	185	32
73	12	AMD	469	54			(Effective 6/30/90)		
80	1	AMD	56	2	270	7	AMD	185	8
80	4	REP	56	38	270	7	REP	185	32
80	6	AMD	56	13			(Effective 6/30/90)		
86	8	AMD	264	6	270	8	AMD	185	10
131	2	AMD	459	2	270	8	REP	185	32
131	3	AMD	459	3			(Effective 6/30/90)		
131	5	AMD	459	4	270	9	AMD	185	11
144	1	AMD	51	1	270	9	REP	185	32
144	3	REP	213	30			(Effective 6/30/90)		
		(Effective 6/30/87)			270	10	AMD	185	12
144	5	AMD	51	2	270	10	REP	185	32
144	5	REP	213	30			(Effective 6/30/90)		
		(Effective 6/30/87)			270	11	AMD	185	13
144	6	AMD	51	3	270	11	REP	185	32
144	6	REP	213	30			(Effective 6/30/90)		
		(Effective 6/30/87)			270	12	AMD	185	14
144	11	AMD	51	4	270	12	REP	185	32
144	12	AMD	51	5			(Effective 6/30/90)		
144	14	AMD	51	6	270	13	AMD	185	15
149	6	AMD	7	13	270	13	REP	185	32
160	1	REEN	30	31			(Effective 6/30/90)		
160	2	REEN	30	32	270	15	AMD	185	21
160	3	REEN	30	33	270	15	REP	185	32
160	4	REEN	30	34			(Effective 6/30/90)		
160	5	REEN	30	35	270	16	AMD	185	22
202	35	AMD	322	1	270	16	REP	185	32
202	35	REEN	322	1			(Effective 6/30/90)		
202	36	AMD	322	4	270	17	AMD	185	23
202	36	REEN	322	4	270	17	REP	185	32
212	10	REP	457	28			(Effective 6/30/90)		
236	4	AMD	80	1	324	2	AMD	197	3
267	1	AMD	213	15	336	3	AMD	44	12
267	2	AMD	213	16	392	1	AMD	280	1
267	3	AMD	213	17			(Effective 1/1/86)		
267	4	AMD	213	18	392	2	AMD	280	2
267	8	AMD	213	19			(Effective 1/1/86)		

"E1" Denotes 1st ex. sess.

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LAWS 1955 (cont.)			LAWS 1985		LAWS 1957 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
392	3	AMD	280	3			(Effective 6/30/90)		
			(Effective 1/1/86)		43	7	AMD	7	29
392	4	AMD	280	4	52	14	AMD	7	11
			(Effective 1/1/86)		52	25	AMD	7	25
392	5	AMD	280	5	52	29	AMD	7	23
			(Effective 1/1/86)		60	3	AMD	322	2
392	6	AMD	280	6	80	6	AMD	56	10
			(Effective 1/1/86)		160	2	REP	415	13
392	7	AMD	280	7	193	21	AMD	364	3
			(Effective 1/1/86)		197	1	REP	213	30
392	8	REP	280	17			(Effective 6/30/87)		
			(Effective 1/1/86)		197	2	REP	213	30
392	10	REP	280	17			(Effective 6/30/87)		
			(Effective 1/1/86)		197	5	REP	213	30
392	11	AMD	280	9			(Effective 6/30/87)		
			(Effective 1/1/86)		246	5	AMD	192	1
392	12	AMD	280	10	253	1	AMD	297	1
			(Effective 1/1/86)		253	2	AMD	213	4
392	14	AMD	280	11	253	6	AMD	213	5
			(Effective 1/1/86)		253	9	AMD	213	6
392	15	REP	280	17	253	11	AMD	213	7
			(Effective 1/1/86)		253	16	AMD	297	2

LAWS 1957			LAWS 1985		LAWS 1959			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
3	1	REP	3	2	1	1	AMD	429	3
9	1	REP	68	1	17	8	AMD	87	1
13	8	AMD	469	10	18	3	AMD	141	7
22	6	REP	415	13	25	71.06.010	AMD	354	32
37	5	REP	185	32			(Effective 1/1/86)		
			(Effective 6/30/90)		25	71.06.150	REP	354	34
37	6	AMD	185	7			(Effective 1/1/86)		
37	6	REP	185	32	25	71.06.160	REP	354	34
			(Effective 6/30/90)				(Effective 1/1/86)		
37	7	REP	185	32	25	71.06.170	REP	354	34
			(Effective 6/30/90)				(Effective 1/1/86)		
37	9	AMD	185	16	25	71.06.180	REP	354	34
37	10	AMD	185	17			(Effective 1/1/86)		
37	12	AMD	185	18	25	71.06.190	REP	354	34
37	14	AMD	90	6			(Effective 1/1/86)		
37	14	AMD	203	1	25	71.06.200	REP	354	34
37	16	AMD	185	21			(Effective 1/1/86)		
37	16	REP	185	32	25	71.06.210	REP	354	34
			(Effective 6/30/90)				(Effective 1/1/86)		
37	17	REP	185	32	25	71.06.220	REP	354	34
			(Effective 6/30/90)				(Effective 1/1/86)		
37	18	REP	185	32	25	71.06.230	REP	354	34
			(Effective 6/30/90)				(Effective 1/1/86)		
37	21	AMD	185	24	25	71.06.240	REP	354	34
37	21	REP	185	32			(Effective 1/1/86)		
			(Effective 6/30/90)		25	71.06.250	REP	354	34
37	22	AMD	185	25			(Effective 1/1/86)		
37	22	REP	185	32	25	71.06.260	AMD	354	33
			(Effective 6/30/90)				(Effective 1/1/86)		
37	23	REP	185	32	26	74.08.060	AMD	335	4
			(Effective 6/30/90)		28	72.01.050	AMD	350	1
37	26	REP	185	32	28	72.01.050	AMD	378	8

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LAWS 1959 (cont.)			LAWS 1985		LAWS 1959 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
		(Effective 7/1/86)			202		2 AMD	30	13
28	72.05.010	AMD	378	9	202		2 REEN	30	13
		(Effective 7/1/86)			202		3 REEN	30	14
28	72.05.130	AMD	378	10	202		4 REEN	30	15
		(Effective 7/1/86)			202		5 REEN	30	16
28	72.05.140	REP	378	35	202		6 REEN	30	17
		(Effective 7/1/86)			202		7 REEN	30	18
28	72.12.050	REP	350	6	202		8 REEN	30	19
28	72.23.070	REP	354	34	202		9 REEN	30	21
		(Effective 1/1/86)			202		10 REEN	30	20
28	72.23.230	AMD	245	4	202		11 REEN	30	24
28	72.33.180	AMD	245	5	204		44 AMD	415	5
28	72.40.010	AMD	378	11	204		51 AMD	415	6
		(Effective 7/1/86)			209		2 REP	396	87
28	72.40.020	AMD	378	13	209		4 REP	396	87
		(Effective 7/1/86)			209		5 REP	396	87
28	72.40.040	AMD	378	19	209		6 REP	396	87
		(Effective 7/1/86)			209		7 REP	396	87
28	72.40.050	AMD	378	20	209		8 REP	396	87
		(Effective 7/1/86)			209		9 REP	396	87
28	72.40.060	AMD	378	21	237		6 AMD	7	119
		(Effective 7/1/86)			237		7 AMD	7	120
28	72.40.070	AMD	378	22	251		1 REP	350	6
		(Effective 7/1/86)			257		44 AMD	57	77
28	72.40.080	AMD	378	23	257		46 AMD	57	78
		(Effective 7/1/86)			258		3 AMD	398	29
28	72.40.090	AMD	378	24			(Effective 1/1/86)		
		(Effective 7/1/86)			258		4 REP	398	30
28	72.40.100	AMD	378	25			(Effective 1/1/86)		
		(Effective 7/1/86)			258		1 AMD	398	28
54	24	AMD	415	8			(Effective 1/1/86)		
107	8	AMD	415	9	266		8 AMD	5 E1	5
107	32	AMD	415	10	282		43 AMD	171	1
108	1	AMD	444	4	322		3 REP	276	16
124	1	REEN	30	40	322		5 AMD	276	1
124	2	REEN	30	38	323		1 REP	37	18
124	3	REEN	30	41	323		2 REP	37	18
124	4	AMD	30	43	323		3 REP	37	18
124	4	REEN	30	43	323		4 REP	37	18
124	4	REP	30	143	323		5 REP	37	18
124	5	AMD	30	44	323		6 AMD	7	5
124	5	REEN	30	44	323		6 REP	37	18
124	6	REEN	30	48	323		7 REP	37	18
124	7	AMD	30	50	323		8 REP	37	18
124	7	REEN	30	50	323		9 REP	37	18
124	8	REEN	30	52	323		10 AMD	7	6
124	9	REEN	30	53	323		10 REP	37	18
124	10	AMD	30	54	323		11 REP	37	18
124	10	REEN	30	54	323		12 REP	37	18
124	11	REEN	30	61	323		13 AMD	7	7
124	12	REEN	30	62	323		13 REP	37	18
139	1	AMD	412	8	323		14 REP	37	18
161	1	REP	415	13	323		15 AMD	57	4
177	6	REP	213	30	323		16 REP	37	18
		(Effective 6/30/87)			323		17 REP	37	18
189	1	AMD	322	6	323		18 REP	37	18
202	1	REEN	30	12					

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LAWS 1959 EX.			LAWS 1985		LAWS 1961 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
10	1	AMD	3	1	14	80.24.010	AMD	450	14
					14	80.28.010	AMD	6	25
					14	80.28.080	AMD	427	2
					14	80.32.010	AMD	469	62
					14	80.36.010	AMD	450	15
					14	80.36.020	AMD	450	16
					14	80.36.030	AMD	450	17
					14	80.36.040	AMD	450	18
					14	80.36.050	AMD	450	19
					14	80.36.060	AMD	450	20
					14	80.36.070	AMD	450	21
					14	80.36.080	AMD	450	22
					14	80.36.090	AMD	450	23
					14	80.36.100	AMD	450	24
					14	80.36.110	AMD	450	25
					14	80.36.120	AMD	450	26
					14	80.36.130	AMD	450	27
					14	80.36.140	AMD	450	28
					14	80.36.150	AMD	450	29
					14	80.36.160	AMD	450	30
					14	80.36.170	AMD	450	31
					14	80.36.180	AMD	450	32
					14	80.36.190	AMD	450	33
					14	80.36.200	AMD	450	34
					14	80.36.220	AMD	450	35
					14	80.36.230	AMD	450	37
					14	80.36.260	AMD	450	38
					14	80.36.270	AMD	450	39
					14	81.64.020	AMD	469	63
					14	81.80.300	AMD	7	152
					14	81.80.318	AMD	7	153
					15	82.04.100	AMD	148	2
					15	82.04.170	AMD	135	1
					15	82.04.180	AMD	414	6
					15	82.04.190	AMD	134	1
					15	82.04.290	AMD	32	3
					15	82.04.330	AMD	148	1
					15	82.04.330	AMD	414	10
					15	82.04.440	AMD	190	1
					15	82.04.460	AMD	7	154
					15	82.08.010	AMD	2	2
					15	82.08.010	AMD	38	3
					15	82.08.020	REEN	32	1
					15	82.08.050	AMD	38	1
					15	82.08.120	AMD	38	4
					15	82.12.010	AMD	132	1
					15	82.12.010	AMD	222	1
					15	82.16.020	AMD	471	10
					15	82.20.010	AMD	471	11
					15	82.32.140	AMD	414	7
					15	82.32.290	AMD	414	2
					15	82.32.330	AMD	414	9
					15	82.32.340	AMD	414	1
					15	82.48.090	AMD	414	5
					15	84.04.090	AMD	395	2
					15	84.24.030	AMD	469	64
					15	84.52.056	AMD	282	1
					15	84.52.080	AMD	184	2

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LAWS 1961 (cont.)			LAWS 1985		LAWS 1961 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
15	84.56.090	AMD	83	1	299	51	AMD	303	14
15	84.56.340	AMD	395	4	299	59	AMD	389	4
15	84.60.020	AMD	395	5	299	100	AMD	7	1
23	51.16.150	AMD	315	2	299	106	AMD	389	5
23	51.16.160	AMD	315	4	299	108	AMD	389	6
23	51.32.090	AMD	462	6					
23	51.48.010	AMD	347	2					
23	51.48.030	AMD	347	4					
23	51.48.040	AMD	347	5					
23	51.48.060	AMD	347	6					
23	51.48.080	AMD	347	7					
23	51.48.100	AMD	227	1					
23	51.52.050	AMD	315	9					
23	51.52.095	AMD	209	2					
30	1	REP	213	30					
	(Effective 6/30/87)								
30	2	REP	213	30					
	(Effective 6/30/87)								
53	9	AMD	112	1					
73	11	AMD	197	1					
96	2	AMD	376	2					
96	4	AMD	376	3					
96	8	AMD	376	6					
100	4	AMD	185	26					
100	4	REP	185	32					
	(Effective 6/30/90)								
100	5	AMD	185	30					
104	5	AMD	7	126					
131	7	AMD	469	84					
134	2	AMD	302	5					
167	9	AMD	57	79					
178	2	AMD	57	80					
207	5	AMD	372	1					
207	5	AMD	383	1					
207	9	AMD	372	2					
216	20	AMD	401	1					
249	5	AMD	158	4					
256	2	AMD	261	1					
256	2	AMD	457	13					
256	7	AMD	261	2					
256	12	AMD	261	3					
256	14	AMD	261	4					
256	15	AMD	261	5					
256	16	AMD	261	6					
256	19	AMD	261	7					
256	20	AMD	261	8					
256	25	AMD	261	9					
256	26	AMD	261	10					
256	28	AMD	261	11					
256	35	AMD	261	12					
256	39	AMD	261	13					
256	41	AMD	261	14					
256	44	AMD	261	15					
256	63	AMD	261	16					
264	1	AMD	412	9	39	7	AMD	57	62
295	11	AMD	436	2	106	2	AMD	173	2
299	37	AMD	303	13	106	4	AMD	173	3
299	46	AMD	389	3	106	6	AMD	353	3

LAWS 1961 EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
21	27	AMD	1	E1

LAWS 1963			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
4	36.12.010	AMD	145	1
4	36.12.080	AMD	145	2
4	36.12.090	AMD	145	3
4	36.18.010	AMD	44	2
4	36.18.100	REP	44	20
4	36.18.110	AMD	44	3
4	36.18.120	AMD	44	4
4	36.18.150	REP	44	20
4	36.21.060	AMD	318	1
4	36.21.080	AMD	220	1
4	36.29.060	AMD	469	44
4	36.32.120	AMD	91	1
4	36.32.240	AMD	169	8
4	36.32.250	AMD	169	9
4	36.32.250	AMD	369	1
4	36.34.020	AMD	469	45
4	36.34.090	AMD	469	46
4	36.40.060	AMD	469	47
4	36.40.100	AMD	469	48
4	36.49.010	REP	91	11
4	36.53.020	AMD	91	2
4	36.55.040	AMD	469	49
4	36.62.020	REP	213	30
	(Effective 6/30/87)			
4	36.64.060	AMD	7	105
4	36.70.330	AMD	126	3
4	36.71.020	AMD	91	3
4	36.71.030	AMD	91	4
4	36.71.040	AMD	91	5
4	36.71.050	AMD	91	6
4	36.71.080	AMD	91	7
4	36.77.030	AMD	369	3
4	36.80.080	AMD	120	3
	(Effective 7/1/87)			
4	36.82.190	AMD	469	50
4	36.87.020	AMD	369	4
4	36.87.060	AMD	369	5
4	36.87.070	AMD	369	6
4	36.88.010	AMD	369	7
4	36.88.010	AMD	400	3
4	36.88.090	AMD	369	8

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LAWS 1963 (cont.)			LAWS 1985		LAWS 1965 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
106	12	AMD	173	4	7	35.33.020	AMD	175	4
106	19	AMD	173	5	7	35.42.080	AMD	469	28
106	27	AMD	173	6	7	35.43.040	AMD	397	1
106	28	AMD	173	7	7	35.43.050	AMD	397	2
106	29	AMD	173	8	7	35.43.140	AMD	469	29
138	1	AMD	469	54	7	35.44.010	AMD	397	3
148	6	AMD	314	1	7	35.44.020	AMD	397	4
158	1	AMD	57	59	7	35.44.090	AMD	469	30
159	7	AMD	217	3	7	35.44.190	AMD	397	9
159	8	AMD	188	8	7	35.58.160	AMD	330	1
159	8	AMD	217	4	7	35.61.010	AMD	416	1
159	9	AMD	188	9	7	35.61.030	AMD	469	32
159	9	AMD	217	5	7	35.61.060	AMD	416	2
162	3	AMD	466	42	7	35.61.090	AMD	416	3
169	5	AMD	1 E1	10	7	35.61.190	AMD	469	33
169	28	AMD	157	1	7	35.61.250	AMD	416	4
206	2	REP	276	16	7	35.61.260	AMD	469	34
218	1	AMD	253	1	7	35.61.270	AMD	469	35
241	2	AMD	7	106	7	35.61.290	AMD	416	5
					7	35.61.300	AMD	416	6
					7	35.63.090	AMD	126	1
					7	35.67.030	AMD	445	1
					7	35.67.070	REP	445	13
					7	35.67.110	AMD	445	3
					7	35.68.030	AMD	469	37
					7	35.68.050	AMD	469	38
					7	35.70.060	AMD	469	36
					7	35.70.080	AMD	469	39
					7	35.82.070	AMD	386	1
					7	35.92.010	AMD	444	2
					7	35.92.010	AMD	445	4
					7	35.92.020	AMD	445	5
					7	35.92.025	AMD	445	6
					7	35.92.030	AMD	445	8
					7	35.92.050	AMD	445	9
					7	35.92.060	AMD	445	10
					7	35.92.070	AMD	444	3
					7	35.92.070	AMD	445	11
					7	35.92.080	AMD	445	12
					7	35.94.020	AMD	469	40
					8	43.01.041	AMD	292	1
					8	43.01.050	AMD	57	26
					8	43.06.100	REP	156	26
						(Effective 1/1/86)			
					8	43.10.067	AMD	7	108
					8	43.10.067	AMD	133	2
					8	43.19.1906	AMD	342	1
					8	43.19.1935	AMD	188	1
					8	43.20.010	AMD	213	2
					8	43.20.030	REP	213	30
						(Effective 6/30/87)			
					8	43.20.050	AMD	213	1
					8	43.20.050	REP	213	30
						(Effective 6/30/87)			
					8	43.20.100	REP	213	30
						(Effective 6/30/87)			
					8	43.20.140	REP	213	30
						(Effective 6/30/87)			

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LAWS 1965 (cont.)			LAWS 1985		LAWS 1965 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
8	43.21.260	AMD	466	49	53	19	REP	290	25
8	43.23.030	AMD	457	15	53	22	AMD	290	3
8	43.31.010	REP	466	76	53	24	REP	290	25
8	43.31.020	REP	466	76	53	42	AMD	290	7
8	43.31.030	REP	466	76	53	47	REP	290	25
8	43.31.040	REP	466	76	53	48	AMD	290	9
8	43.31.050	REP	466	76	53	51	AMD	290	20
8	43.31.060	REP	466	76	53	55	AMD	290	10
8	43.31.070	REP	466	76	53	60	AMD	290	11
8	43.31.080	REP	466	76	53	62	AMD	290	12
8	43.31.110	REP	466	76	53	63	AMD	290	13
8	43.31.120	REP	466	76	53	83	AMD	290	14
8	43.31.140	REP	466	76	53	107	AMD	7	85
8	43.31.150	REP	466	76	53	122	AMD	290	19
8	43.31.160	REP	466	76	53	137	AMD	290	21
8	43.31.170	REP	466	76	53	138	REP	290	25
8	43.31.180	REP	466	76	53	139	AMD	290	22
8	43.43.330	AMD	4	1	53	140	AMD	290	23
8	43.43.340	AMD	365	6	53	142	REP	290	25
8	43.46.010	REP	317	9	53	165	AMD	290	24
8	43.46.020	REP	317	9	60	1	AMD	369	7
8	43.46.030	AMD	317	3	60	1	AMD	400	3
8	43.46.050	AMD	317	6	70	22	AMD	7	67
8	43.46.070	AMD	317	8	74	2	AMD	193	2
8	43.46.080	REP	317	9	74	3	AMD	193	3
8	43.79.080	AMD	57	36	74	4	AMD	193	4
8	43.79.201	AMD	57	37	97	3	AMD	7	12
8	43.79.330	AMD	57	38	118	1	AMD	445	3
8	43.79.335	AMD	57	39	120	1	AMD	396	45
8	43.79.350	AMD	57	40	137	2	AMD	351	5
8	43.83.020	AMD	57	43	145	11.02.005	REEN	30	4
8	43.84.090	AMD	233	5	145	11.02.010	REEN	31	2
8	43.84.100	REP	57	90	145	11.02.020	REEN	31	3
8	43.84.110	REP	57	90	145	11.02.030	REEN	31	4
9	29.27.060	AMD	252	1	145	11.02.060	REEN	31	10
9	29.36.010	AMD	273	1	145	11.12.250	REEN	23	2
9	29.48.007	AMD	205	14	145	11.16.050	REP	30	143
	(Effective 1/1/86)				145	11.28.120	AMD	133	1
9	29.68.070	AMD	45	3	145	11.28.240	REEN	30	5
9	29.68.080	AMD	45	4	145	11.52.012	AMD	194	1
9	29.68.090	REP	45	8	145	11.52.020	AMD	194	2
9	29.68.100	AMD	45	5	145	11.52.022	AMD	194	3
9	29.68.110	REP	45	8	145	11.92.040	REEN	30	9
9	29.68.120	AMD	45	6	145	11.92.150	REEN	30	11
9	29.68.130	AMD	45	7	145	11.96.010	REEN	31	17
10	2	REP	466	76	145	11.98.010	REEN	30	55
13	3	AMD	259	2	145	11.98.020	REEN	30	56
25	4	AMD	1	E1	145	11.98.030	REEN	30	57
26	6	REP	396	87	145	11.98.040	REEN	30	58
26	7	AMD	396	59	145	11.98.050	AMD	30	60
26	8	AMD	396	61	145	11.98.050	REEN	30	60
26	9	REP	396	87	148	10	REP	466	76
26	10	AMD	396	64	152	1	AMD	426	1
26	11	AMD	396	65	152	2	AMD	426	2
26	14	AMD	396	85	153	1	AMD	7	47
26	15	AMD	396	86	153	8	AMD	340	1
53	15	AMD	290	1	153	11	AMD	340	2

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LAWS 1967 EX. (cont.)			LAWS 1985		LAWS 1967 EX. (cont.)				LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
53	5	AMD	30	116	119	35A.13.010	AMD	106	2	
53	5	REEN	30	116	119	35A.14.310	AMD	105	1	
53	6	AMD	30	117	119	35A.27.010	AMD	7	101	
53	6	REEN	30	117	119	35A.29.090	REEN	281	27	
53	7	REEN	30	118	119	35A.33.020	AMD	175	33	
53	8	REEN	30	121	119	35A.33.060	AMD	469	43	
53	9	REEN	30	122	119	35A.63.061	AMD	126	2	
53	10	REEN	30	123	119	35A.70.030	REP	213	32	
53	11	REEN	30	124	119	35A.70.070	AMD	213	12	
53	12	REEN	30	125	119	35A.82.010	AMD	7	102	
53	13	REEN	30	127	119	35A.88.030	AMD	7	103	
53	14	REEN	30	128	125		1 AMD	317	7	
53	15	REEN	30	136	125		2 AMD	317	5	
62	1	AMD	57	54	125		3 REP	317	9	
74	10	AMD	109	1	125		4 AMD	317	3	
74	16	AMD	472	13	127		6 AMD	245	3	
85	4	AMD	6	16	127		9 REP	245	13	
88	7	REEN	30	22	139		13 AMD	316	6	
88	8	REP	30	143	139		14 AMD	316	2	
88	9	REP	30	143	144		1 AMD	469	45	
88	10	REP	30	143	145		50 AMD	1 E1	8	
88	11	REP	30	143	145		51 REP	1 E1	13	
88	12	REP	30	143						
88	13	REP	30	143						
88	14	REP	30	143						
88	15	REP	30	143						
88	16	REP	30	143						
88	17	REP	30	143						
88	18	REP	30	143						
88	19	REP	30	143						
93	1	AMD	260	2	59		5 AMD	271	1	
95	2	AMD	264	21	60		2 AMD	261	19	
102	9	REP	213	30	71		3 AMD	419	4	
		(Effective 6/30/87)					(Effective 9/1/86)			
102	11	REP	213	30	134		3 AMD	405	509	
		(Effective 6/30/87)			136		5 AMD	305	6	
102	12	AMD	213	14	141		3 AMD	90	2	
108	2	AMD	7	107	141		4 AMD	90	3	
119	35A.01.040	AMD	281	26	141		6 AMD	90	4	
119	35A.05.010	REP	281	30	141		7 AMD	90	5	
119	35A.05.020	REP	281	30						
119	35A.05.030	REP	281	30						
119	35A.05.040	REP	281	30						
119	35A.05.050	REP	281	30						
119	35A.05.060	REP	281	30						
119	35A.05.070	REP	281	30						
119	35A.05.080	REP	281	30						
119	35A.05.090	REP	281	30						
119	35A.05.100	REP	281	30						
119	35A.05.110	REP	281	30						
119	35A.05.120	REP	281	30						
119	35A.05.130	REP	281	30						
119	35A.05.140	REP	281	30						
119	35A.05.150	REP	281	30						
119	35A.05.160	REP	281	30						
119	35A.09.050	AMD	469	41						
119	35A.12.010	AMD	106	1	42					
119	35A.12.160	AMD	469	42						

LAWS 1969				LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	
3	2	REP	3	2	
13	1	AMD	4	E1 11	
28	4	AMD	254	1	
55	4	AMD	56	9	
59	5	AMD	271	1	
60	2	AMD	261	19	
71	3	AMD	419	4	
		(Effective 9/1/86)			
134	3	AMD	405	509	
136	5	AMD	305	6	
141	3	AMD	90	2	
141	4	AMD	90	3	
141	6	AMD	90	4	
141	7	AMD	90	5	

LAWS 1969 EX.				LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	
20	1	AMD	4	1	
25	1	AMD	213	14	
32	2	AMD	325	1	
34	22	AMD	420	6	
36	2	AMD	365	2	
36	2	AMD	461	8	
36	10	AMD	365	1	
36	10	AMD	461	9	
36	11	AMD	94	1	
42	2	REP	377	29	
		(Effective 1/1/86)			
42	3	REP	377	29	
		(Effective 1/1/86)			
42	4	REP	377	29	
		(Effective 1/1/86)			

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LAWS 1969 EX. (cont.)			LAWS 1985		LAWS 1969 EX. (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
42	5	REP	377	29	158	9	AMD	18	2
			(Effective 1/1/86)		158	10	AMD	7	75
42	7	REP	377	29	158	11	AMD	7	76
			(Effective 1/1/86)		158	11	AMD	18	3
42	8	REP	377	29	158	13	AMD	18	4
			(Effective 1/1/86)		158	14	AMD	7	77
42	9	REP	377	29	167	7	AMD	185	19
			(Effective 1/1/86)		167	8	AMD	185	20
42	10	REP	377	29	167	8	REP	185	32
			(Effective 1/1/86)				(Effective 6/30/90)		
42	11	REP	377	29	168	34	AMD	372	4
			(Effective 1/1/86)		170	15	REP	380	24
42	12	REP	377	29	176	12	AMD	341	8
			(Effective 1/1/86)		176	118	AMD	385	7
68	3	AMD	1	E1	7	183	2	AMD	6
82	1	AMD	7		59	198	1	AMD	267
89	1	REP	281	30	30	198	1	AMD	303
89	2	REP	281	30	30	199	20	REP	280
89	3	REP	281	30	30			(Effective 1/1/86)	
89	4	AMD	281	15	15	199	30	REP	213
89	5	REP	281	30	30	208	1	REP	377
89	6	REP	281	30	30			(Effective 1/1/86)	
89	8	REP	281	30	30	209	3	AMD	13
89	9	REP	281	30	30	209	12	AMD	102
89	10	AMD	281	17	17	209	14	AMD	103
89	11	REP	281	30	30	210	1	AMD	450
89	12	AMD	281	18	18	217	4	AMD	441
89	13	AMD	281	19	19	218	5	AMD	57
89	14	AMD	281	20	20	222	8	AMD	370
89	15	AMD	281	21	21			(Effective 1/1/86)	
89	17	AMD	281	23	23	223	28A.02.080	AMD	341
94	2	AMD	146	8	8	223	28A.05.010	AMD	419
95	2	AMD	175	4	4			(Effective 9/1/86)	
95	8	AMD	469	27	27	223	28A.05.040	AMD	384
98	1	REP	470	37	37	223	28A.13.010	AMD	341
			(Effective 1/1/86)			223	28A.30.040	AMD	341
111	4	AMD	6	7	7	223	28A.46.010	AMD	57
128	3	AMD	264	10	10	223	28A.47.055	REP	136
129	1	AMD	6	24	24	223	28A.47.070	REP	136
133	5	AMD	316	4	4	223	28A.47.100	AMD	136
133	7	AMD	316	7	7	223	28A.47.760	REP	136
133	10	AMD	316	5	5	223	28A.47.762	REP	136
134	1	AMD	345	1	1	223	28A.47.764	REP	136
134	2	AMD	345	2	2	223	28A.47.766	REP	136
134	3	AMD	345	3	3	223	28A.47.768	REP	136
134	8	AMD	448	17	17	223	28A.47.770	REP	136
134	26	AMD	6	23	23	223	28A.47.772	REP	136
134	26	AMD	345	8	8	223	28A.47.774	REP	136
137	5	AMD	191	2	2	223	28A.52.070	AMD	7
145	49	REP	415	13	13	223	28A.56.005	AMD	385
145	50	REP	415	13	13	223	28A.56.010	AMD	385
145	51	REP	415	13	13	223	28A.56.020	AMD	7
155	2	REP	1	E1	13	223	28A.56.020	AMD	385
155	4	AMD	212	1	1	223	28A.56.030	AMD	385
155	4	AMD	1	E1	3	223	28A.56.040	AMD	385
157	1	AMD	326	25	25	223	28A.56.050	AMD	7
158	4	AMD	18	1	1	223	28A.56.060	AMD	385
158	8	AMD	7	74	74	223	28A.56.070	AMD	385

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
223	28A.57.020	AMD	385	1	223	28B.30.150	AMD	370	93
223	28A.57.030	AMD	385	2			(Effective 1/1/86)		
223	28A.57.031	AMD	385	3	223	28B.30.400	REP	218	5
223	28A.57.033	AMD	385	5	223	28B.30.700	AMD	390	41
223	28A.57.034	AMD	385	6	223	28B.30.710	AMD	390	42
223	28A.57.035	AMD	385	7	223	28B.30.730	AMD	390	43
223	28A.57.040	AMD	385	8	223	28B.30.740	AMD	390	44
223	28A.57.055	AMD	385	10	223	28B.40.100	AMD	137	2
223	28A.57.060	AMD	385	12	223	28B.40.120	AMD	370	95
223	28A.57.070	AMD	385	13			(Effective 1/1/86)		
223	28A.57.075	AMD	385	14	223	28B.40.370	AMD	57	15
223	28A.57.080	AMD	385	15	223	28B.40.370	AMD	390	47
223	28A.57.090	AMD	385	16	223	28B.40.700	AMD	390	48
223	28A.57.100	AMD	385	17	223	28B.40.710	AMD	390	49
223	28A.57.110	AMD	385	18	223	28B.40.720	AMD	390	50
223	28A.57.150	AMD	385	19	223	28B.40.730	AMD	390	51
223	28A.57.170	AMD	385	20	223	28B.40.750	AMD	390	52
223	28A.57.180	AMD	385	21	223	28B.50.030	AMD	461	14
223	28A.57.190	AMD	385	22	223	28B.50.350	AMD	390	55
223	28A.57.240	AMD	385	25	223	28B.50.370	AMD	390	57
223	28A.57.245	AMD	385	26	223	28B.60.010	REP	218	8
223	28A.57.342	AMD	385	27	223	28B.60.020	REP	218	8
223	28A.57.344	AMD	385	28	223	28B.60.030	REP	218	8
223	28A.57.390	AMD	385	29	223	28B.60.040	REP	218	8
223	28A.58.135	AMD	324	1	223	28B.60.050	REP	218	8
223	28A.58.420	AMD	277	8	223	28B.60.055	REP	218	8
223	28A.67.020	AMD	379	5	223	28B.60.060	REP	218	8
223	28A.67.050	REP	341	17	223	28B.60.070	REP	218	8
223	28B.10.020	AMD	370	50	223	28B.60.080	REP	218	8
	(Effective 1/1/86)				223	28B.60.090	REP	218	8
223	28B.10.050	AMD	370	91	223	28B.60.100	REP	218	8
	(Effective 1/1/86)				223	28B.60.110	REP	218	8
223	28B.10.115	AMD	218	1	223	28B.60.120	REP	218	8
223	28B.10.215	AMD	370	51	228	4	AMD	7	83
	(Effective 1/1/86)				228	14	AMD	7	84
223	28B.10.220	AMD	370	52	231	1	REP	213	30
	(Effective 1/1/86)						(Effective 6/30/87)		
223	28B.15.020	AMD	390	11	241	17	REP	470	37
223	28B.15.100	AMD	370	67			(Effective 1/1/86)		
	(Effective 1/1/86)				241	19	AMD	264	18
223	28B.15.100	AMD	390	18	241	20	AMD	264	19
223	28B.15.210	AMD	390	20	241	22	AMD	264	21
223	28B.15.220	AMD	390	21	241	23	AMD	264	22
223	28B.15.310	AMD	390	22	244	14	AMD	349	5
223	28B.15.380	AMD	390	23	255	9	AMD	7	100
223	28B.15.600	AMD	390	32	261	29	AMD	198	1
223	28B.20.060	AMD	218	2	261	29	AMD	390	26
223	28B.20.100	AMD	61	1	269	9	AMD	390	53
223	28B.20.130	AMD	370	92	270	2	AMD	469	17
	(Effective 1/1/86)				271	16	AMD	99	1
223	28B.20.400	REP	218	4	277	1	REP	370	105
223	28B.20.402	REP	218	4			(Effective 1/1/86)		
223	28D.20.700	AMD	390	36	277	2	REP	370	105
223	28B.20.705	AMD	390	37			(Effective 1/1/86)		
223	28B.20.715	AMD	390	38	277	3	REP	370	105
223	28B.20.720	AMD	390	39			(Effective 1/1/86)		
223	28B.20.735	AMD	390	40	277	4	REP	370	105
223	28B.30.100	AMD	61	2			(Effective 1/1/86)		

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
277	5	REP	370	105	51	13	AMD	177	2
		(Effective 1/1/86)			51	92	AMD	177	3
277	6	REP	370	105	51	116	AMD	177	4
		(Effective 1/1/86)			56	26	AMD	390	38
277	7	REP	370	105	57	13	AMD	7	50
		(Effective 1/1/86)			62	17	AMD	466	50
277	9	REP	370	105	65	3	AMD	32	2
		(Effective 1/1/86)			87	6	AMD	393	2
277	10	REP	370	105	88	9	AMD	316	7
		(Effective 1/1/86)			88	10	AMD	316	4
277	12	AMD	370	10	88	12	AMD	316	6
		(Effective 1/1/86)			94	6	AMD	57	81
277	13	REP	370	105					
		(Effective 1/1/86)							
277	14	REP	370	105					
		(Effective 1/1/86)							
281	39	REP	377	29					
		(Effective 1/1/86)							
281	40	REP	377	29					
		(Effective 1/1/86)							
281	41	REP	377	29					
		(Effective 1/1/86)							
281	42	REP	377	29					
		(Effective 1/1/86)							
281	43	REP	377	29					
		(Effective 1/1/86)							
281	44	REP	377	29					
		(Effective 1/1/86)							
281	45	REP	377	29					
		(Effective 1/1/86)							
283	2	AMD	341	15					
283	13	AMD	189	2					
284	4	AMD	196	1					

LAWS 1970 EX.			LAWS 1985		LAWS 1971			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
2	11	AMD	42	1	1	2	AMD	5	E1 10
2	11	AMD	270	2	3	5	AMD	41	1
2	11	AMD	299	1	3	12	AMD	40	1
12	1	AMD	365	3	8	4	AMD	7	95
12	1	AMD	461	1	24	2	AMD	7	88
15	12	AMD	60	1	35	2	REP	457	28
15	18	AMD	390	54	55	1	AMD	7	118
15	20	AMD	57	16	56	1	AMD	321	1
15	20	AMD	390	56	58	1	REEN	30	129
18	11	REP	213	30	58	2	REEN	30	130
		(Effective 6/30/87)			58	3	REEN	30	131
39	4	AMD	57	24	58	4	REEN	30	132
45	3	AMD	7	151	58	5	REEN	30	133
45	3	REEN	7	151	58	6	REEN	30	134
45	3	AMD	67	1	58	7	REEN	30	135
45	3	REEN	67	1	64	2	REP	261	21
45	4	AMD	67	2	74	1	REEN	30	84
49	8	AMD	443	21	74	2	REEN	30	85
50	6	AMD	378	16	74	3	REEN	30	86
		(Effective 7/1/86)			74	4	AMD	30	87
51	12	AMD	177	1	74	4	REEN	30	87
					74	5	AMD	30	88
					74	5	REEN	30	88
					74	6	REEN	30	89
					74	7	REEN	30	90
					74	8	REEN	30	91
					74	9	REEN	30	92
					74	12	AMD	30	93
					74	12	REEN	30	93
					74	13	AMD	30	94
					74	13	REEN	30	94
					81	23	REP	68	1
					81	53	REEN	31	17
					81	58	REP	37	18
					81	118	REP	185	32
							(Effective 6/30/90)		
					82	1	AMD	245	4

LAWS 1971 EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
7	4	AMD	109	7
13	4	AMD	55	1

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LAWS 1971 EX. (cont.)			LAWS 1985		LAWS 1971 EX. (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
13	7	AMD	55	2	164	18	AMD	276	9
30	4	AMD	7	61	164	20	AMD	276	10
30	10	AMD	7	57	164	23	AMD	276	11
33	1	AMD	36	1	164	24	AMD	276	12
33	2	AMD	36	2	164	25	AMD	276	13
33	3	AMD	36	3	180	1	AMD	316	5
33	4	AMD	36	4	184	9	AMD	57	21
33	25	AMD	36	5	189	3	AMD	213	6
33	27	AMD	36	6	189	8	AMD	213	16
45	1	AMD	128	1	189	9	AMD	213	17
45	8	AMD	128	2	189	10	AMD	372	1
47	16	AMD	57	60	190	26	AMD	158	2
48	1	AMD	395	4	192	2	AMD	415	9
52	2	REP	185	32	200	2	AMD	200	1
		(Effective 6/30/90)			207	8	AMD	57	74
56	1	REP	218	3	210	1	AMD	163	1
56	2	REP	218	3	210	2	AMD	57	34
56	3	REP	218	3	210	2	AMD	163	2
56	4	REP	218	3	226	1	REEN	30	114
63	1	AMD	7	133	226	3	REEN	30	118
63	3	AMD	7	134	226	4	REEN	30	119
63	4	AMD	7	135	226	5	REEN	30	120
63	5	AMD	7	136	226	6	REEN	30	126
63	6	AMD	7	137	245	9	AMD	340	4
63	7	AMD	7	138	250	2	AMD	366	1
63	8	AMD	7	139	250	11	AMD	366	2
63	9	AMD	7	140	250	12	AMD	69	1
63	10	AMD	7	141	253	5	AMD	7	81
63	11	AMD	7	142	253	6	AMD	7	82
63	13	AMD	7	143	257	14	AMD	102	4
63	14	AMD	7	144	258	1	AMD	152	1
63	15	AMD	7	145	266	1	REP	37	18
63	17	AMD	7	146	273	2	AMD	370	62
66	9	AMD	341	5		(Effective 1/1/86)			
72	2	REP	57	90	273	3	AMD	370	63
81	1	REP	185	32		(Effective 1/1/86)			
		(Effective 6/30/90)			273	4	AMD	362	1
81	2	REP	185	32	279	2	AMD	356	2
		(Effective 6/30/90)			279	2	AMD	390	13
98	3	AMD	415	7	279	18	AMD	390	54
110	5	AMD	109	5	279	19	AMD	390	55
111	1	REP	377	29	279	21	AMD	390	57
		(Effective 1/1/86)			282	26	AMD	385	11
111	2	REP	377	29	284	8	AMD	101	2
		(Effective 1/1/86)			284	11	AMD	302	8
111	3	REP	377	29	289	39	AMD	347	1
		(Effective 1/1/86)			289	55	AMD	338	1
116	8	AMD	397	4	289	55	AMD	368	2
118	1	AMD	245	5		(Effective 7/1/87)			
155	1	AMD	76	1	289	66	AMD	347	3
155	13	AMD	76	2	289	78	AMD	315	4
155	14	AMD	76	3	289	87	AMD	315	3
164	2	AMD	276	4	292	18	REP	37	18
164	3	AMD	276	5	292	33	REP	30	143
164	4	AMD	276	2	292	34	REP	30	143
164	8	AMD	276	6	292	50	REP	354	34
164	10	AMD	276	7		(Effective 1/1/86)			
164	16	AMD	276	8	292	56	AMD	469	68

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Ch.	Sec.	Action	Ch.	Sec.
106	8	AMD	7	32
106	9	AMD	7	33
117	25	AMD	245	1
122	2	AMD	443	11
122	3	AMD	443	12
122	6	AMD	443	14
122	7	AMD	443	15
122	13	AMD	443	16
123	1	REP	52	1
123	2	REP	52	1
123	3	REP	52	1
123	4	REP	52	1
123	5	REP	52	1
123	6	REP	52	1
123	7	REP	52	1
123	8	REP	52	1
123	9	REP	52	1
123	11	REP	52	1
132	12	AMD	109	1
135	1	AMD	4	EI 13
135	2	AMD	57	11
135	3	AMD	57	12
142	4	REP	354	34
		(Effective 1/1/86)		
142	8	AMD	354	31
		(Effective 1/1/86)		
142	44	AMD	207	1
150	4	REP	380	24
151	5	REP	177	6
152	6	AMD	264	13
154	2	AMD	139	1
154	3	AMD	139	2
154	116	AMD	427	2
158	2	AMD	96	1
164	14	AMD	6	2
175	7	AMD	465	1
175	9	AMD	7	78
183	5	AMD	276	2
183	11	AMD	276	7
183	16	AMD	276	9
183	21	AMD	276	11
183	22	AMD	276	12
193	7	AMD	57	69
195	13	AMD	281	20
195	20	AMD	175	64
195	104	AMD	282	1
195	123	AMD	469	84
200	3	AMD	173	1
209	1	AMD	226	2
212	5	AMD	393	1
212	12	AMD	319	1
214	1	AMD	185	1
214	4	AMD	185	10
214	4	REP	185	32
		(Effective 6/30/90)		
214	5	REP	185	32
		(Effective 6/30/90)		

LAWS 1973 1ST EX. (cont.) LAWS 1985

Ch.	Sec.	Action	Ch.	Sec.
214	6	AMD	185	16
214	8	AMD	185	17
218	10	AMD	405	505
218	11	AMD	172	1
218	11	AMD	468	2

LAWS 1973 2ND EX.

LAWS 1985

Ch.	Sec.	Action	Ch.	Sec.
24	1	REP	354	34
		(Effective 1/1/86)		
36	3	AMD	45	4
36	4	REP	45	8
36	5	AMD	45	5
36	6	REP	45	8

LAWS 1974 EX.

LAWS 1985

Ch.	Sec.	Action	Ch.	Sec.
4	3	AMD	370	17
		(Effective 1/1/86)		
4	4	AMD	370	18
		(Effective 1/1/86)		
4	5	AMD	370	19
		(Effective 1/1/86)		
18	1	REP	415	13
21	1	AMD	129	2
37	1	REP	332	10
37	2	AMD	332	1
37	3	AMD	332	3
37	4	AMD	332	4
37	5	AMD	332	2
37	7	AMD	332	5
39	1	AMD	396	39
80	2	AMD	142	1
80	4	AMD	142	2
80	4	AMD	376	4
84	2	AMD	330	1
85	1	REP	341	17
85	3	REP	341	17
85	4	REP	341	17
85	5	REP	341	17
92	2	AMD	16	1
92	2	AMD	419	3
92	2	AMD	441	4
96	2	AMD	360	6
96	3	AMD	144	1
96	4	AMD	360	8
96	4	REEN	360	8
96	5	AMD	360	9
96	6	AMD	360	10
96	7	AMD	360	11
108	1	AMD	4	EI 11
112	1	AMD	390	59
112	2	AMD	390	60
112	4	AMD	57	16
112	4	AMD	390	56
117	21	AMD	30	7

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LAWS 1974 EX. (cont.)			LAWS 1985		LAWS 1975 IST EX. (cont.)				LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Ch.	Sec.
117	21	REEN	30	7						
117	23	REEN	30	8	30	19	AMD	7		14
117	52	AMD	30	25	30	20	AMD	7		15
117	52	REEN	30	25	30	23	AMD	7		18
117	53	AMD	30	26	30	25	AMD	7		20
117	53	REEN	30	26	30	27	AMD	7		23
121	3	AMD	115	1	30	28	AMD	7		24
126	1	AMD	7	122	30	29	AMD	7		25
126	2	AMD	7	123	30	30	AMD	7		26
137	3	AMD	466	70	30	32	AMD	7		27
145	3	REP	354	34	30	33	AMD	7		28
		(Effective 1/1/86)			30	34	AMD	7		29
169	9	AMD	7	156	30	38	AMD	7		32
171	1	AMD	7	88	30	39	AMD	7		34
171	43	AMD	7	112	30	40	AMD	7		35
177	4	AMD	370	58	30	41	AMD	7		36
		(Effective 1/1/86)			30	46	AMD	7		42
177	5	AMD	370	59	30	48	AMD	7		44
		(Effective 1/1/86)			30	50	AMD	7		46
177	6	AMD	370	60	30	51	AMD	7		48
		(Effective 1/1/86)			30	55	AMD	7		50
177	7	AMD	370	61	30	60	AMD	7		57
		(Effective 1/1/86)			30	61	AMD	322		1
182	2	AMD	395	3	30	61	REEN	322		1
					30	63	AMD	322		5
					30	63	REEN	322		5
					30	64	AMD	7		61
					30	75	AMD	7		67
					30	77	AMD	7		68
					30	79	AMD	7		70
					30	82	AMD	7		71
					30	85	AMD	7		74
					30	86	AMD	7		75
					30	87	AMD	7		76
					30	87	AMD	18		3
					30	88	AMD	7		77
					30	90	AMD	7		81
					30	91	AMD	7		82
					30	92	AMD	7		84
					30	1	AMD	326		26
					43	1	AMD	297		2
					54	50	AMD	19		1
					54	50	REEN	19		1
					54	71	AMD	19		2
					54	83	AMD	19		3
					54	83	REEN	19		3
					56	1	AMD	169		6
					65	1	AMD	390		61
					65	5	AMD	57		18
					65	8	AMD	390		63
					65	10	AMD	390		62
					78	2	AMD	341		2
					80	3	AMD	7		98
					80	5	AMD	7		99
					85	1	REP	156		26
						(Effective 1/1/86)				
					85	2	AMD	44		7
					85	2	REP	156		26

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LAWS 1975 1ST EX. (cont.) LAWS 1985				LAWS 1975 1ST EX. (cont.) LAWS 1985					
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
		(Effective 1/1/86)			183		3 AMD	7	150
85	3	AMD	44	8	187		1 AMD	330	3
85	3	REP	156	26	191		1 REP	1	E1 13
		(Effective 1/1/86)			191		5 AMD	1	E1 5
85	4	REP	156	26	199		11 REP	354	34
		(Effective 1/1/86)					(Effective 1/1/86)		
85	5	AMD	44	6	208		2 AMD	445	7
85	5	REP	156	26	209		3 AMD	57	35
		(Effective 1/1/86)			224		5 AMD	347	1
126	1	AMD	217	1	225		1 AMD	272	1
126	2	AMD	217	2	236		1 AMD	390	64
126	3	AMD	217	3	236		7 AMD	390	65
127	1	AMD	341	3	236		9 AMD	390	66
129	2	AMD	193	2	244		1 AMD	352	4
129	3	AMD	193	3	244		2 AMD	352	6
132	1	REP	370	105	244		4 AMD	352	7
		(Effective 1/1/86)			244		5 AMD	352	8
132	2	REP	370	105	244		6 AMD	352	9
		(Effective 1/1/86)			244		7 AMD	352	10
132	3	REP	370	105	244		8 AMD	352	11
		(Effective 1/1/86)			244		9 AMD	352	12
132	4	REP	370	105	244		10 AMD	352	13
		(Effective 1/1/86)			244		11 AMD	352	14
132	5	REP	370	105	244		12 AMD	352	15
		(Effective 1/1/86)			257		1 AMD	36	5
132	6	REP	370	105	260	9A.04.080	AMD	186	1
		(Effective 1/1/86)			260	9A.04.080	AMD	455	19
132	9	AMD	370	20	260	9A.36.040	AMD	303	8
		(Effective 1/1/86)			260	9A.52.010	AMD	289	1
132	10	REP	370	105	260	9A.52.010	REEN	289	1
		(Effective 1/1/86)			260	9A.56.010	AMD	382	1
132	12	AMD	370	21	260	9A.64.020	AMD	53	1
		(Effective 1/1/86)			260	9A.72.110	AMD	327	2
132	13	REP	370	105	260	9A.72.130	AMD	327	3
		(Effective 1/1/86)			266		5 AMD	264	4
132	14	AMD	370	22	266		16 AMD	264	11
		(Effective 1/1/86)			266		18 AMD	264	12
132	15	AMD	370	23	270		17 AMD	6	5
		(Effective 1/1/86)			270		25 AMD	6	6
132	17	AMD	370	57	274		1 AMD	57	23
		(Effective 1/1/86)			275		28 AMD	341	8
157	2	AMD	390	29	275		74 AMD	385	34
159	1	AMD	469	13	275		75 AMD	385	35
167	12	AMD	57	28	275		76 AMD	7	92
167	12	AMD	405	507	275		77 AMD	385	36
171	6	AMD	322	1	275		79 AMD	385	3
171	6	REEN	322	1	275		81 AMD	385	5
171	7	AMD	322	2	275		82 AMD	385	8
171	10	AMD	322	3	275		84 AMD	385	13
171	12	AMD	322	5	275		85 AMD	385	14
171	12	REEN	322	5	275		86 AMD	385	15
171	13	AMD	322	6	275		87 AMD	385	16
174	4	AMD	370	89	275		90 AMD	385	19
		(Effective 1/1/86)			275		92 AMD	385	21
174	12	AMD	370	90	275		93 AMD	385	22
		(Effective 1/1/86)			275		95 AMD	385	25
175	1	AMD	213	27	275		96 AMD	385	26

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Ch.	Sec.	Action	Ch.	Sec.
275	106	AMD	385	29
275	151	AMD	378	21
	(Effective 7/1/86)			
275	153	AMD	378	23
	(Effective 7/1/86)			
275	154	AMD	378	25
	(Effective 7/1/86)			
278	51	AMD	38	4
278	82	AMD	414	7
278	89	AMD	414	2
278	96	AMD	414	5
278	185	AMD	469	64
280	6	AMD	7	79
280	17	AMD	7	80
281	1	REP	377	29
	(Effective 1/1/86)			
281	2	REP	377	29
	(Effective 1/1/86)			
281	3	REP	377	29
	(Effective 1/1/86)			
281	4	REP	377	29
	(Effective 1/1/86)			
281	5	REP	377	29
	(Effective 1/1/86)			
281	6	REP	377	29
	(Effective 1/1/86)			
290	4	AMD	320	1
290	7	AMD	283	2
290	7	AMD	320	2
290	8	AMD	320	3
290	13	AMD	7	115
294	21	AMD	367	8

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Ch.	Sec.	Action	Ch.	Sec.
11	1	AMD	360	13
15	1	AMD	385	4
15	2	AMD	6	1
15	2	AMD	385	9
15	4	AMD	385	24
15	10	AMD	7	94
29	3	AMD	302	4
31	1	AMD	21	2
31	1	REP	21	10
	(Effective 6/30/88)			
31	2	AMD	21	1
31	2	REP	21	10
	(Effective 6/30/88)			
34	27	REP	37	18
34	83	AMD	192	1
34	109	REP	466	76
34	145	REP	185	32
	(Effective 6/30/90)			
34	146	AMD	185	11
34	146	REP	185	32
	(Effective 6/30/90)			

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Ch.	Sec.	Action	Ch.	Sec.
41	2	AMD	345	2
41	6	AMD	466	69
42	4	AMD	7	86
42	20	AMD	7	87
56	4	AMD	326	25
56	7	AMD	326	27
61	8	AMD	57	84
64	1	AMD	380	15
64	2	REP	380	24
64	10	AMD	351	4
64	22	AMD	351	3
64	23	AMD	351	6
68	1	REP	466	76
68	2	REP	466	76
68	3	REP	466	76
68	4	REP	466	76
68	5	REP	466	76
68	6	REP	466	76
68	7	REP	466	76
68	8	REP	466	76
96	1	AMD	389	1
98	1	AMD	403	1
101	1	AMD	448	1
105	11	AMD	102	6
107	1	AMD	390	67
107	7	AMD	390	68
107	9	AMD	390	69
108	18	AMD	308	1
110	1	AMD	21	3
110	2	AMD	21	4
110	3	AMD	21	5
110	4	AMD	21	6
112	12	AMD	367	12
114	3	AMD	420	6
114	10	AMD	7	94
115	14	AMD	63	1
119	3	AMD	264	14
125	3	AMD	57	49
128	1	AMD	57	20
130	3	AMD	32	4
130	3	REEN	32	4

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LAWS 1985

Ch.	Sec.	Action	Ch.	Sec.
4	3	AMD	252	1
17	1	REP	57	90
17	2	REP	57	90
75	20	AMD	370	92
	(Effective 1/1/86)			
75	21	AMD	370	93
	(Effective 1/1/86)			
75	44	REP	213	30
	(Effective 6/30/87)			
75	53	REP	466	76
75	54	REP	466	76
75	71	AMD	470	26

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LAWS 1977 (cont.)			LAWS 1985		LAWS 1977 EX. (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
		(Effective 1/1/86)			144		4 AMD	45	2
75	74	AMD	185	8	146		1 AMD	98	1
75	74	REP	185	32	149		8 AMD	7	78
		(Effective 6/30/90)			151		13 AMD	178	1
79	2	AMD	300	1	152		5 AMD	94	3
81	2	AMD	351	3	152		6 AMD	461	3
					152		13 AMD	461	10
					156		7 AMD	340	1
					156		13 AMD	340	4
					156		23 AMD	340	5
					156		24 AMD	340	6
					157		1 AMD	330	4
					159		1 AMD	57	75
					162		1 AMD	101	1
					164		2 AMD	445	7
					169		3 AMD	469	9
					169		6 AMD	64	1
					169		7 AMD	370	50
							(Effective 1/1/86)		
					169		34 AMD	390	11
					169		35 AMD	390	14
					169		43 REP	370	105
							(Effective 1/1/86)		
					169		45 AMD	137	1
					169		48 AMD	370	94
							(Effective 1/1/86)		
					169		52 REP	218	7
					169		59 AMD	390	46
					169		68 AMD	370	95
							(Effective 1/1/86)		
					169		71 REP	218	7
					169		79 AMD	57	15
					169		79 AMD	390	47
					169		82 AMD	390	48
					169		83 AMD	390	49
					169		84 AMD	390	50
					169		85 AMD	390	51
					169		86 AMD	390	52
					189		2 AMD	214	1
					196		1 AMD	466	39
					196		3 AMD	466	43
					196		5 AMD	466	44
					201		2 REP	370	105
					210		1 AMD	7	93
					212		3 AMD	57	57
					220		9 AMD	57	60
					223		1 AMD	390	58
					227		1 AMD	136	2
					233		2 AMD	322	7
					246		2 AMD	305	5
					255		1 AMD	277	8
					258		2 AMD	376	5
					267		1 AMD	169	9
					267		1 AMD	369	1
					270		1 AMD	188	2
					270		2 AMD	188	3
					270		6 AMD	188	1
					282		3 REP	218	6

LAWS 1977 EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
1	13	AMD	57	46
14	1	REP	144	6
14	2	REP	144	6
14	3	REP	144	6
14	4	REP	144	6
14	5	REP	144	6
14	6	REP	144	6
14	7	REP	144	6
14	8	REP	144	6
14	9	REP	144	6
14	10	REP	144	6
14	12	AMD	360	8
14	12	REEN	360	8
14	14	REP	144	6
14	16	REP	144	6
14	17	REP	144	6
19	3	AMD	6	10
22	2	AMD	22	1
22	2	AMD	395	1
22	4	AMD	22	2
22	8	AMD	395	5
51	2	AMD	7	83
63	1	AMD	7	152
70	1	REP	466	76
70	2	REP	466	76
70	3	REP	466	76
70	4	REP	466	76
70	5	REP	466	76
70	6	REP	466	76
71	1	AMD	15	3
80	42	AMD	354	32
		(Effective 1/1/86)		
80	48	REP	354	34
		(Effective 1/1/86)		
80	74	AMD	469	72
81	1	REP	68	1
89	1	REP	341	17
89	2	REP	341	17
89	3	REP	341	17
89	4	REP	341	17
89	5	REP	341	17
89	6	REP	341	17
89	7	REP	341	17
93	3	AMD	7	40
93	9	AMD	402	6
120	2	AMD	60	1
121	1	AMD	7	118
136	3	AMD	57	24

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LAWS 1977 EX. (cont.)			LAWS 1985		LAWS 1979			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
283	4	AMD	341	7	10	1	AMD	466	47
291	9	AMD	7	4	10	2	AMD	466	48
291	9	AMD	354	30	14	3	AMD	370	53
		(Effective 1/1/86)					(Effective 1/1/86)		
291	57	AMD	73	1	14	4	AMD	370	84
291	62	AMD	73	2			(Effective 1/1/86)		
291	73	AMD	257	2	14	6	AMD	370	96
291	75	AMD	257	4			(Effective 1/1/86)		
291	75	AMD	287	1	16	21	AMD	290	7
294	18	AMD	102	5	16	44	AMD	290	14
302	4	AMD	443	14	16	51	AMD	290	17
302	10	AMD	443	13	16	52	AMD	290	18
308	2	AMD	4	E1	28	1	AMD	260	1
308	3	AMD	57	73	31	1	AMD	146	4
313	2	AMD	367	2	31	5	AMD	146	9
314	14	AMD	201	8	31	6	AMD	146	7
314	16	AMD	201	12	36	1	AMD	33	1
319	4	AMD	466	37	47	1	AMD	216	1
319	5	AMD	466	38	47	2	AMD	216	2
322	7	AMD	370	65	47	3	AMD	216	3
		(Effective 1/1/86)			47	4	AMD	216	4
322	7	AMD	390	16	47	6	AMD	216	5
322	11	AMD	390	53	61	4	AMD	1	E1
322	12	AMD	390	46	61	6	AMD	1	E1
322	15	AMD	390	34	61	12	AMD	1	E1
323	27	AMD	315	5	62	6	AMD	302	8
325	4	AMD	374	1	63	2	AMD	1	E1
325	4	REEN	374	1	69	1	AMD	376	3
326	5	AMD	405	505	73	2	AMD	370	36
327	2	AMD	458	8			(Effective 1/1/86)		
327	17	AMD	174	1	73	3	AMD	370	37
330	1	AMD	182	1			(Effective 1/1/86)		
331	2	AMD	180	1	73	4	AMD	370	38
336	6	AMD	367	7			(Effective 1/1/86)		
340	1	AMD	379	5	73	5	AMD	370	39
344	4	AMD	57	14			(Effective 1/1/86)		
344	10	AMD	390	45	73	6	AMD	370	40
346	7	AMD	390	70			(Effective 1/1/86)		
349	1	AMD	470	12	73	7	AMD	370	41
		(Effective 1/1/86)					(Effective 1/1/86)		
349	4	AMD	57	19	73	8	AMD	370	42
349	5	AMD	470	13			(Effective 1/1/86)		
		(Effective 1/1/86)			73	11	AMD	370	43
350	71	AMD	347	6			(Effective 1/1/86)		
354	1	AMD	4	E1	77	1	AMD	189	1
354	1	AMD	390	2	80	1	AMD	370	69
354	8	AMD	390	3			(Effective 1/1/86)		
354	9	AMD	390	4	80	2	AMD	370	70
354	10	AMD	390	5			(Effective 1/1/86)		
354	11	AMD	390	6	80	3	AMD	370	71
354	12	AMD	390	7			(Effective 1/1/86)		
354	13	AMD	390	8	80	4	AMD	370	72
359	8	AMD	441	5			(Effective 1/1/86)		
360	1	AMD	176	1	82	1	AMD	390	23
363	1	AMD	260	2	82	2	AMD	390	28
370	2	AMD	162	2	89	1	REP	341	17
370	8	AMD	162	4	90	4	AMD	7	59
					99	33	AMD	213	29

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LAWS 1979 (cont.)			LAWS 1985		LAWS 1979 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
99	63	AMD	110	2	154	15	REP	415	13
99	75	AMD	213	30	154	16	REP	415	13
103	2	AMD	265	3	155	17	AMD	257	6
105	1	REEN	30	79	155	19	AMD	257	7
114	2	AMD	284	5	155	20	AMD	257	8
114	3	AMD	284	6	155	27	AMD	257	9
117	12	AMD	7	55	155	31	AMD	257	10
117	15	AMD	7	56	155	82	AMD	257	11
121	6	AMD	350	3	158	4	AMD	352	9
127	3	AMD	185	2	158	30	AMD	7	19
127	3	AMD	203	2	158	33	AMD	7	22
127	7	AMD	90	6	158	42	AMD	7	47
127	7	AMD	203	1	158	53	AMD	322	4
127	11	AMD	185	19	158	53	REEN	322	4
141	25	AMD	213	4	158	55	AMD	322	4
141	32	AMD	213	8	158	55	REEN	322	4
141	46	AMD	213	2	158	65	AMD	7	65
141	49	AMD	213	1	158	78	AMD	466	38
141	49	REP	213	30	158	110	AMD	57	53
		(Effective 6/30/87)			158	146	AMD	234	2
141	58	REP	213	30	158	148	REP	1 E1	13
		(Effective 6/30/87)			158	157	AMD	304	1
	68	AMD	466	50	158	164	REP	377	29
141	70	AMD	51	1			(Effective 1/1/86)		
141	74	AMD	51	4	158	165	REP	377	29
141	106	AMD	213	15			(Effective 1/1/86)		
141	128	REP	245	13	158	167	REP	377	29
141	132	AMD	354	33			(Effective 1/1/86)		
		(Effective 1/1/86)			158	168	REP	377	29
141	180	REP	378	35			(Effective 1/1/86)		
		(Effective 7/1/86)			158	169	REP	377	29
141	194	REP	350	6			(Effective 1/1/86)		
141	247	AMD	378	13	158	170	REP	377	29
		(Effective 7/1/86)					(Effective 1/1/86)		
141	248	AMD	378	16	158	171	REP	377	29
		(Effective 7/1/86)					(Effective 1/1/86)		
141	249	AMD	378	20	158	172	REP	377	29
		(Effective 7/1/86)					(Effective 1/1/86)		
141	250	AMD	378	22	158	173	REP	377	29
		(Effective 7/1/86)					(Effective 1/1/86)		
142	1	AMD	329	4	158	174	REP	377	29
149	7	REP	341	17			(Effective 1/1/86)		
149	10	AMD	214	1	158	218	AMD	402	9
151	21	AMD	180	1					
151	23	AMD	370	90					
		(Effective 1/1/86)							
151	31	REP	281	30					
151	41	AMD	6	6					
151	150	AMD	6	10					
151	22	REP	370	105					
		(Effective 1/1/86)							
151	161	AMD	460	32					
154	4	AMD	261	2					
154	6	AMD	415	16					
154	9	AMD	415	1					
154	12	AMD	415	2					
154	13	AMD	415	3					
154	14	REP	415	13					

LAWS 1979 EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
12	1	AMD	152	1
18	29	REEN	281	27
20	1	AMD	341	10
28	2	AMD	303	11
33	1	AMD	450	40
33	7	REP	177	6
33	13	AMD	177	4
36	7	AMD	201	9
64	1	AMD	205	1
64	2	REP	205	16
64	3	AMD	205	2

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LAWS 1979 EX. (cont.)			LAWS 1985		LAWS 1979 EX. (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
64	6	REP	205	16	163	11	REEN	7	111
67	7	AMD	7	134	163	12	AMD	7	131
67	9	AMD	7	142	165	6	AMD	7	4
76	3	AMD	144	2	171	3	AMD	276	4
78	1	AMD	370	85	171	6	AMD	276	6
		(Effective 1/1/86)			171	8	AMD	276	8
78	2	REP	370	105	171	9	AMD	276	10
		(Effective 1/1/86)			171	18	AMD	276	14
78	3	RFP	370	105	171	20	AMD	276	13
		(Effective 1/1/86)			171	22	AMD	276	3
80	2	AMD	470	27	178	6	REP	377	29
		(Effective 1/1/86)					(Effective 1/1/86)		
85	8	AMD	7	125	178	7	REP	377	29
89	1	AMD	169	6			(Effective 1/1/86)		
89	1	AMD	219	1	178	8	REP	377	29
89	2	AMD	169	7			(Effective 1/1/86)		
89	2	AMD	219	2	178	9	REP	377	29
89	2	AMD	469	24			(Effective 1/1/86)		
95	3	AMD	414	1	178	10	REP	377	29
102	1	AMD	6	4			(Effective 1/1/86)		
103	2	AMD	61	1	178	12	REP	377	29
103	3	AMD	61	2			(Effective 1/1/86)		
103	4	AMD	137	1	178	13	REP	377	29
103	5	AMD	137	2			(Effective 1/1/86)		
105	4	AMD	303	10	178	14	REP	377	29
105	5	AMD	303	12			(Effective 1/1/86)		
106	1	AMD	7	69	178	15	REP	377	29
108	3	AMD	57	71			(Effective 1/1/86)		
109	15	AMD	197	2	178	16	REP	377	29
109	21	AMD	197	3			(Effective 1/1/86)		
118	2	AMD	49	2	178	17	REP	377	29
118	3	AMD	49	1			(Effective 1/1/86)		
118	5	REP	49	6	178	18	REP	377	29
118	8	AMD	49	3			(Effective 1/1/86)		
120	1	AMD	341	12	178	19	REP	377	29
120	1	AMD	344	1			(Effective 1/1/86)		
120	2	AMD	344	2	179	1	AMD	313	1
120	3	REP	341	17	179	6	AMD	7	119
120	3	REP	344	3	180	1	AMD	406	1
126	25	REEN	281	27	182	7	AMD	57	61
128	1	AMD	82	4	183	2	AMD	385	27
128	2	AMD	82	5	183	3	AMD	385	28
130	1	AMD	264	2	188	3	AMD	370	44
131	1	AMD	182	1			(Effective 1/1/86)		
136	45	AMD	380	18	188	4	AMD	7	96
136	45	AMD	457	16	188	5	AMD	370	45
136	46	AMD	380	19			(Effective 1/1/86)		
136	53	AMD	302	2	188	13	AMD	370	46
136	63	AMD	1 EI	10			(Effective 1/1/86)		
136	64	AMD	157	1	191	10	AMD	161	1
136	78	AMD	22	2	191	10	AMD	167	1
136	84	AMD	1 EI	11	191	10	AMD	450	2
144	1	AMD	188	8	196	6	AMD	431	3
144	1	AMD	217	4	196	13	AMD	371	2
144	2	AMD	188	9	197	2	REP	466	76
144	2	AMD	217	5	197	3	AMD	57	30
163	3	AMD	7	130	197	3	REP	466	76
163	11	AMD	7	111	197	4	REP	466	76

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LAWS 1979 EX. (cont.)			LAWS 1985		LAWS 1980 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
197	5	REP	466	76	37	51	AMD	353	4
197	6	REP	466	76	45	1	AMD	369	2
199	6	AMD	264	18	51	2	AMD	7	17
200	1	AMD	348	1	57	1	AMD	124	4
202	2	AMD	357	2	58	1	REP	378	35
		(Effective 1/1/87)					(Effective 7/1/86)		
211	38	AMD	281	2	59	1	AMD	441	1
216	4	AMD	435	1	61	1	AMD	324	1
217	2	AMD	341	13	78	10	AMD	457	21
217	9	REP	378	35	78	12	AMD	438	1
		(Effective 7/1/86)			78	17	AMD	155	2
219	4	AMD	34	1	78	91	AMD	355	1
219	7	REP	34	3	78	98	AMD	457	22
221	7	AMD	57	55	78	100	AMD	457	23
224	4	AMD	57	50	78	101	AMD	457	24
225	1	AMD	470	14	78	118	REP	464	12
		(Effective 1/1/86)			85	3	AMD	7	3
225	5	AMD	470	15	87	6	REP	341	17
		(Effective 1/1/86)			92	1	AMD	330	5
226	7	AMD	390	71	92	2	AMD	330	6
230	1	AMD	4	E1	98	1	AMD	413	1
232	17	AMD	298	1	98	1	REEN	413	1
235	1	AMD	370	56	98	2	AMD	413	2
		(Effective 1/1/86)			98	3	AMD	413	3
238	1	AMD	261	17	98	4	AMD	413	4
238	9	REP	415	13	98	13	REP	413	5
240	1	AMD	469	55	100	4	AMD	469	44
249	1	AMD	102	5	101	4	AMD	7	53
253	4	AMD	57	13	101	7	AMD	7	54
253	10	AMD	390	9	109	3	AMD	90	2
254	1	AMD	67	2	109	4	AMD	90	3
255	2	REP	3	2	109	6	AMD	90	4
255	3	AMD	3	1	109	7	AMD	90	5
256	1	AMD	277	1	118	7	REP	118	2
256	3	AMD	277	2			(Effective 6/30/90)		
256	4	AMD	278	1	118	8	REP	118	3
256	7	AMD	277	4	129	1	AMD	462	6
256	8	AMD	277	5	131	3	AMD	371	4
256	10	AMD	277	6	131	4	AMD	371	6
256	11	AMD	277	7	131	5	AMD	371	5
256	13	AMD	277	9	131	6	AMD	371	1
260	2	AMD	57	31	141	1	AMD	4	E1
262	1	AMD	390	33	148	3	AMD	302	3
					148	4	REP	377	29
							(Effective 1/1/86)		
					151	1	AMD	459	3
					152	1	AMD	22	1
					152	1	AMD	395	1
					154	13	AMD	7	89
					156	4	AMD	443	16
					157	1	AMD	371	7
					157	2	AMD	371	3
					157	3	AMD	371	2
					159	3	AMD	57	56
					167	7	AMD	378	9
					177	2	AMD	361	16
					177	4	AMD	361	4
					177	5	AMD	361	5
LAWS 1980					LAWS 1985				
Ch.	Sec.	Action	Ch.	Sec.					
11	1	AMD	94	2	151	1	AMD	459	3
11	2	AMD	94	3	152	1	AMD	22	1
11	3	AMD	94	1	154	13	AMD	7	89
13	1	AMD	370	54	156	4	AMD	443	16
13	2	AMD	370	55	157	1	AMD	371	7
		(Effective 1/1/86)			157	2	AMD	371	3
14	10	AMD	339	2	157	3	AMD	371	2
16	1	AMD	146	6	159	3	AMD	57	56
16	1	AMD	466	67	167	7	AMD	378	9
23	2	AMD	396	43	177	2	AMD	361	16
27	1	AMD	330	2	177	4	AMD	361	4
					177	5	AMD	361	5

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LAWS 1981 (cont.)			LAWS 1985		LAWS 1981 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
157	2	REP	281	30	264	10	REEN	374	1
157	3	AMD	281	17	265	4	AMD	59	1
157	4	AMD	281	22	265	5	AMD	59	2
158	3	AMD	57	58	268	1	AMD	7	108
161	3	AMD	193	4	268	1	AMD	133	2
168	1	AMD	374	1	271	1	AMD	163	1
168	1	REEN	374	1	271	2	AMD	57	34
169	1	AMD	141	7	271	2	AMD	163	2
169	2	AMD	141	3	272	9	AMD	171	1
185	2	REP	377	29	277	2	AMD	7	16
	(Effective 1/1/86)				277	4	AMD	7	21
188	2	AMD	101	2	279	1	AMD	128	1
190	4	AMD	250	1	279	2	AMD	128	2
190	4	AMD	444	5	280	2	AMD	57	52
198	2	REP	341	17	281	1	AMD	308	1
198	3	AMD	470	19	283	1	AMD	370	44
	(Effective 1/1/86)					(Effective 1/1/86)			
209	2	AMD	469	87	283	3	AMD	370	46
210	1	AMD	253	1		(Effective 1/1/86)			
219	1	AMD	195	1	294	2	AMD	102	2
221	1	AMD	173	5	294	4	AMD	103	2
222	3	AMD	173	4	295	13	REP	466	76
222	8	AMD	173	7	296	18	AMD	415	8
222	9	AMD	173	8	298	2	AMD	257	7
233	9	AMD	390	10	298	3	AMD	257	8
237	6	AMD	390	72	298	9	AMD	257	9
242	2	AMD	233	5	298	18	AMD	257	11
242	3	AMD	57	38	299	20	AMD	257	5
245	3	AMD	1	EI 12	300	2	AMD	439	1
246	3	AMD	370	96	300	9	AMD	466	46
	(Effective 1/1/86)				302	1	AMD	469	11
257	2	AMD	390	15	302	38	AMD	364	4
257	4	AMD	370	66	310	11	AMD	464	8
	(Effective 1/1/86)				310	12	AMD	243	1
257	4	AMD	390	17	310	12	AMD	464	9
257	6	AMD	390	19	310	13	AMD	464	10
257	7	AMD	390	24	310	15	AMD	464	11
257	8	AMD	390	25	310	17	AMD	464	1
257	9	AMD	390	35	310	20	AMD	464	2
259	1	AMD	185	22	310	22	AMD	464	3
259	1	REP	185	32	310	23	AMD	464	4
	(Effective 6/30/90)				310	30	AMD	464	7
259	2	REP	185	32	311	12	AMD	461	7
	(Effective 6/30/90)				312	2	AMD	74	1
259	3	AMD	185	24	312	3	AMD	74	2
259	3	REP	185	32	314	1	AMD	44	5
	(Effective 6/30/90)				314	1	REP	156	26
259	4	AMD	185	25		(Effective 1/1/86)			
259	4	REP	185	32	316	1	AMD	406	2
	(Effective 6/30/90)				316	1	AMD	433	7
260	4	AMD	7	43	316	3	AMD	433	8
260	5	AMD	7	52	316	11	REP	433	11
260	10	AMD	234	1	331	3	AMD	240	1
260	11	AMD	407	3	335	5	REP	251	4
	(Effective 1/1/86)				338	9	AMD	185	3
260	13	AMD	315	1	338	9	REP	185	32
264	3	AMD	341	11		(Effective 6/30/90)			
264	10	AMD	374	1	339	9	AMD	264	7

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LAWS 1981 (cont.)			LAWS 1985		LAWS 1982 (cont.)			LAWS 1985		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
339	17	AMD	264	19	32	2	AMD	146	3	
342	4	AMD	371	4	32	3	AMD	146	7	
342	7	AMD	371	6	32	4	AMD	146	8	
342	8	AMD	380	13	33	1	AMD	120	1	
345	1	AMD	66	4	33	3	AMD	7	113	
					33	3	AMD	120	2	
					34	3	AMD	233	1	
LAWS 1981 1ST EX.				LAWS 1985		34	4	AMD	57	66
Ch.	Sec.	Action	Ch.	Sec.	35	12	AMD	290	20	
2	25	AMD	213	12	35	45	AMD	290	17	
5	19	AMD	306	1	35	46	AMD	290	18	
6	1	AMD	335	2	35	50	AMD	290	19	
6	6	AMD	335	3	35	55	REP	290	25	
6	13	AMD	335	4	35	61	AMD	290	21	
6	19	AMD	5	1	35	62	REP	290	25	
6	22	AMD	5	4	35	63	AMD	290	22	
					35	64	AMD	290	23	
					35	190	AMD	156	19	
LAWS 1981 2ND EX.				LAWS 1985			(Effective 1/1/86)			
Ch.	Sec.	Action	Ch.	Sec.	35	194	REP	37	18	
2	1	AMD	466	34	36	2	AMD	7	106	
3	5	AMD	5	2	37	1	AMD	7	45	
4	5	AMD	57	26	43	3	AMD	6	18	
4	6	AMD	57	40	43	3	AMD	466	66	
4	8	AMD	57	84	44	2	AMD	466	60	
4	10	AMD	57	81	44	3	AMD	466	61	
10	3	AMD	335	1	60	1	AMD	367	13	
11	2	AMD	284	4	63	1	REP	339	5	
12	5	AMD	360	10	63	2	REP	339	5	
					63	3	REP	339	5	
					63	4	REP	339	5	
					63	5	REP	339	5	
					63	6	REP	339	5	
					63	7	REP	339	5	
					63	8	REP	339	5	
					63	9	REP	339	5	
					63	10	REP	339	5	
					63	20	AMD	347	2	
					63	21	AMD	347	4	
					66	21	AMD	7	37	
					66	22	AMD	7	39	
					67	3	AMD	7	99	
					76	1	AMD	27	1	
					76	2	AMD	27	2	
					77	2	AMD	1	EI 8	
					77	3	AMD	234	3	
					77	3	AMD	1	EI 9	
					81	2	AMD	261	20	
					84	14	AMD	330	7	
					85	5	AMD	226	1	
					85	7	AMD	363	1	
					90	2	AMD	291	1	
					90	4	AMD	291	2	
					90	6	AMD	268	3	
					94	3	AMD	405	509	
					95	6	AMD	305	8	
					101	1	AMD	331	1	
					104	7	REP	396	87	

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LAWS 1982 (cont.)			LAWS 1985		LAWS 1982 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
104	4	AMD	396	57	216	5	AMD	71	2
104	5	REP	396	87	216	5	AMD	332	9
104	6	REP	396	87	226	3	AMD	91	1
104	8	REP	396	87	227	18	AMD	173	2
104	9	REP	396	87	227	20	AMD	173	3
104	10	AMD	396	56	227	21	AMD	353	3
106	1	AMD	165	1	227	23	AMD	173	6
109	3	REP	315	10					
109	4	AMD	315	9	LAWS 1982 1ST EX. LAWS 1985				
109	5	AMD	314	1	Ch.	Sec.	Action	Ch.	Sec.
109	7	AMD	209	2	11	1	REP	110	2
110	7	AMD	264	17			(Effective 6/30/90)		
117	1	AMD	361	16	11	2	REP	110	2
118	4	AMD	7	135			(Effective 6/30/90)		
126	1	AMD	311	1	11	3	REP	110	2
126	2	AMD	311	2			(Effective 6/30/90)		
129	2	AMD	404	1	11	4	AMD	6	11
129	3	AMD	53	1	11	4	REP	110	2
132	1	AMD	146	1			(Effective 6/30/90)		
132	3	AMD	146	5	11	5	REP	110	2
139	2	AMD	357	3			(Effective 6/30/90)		
		(Effective 1/1/86)			11	6	AMD	110	1
147	2	AMD	367	3	11	6	REP	110	2
147	3	AMD	367	4			(Effective 6/30/90)		
147	9	AMD	367	6	11	7	REP	110	2
147	11	AMD	367	8			(Effective 6/30/90)		
147	13	AMD	367	9	11	8	REP	110	3
147	16	AMD	367	12			(Effective 6/30/90)		
151	3	AMD	320	4	15	1	AMD	370	36
163	2	REP	341	17			(Effective 1/1/86)		
163	3	REP	218	4	15	2	AMD	370	38
165	6	AMD	57	65			(Effective 1/1/86)		
167	1	AMD	114	1	15	3	AMD	370	39
167	2	AMD	114	4			(Effective 1/1/86)		
167	3	AMD	114	5	15	4	AMD	370	40
167	4	AMD	114	6			(Effective 1/1/86)		
167	9	AMD	114	2	15	5	AMD	370	41
172	4	AMD	7	132			(Effective 1/1/86)		
181	9	AMD	264	9	15	6	AMD	370	42
182	5	AMD	466	37			(Effective 1/1/86)		
182	19	AMD	36	1	17	3	AMD	469	56
184	4	AMD	235	1	17	10	AMD	469	58
184	5	AMD	235	2	18	17	REP	5	E1 13
184	8	AMD	235	3	18	18	REP	5	E1 13
186	1	AMD	412	12	18	19	REP	5	E1 13
188	1	AMD	265	3	18	20	AMD	7	117
189	7	AMD	245	6	19	4	AMD	5	3
191	1	AMD	385	20	21	22	AMD	12	1
191	3	AMD	7	93	21	22	AMD	307	7
192	8	AMD	279	1	21	77	AMD	469	61
201	1	AMD	245	2	21	162	AMD	237	18
201	12	AMD	213	20			(Effective 1/1/86)		
201	17	AMD	245	7	22	7	AMD	6	22
205	3	AMD	7	8	25	8	AMD	57	86
205	8	AMD	7	9	27	1	AMD	466	68
205	9	AMD	7	10	30	13	AMD	378	29
216	2	AMD	332	8			(Effective 7/1/86)		
216	4	AMD	71	1					

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LAWS 1982 1ST EX. (cont.)				LAWS		LAWS 1982 1ST EX. (cont.)				LAWS	
1985						1985					
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.
30	15	AMD	378	33	53	17	AMD	461	10		
		(Effective 7/1/86)			53	18	REP	461	16		
31	1	AMD	200	1	53	20	REP	461	16		
35	31	AMD	471	9	53	21	REP	461	16		
35	33	AMD	104	1	53	22	REP	461	16		
35	34	AMD	104	2	53	23	REP	461	16		
37	2	AMD	370	63	53	24	AMD	461	14		
		(Effective 1/1/86)			53	25	REP	461	16		
37	4	AMD	370	64	53	26	REP	461	16		
		(Effective 1/1/86)			53	27	AMD	370	24		
37	6	AMD	370	51			(Effective 1/1/86)				
		(Effective 1/1/86)			53	27	REP	461	16		
37	7	AMD	370	52	53	28	AMD	370	25		
		(Effective 1/1/86)					(Effective 1/1/86)				
37	8	AMD	198	1	53	28	REP	461	16		
37	8	AMD	390	26	53	29	AMD	370	26		
37	9	AMD	390	33			(Effective 1/1/86)				
37	10	AMD	390	25	53	29	REP	461	16		
37	11	AMD	370	67							
		(Effective 1/1/86)									
37	11	AMD	390	18							
37	12	AMD	356	2							
37	12	AMD	390	13							
37	15	AMD	390	15							
37	16	AMD	370	65							
		(Effective 1/1/86)									
37	16	AMD	390	16							
37	17	AMD	390	17							
37	18	AMD	390	19							
37	19	AMD	390	24							
40	2	AMD	6	12							
40	2	AMD	466	58							
40	3	AMD	6	13							
40	3	AMD	446	1							
40	3	REEN	446	2							
40	6	AMD	446	3							
40	10	AMD	446	25							
46	4	AMD	220	1							
47	18	AMD	327	2							
47	26	AMD	352	4							
48	1	AMD	470	14							
		(Effective 1/1/86)									
48	14	AMD	390	10							
49	21	AMD	57	82							
49	22	AMD	57	83							
52	22	AMD	138	1							
53	4	AMD	365	5							
53	4	AMD	461	2							
53	5	AMD	461	3							
53	6	REP	461	16							
53	7	REP	461	16							
53	8	REP	461	16							
53	9	REP	461	16							
53	10	REP	461	16							
53	11	REP	461	16							
53	12	REP	461	16							
53	13	REP	461	16							

LAWS 1982 2ND EX.				LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	
2	2	AMD	350	5	
7	4	AMD	375	1	
7	5	AMD	375	2	
7	22	AMD	7	128	
7	23	AMD	375	4	
7	24	AMD	375	5	
7	26	AMD	375	6	

LAWS 1983				LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	
1	1	AMD	5	E1	10
2	6	AMD	290		16
2	12	AMD	302		6
2	14	AMD	146		11
3	23	REP	415		13
3	33	AMD	385		1
3	46	AMD	45		6
3	51	AMD	466		42
3	53	AMD	56		6
3	60	AMD	7		101
3	74	AMD	7		102
3	75	AMD	7		103
3	77	AMD	169		8
3	78	AMD	7		105
3	97	AMD	102		6
3	98	AMD	7		107
3	144	AMD	57		63
3	179	AMD	354		31
		(Effective 1/1/86)			
7	3	REP	32		6
7	15	AMD	267		1
7	16	AMD	452		1
7	33	AMD	57		85
9	3	AMD	32		5
9	5	REP	32		6

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LAWS 1983 (cont.)			LAWS 1985		LAWS 1983 (cont.)			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
11	1	AMD	87	1	113	3	AMD	54	7
15	23	AMD	380	20			(Effective 1/1/86)		
15	23	REEN	380	20	113	4	AMD	54	8
26	1	AMD	380	12			(Effective 1/1/86)		
26	1	REEN	380	12	116	9	AMD	7	63
26	2	AMD	353	4	116	10	AMD	7	64
27	4	AMD	173	1	120	4	AMD	466	45
31	1	AMD	68	2	120	17	AMD	242	3
32	3	AMD	290	15	124	3	AMD	465	1
32	6	AMD	290	16	128	1	AMD	106	1
34	1	AMD	63	1	128	2	AMD	106	2
36	1	AMD	264	15	130	1	AMD	400	2
38	1	AMD	154	1	134	2	AMD	360	15
38	2	AMD	154	2	134	5	AMD	360	16
39	4	AMD	7	30	134	6	AMD	360	17
39	6	AMD	7	31	142	4	AMD	109	5
39	7	AMD	7	33	149	1	AMD	326	26
41	1	AMD	319	1	155	1	AMD	366	1
44	1	AMD	56	7	155	3	AMD	366	2
44	3	AMD	56	29	157	3	AMD	305	3
46	2	AMD	55	1	157	7	AMD	7	97
46	4	AMD	55	2	157	9	AMD	305	4
48	1	AMD	7	98	157	9	AMD	310	2
54	3	AMD	114	3			(Effective 7/1/87)		
55	10	AMD	7	66	161	4	AMD	6	14
56	1	AMD	16	1	161	20	AMD	6	15
56	1	AMD	441	4	164	6	AMD	302	7
59	17	AMD	277	2	164	6	AMD	353	2
63	2	AMD	7	115	164	6	AMD	377	28
69	1	AMD	13	7			(Effective 1/1/86)		
70	1	REP	339	5	165	2	AMD	407	3
70	2	AMD	339	2			(Effective 1/1/86)		
71	1	AMD	7	62	165	3	REP	407	6
71	2	AMD	57	6			(Effective 1/1/86)		
77	1	AMD	380	12	165	4	REP	407	6
77	1	REEN	380	12			(Effective 1/1/86)		
86	1	REP	339	5	165	5	REP	407	6
86	2	REP	339	5			(Effective 1/1/86)		
86	3	REP	339	5	165	6	REP	407	6
91	9	AMD	57	7			(Effective 1/1/86)		
91	12	AMD	64	2	165	7	REP	407	6
102	6	AMD	7	72			(Effective 1/1/86)		
102	7	AMD	7	73	165	8	REP	407	6
104	1	AMD	370	69			(Effective 1/1/86)		
		(Effective 1/1/86)			165	9	REP	407	5
104	2	AMD	370	72			(Effective 1/1/86)		
		(Effective 1/1/86)			165	10	REP	407	6
106	2	AMD	320	1			(Effective 1/1/86)		
106	4	AMD	283	2	165	11	REP	407	6
106	4	AMD	320	2			(Effective 1/1/86)		
106	5	AMD	320	3	165	12	REP	407	6
106	10	AMD	320	6			(Effective 1/1/86)		
106	11	REP	320	9	165	14	AMD	407	1
106	14	AMD	7	116			(Effective 1/1/86)		
113	1	AMD	54	5	165	20	REP	407	6
		(Effective 1/1/86)					(Effective 1/1/86)		
113	2	AMD	54	6	165	22	REP	407	6
		(Effective 1/1/86)					(Effective 1/1/86)		

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LAWS 1983 (cont.)			LAWS 1985		LAWS 1983 (cont.)			LAWS 1985	
Ch.	Sec.	Action Ch.	Ch.	Sec.	Ch.	Sec.	Action Ch.	Ch.	Sec.
165	24	AMD	407	5	194	20	AMD	97	1
					194	23	AMD	57	72
165	25	REP	407	6	194	23	AMD	97	2
					196	4	AMD	207	1
165	27	AMD	352	21	197	2	REP	466	76
165	39	AMD	298	1	197	3	REP	370	106
165	45	AMD	352	15	197	4	REP	317	9
166	1	AMD	370	73	197	5	REP	29	2
					197	6	REP	18	5
166	2	AMD	370	74	197	18	AMD	21	9
					197	23	REP	156	26
166	3	AMD	370	75			(Effective 1/1/86)		
					197	28	REP	466	76
166	4	AMD	370	76	197	29	REP	370	106
					197	30	REP	317	9
166	5	AMD	370	77	197	31	REP	29	2
					197	32	REP	18	5
166	6	AMD	370	78	197	44	AMD	21	10
					197	49	REP	156	26
167	3	AMD	84	1			(Effective 1/1/86)		
167	11	AMD	84	3	202	14	AMD	320	5
167	15	AMD	469	5	207	3	AMD	43	1
167	102	AMD	76	2	214	1	AMD	44	9
167	110	AMD	84	2	214	1	REP	156	26
167	112	AMD	71	1			(Effective 1/1/86)		
167	128	AMD	112	1	220	1	AMD	390	28
167	207	AMD	396	79	225	2	AMD	386	1
167	208	AMD	396	80	228	1	AMD	146	9
167	209	AMD	396	81	229	1	AMD	349	5
167	217	AMD	469	88	232	3	AMD	428	3
168	2	AMD	117	3	232	4	AMD	428	4
168	2	AMD	326	28	232	12	AMD	428	1
168	2	REEN	326	28	234	7	AMD	57	3
168	5	AMD	57	29	235	16	AMD	213	29
168	8	AMD	7	51	235	17	AMD	213	30
169	2	AMD	370	47	237	3	AMD	7	111
					237	3	REEN	7	111
169	3	AMD	370	48	238	1	AMD	7	111
					238	1	REEN	7	111
169	4	AMD	370	49	239	2	AMD	443	15
					239	4	AMD	443	11
176	1	AMD	359	1	243	1	REP	451	12
177	1	AMD	466	55	243	2	REP	451	12
177	2	AMD	466	56	243	3	REP	451	12
177	4	AMD	466	57	243	4	REP	451	12
178	2	AMD	119	1	243	5	REP	451	12
180	1	AMD	177	1	243	6	AMD	451	11
182	1	AMD	328	1	248	5	AMD	457	15
184	1	AMD	201	15	255	5	AMD	151	1
186	2	AMD	7	1	256	1	AMD	390	32
188	2	AMD	7	124	266	1	AMD	7	96
191	6	AMD	73	1	268	1	AMD	295	1
191	9	AMD	257	2	272	1	AMD	57	65
191	11	AMD	257	4	274	1	REP	377	29
191	11	AMD	287	1			(Effective 1/1/86)		
191	12	AMD	378	10	274	2	REP	377	29
							(Effective 1/1/86)		
191	16	AMD	73	2	274	3	REP	377	29

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LAWS 1983 (cont.)			LAWS 1985		LAWS 1983 1ST EX. (cont.)				LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.	
274	4	REP	377	29	13	3	REP	5	E1	13
			(Effective 1/1/86)		13	5	AMD	5	E1	6
274	5	REP	377	29	13	9	AMD	5	E1	4
			(Effective 1/1/86)		13	10	AMD	5	E1	5
274	6	REP	377	29	16	18	AMD	57		41
			(Effective 1/1/86)		20	1	AMD	231		1
275	3	AMD	46	1	20	1	REP	231		11
275	3	AMD	210	1			(Effective 6/30/91)			
277	3	AMD	57	68	20	2	AMD	231		2
278	3	AMD	351	5	20	2	REP	231		11
279	2	AMD	57	71			(Effective 6/30/91)			
280	1	AMD	182	2	20	3	AMD	231		3
284	2	AMD	457	25	20	3	REP	231		11
284	3	AMD	464	5			(Effective 6/30/91)			
284	5	AMD	413	1	20	4	AMD	231		4
284	5	REEN	413	1	20	4	REP	231		11
285	1	AMD	370	62			(Effective 6/30/91)			
			(Effective 1/1/86)		20	5	AMD	231		5
286	4	AMD	283	1	20	5	REP	231		11
288	4	AMD	401	1			(Effective 6/30/91)			
288	6	AMD	457	14	20	5	AMD	466		64
291	1	AMD	397	1	20	6	REP	231		11
293	1	AMD	185	23			(Effective 6/30/91)			
293	1	REP	185	32	20	6	AMD	466		65
			(Effective 6/30/90)		20	7	AMD	231		6
293	2	AMD	185	30	20	7	REP	231		11
295	6	AMD	181	2			(Effective 6/30/91)			
299	2	AMD	57	74	21	3	AMD	370		89
303	5	AMD	432	1			(Effective 1/1/86)			
303	6	AMD	57	64	21	6	AMD	466		40
303	6	AMD	432	2	21	8	AMD	466		41
303	8	AMD	187	1	21	13	AMD	405		408
304	1	AMD	370	27	22	1	AMD	358		1
			(Effective 1/1/86)		22	36	AMD	358		2
305	1	AMD	412	8	22	37	AMD	358		3
305	9	REP	412	21	28	3	AMD	271		1
305	10	REP	412	21	32	6	AMD	264		22
305	11	REP	412	21	32	21	AMD	264		23
305	12	REP	412	21	40	7	AMD	7		110
305	13	REP	412	21	40	7	AMD	230		7
305	14	REP	412	21	40	10	REP	230		10
305	75	AMD	412	11	40	11	REP	230		10
305	76	AMD	412	10	40	21	REP	230		10
					41	36	AMD	335		2
					43	1	AMD	5		4
					43	2	AMD	5		1
					45	6	AMD	215		1
					46	7	AMD	93		1
					46	7	AMD	208		1
					46	13	AMD	458		7
					46	15	AMD	457		17
					46	26	AMD	28		1
					46	32	AMD	155		1
					46	52	AMD	147		1
					46	57	AMD	51		7
					46	76	AMD	307		5
					46	81	AMD	256		1
					46					

LAWS 1983 1ST EX.			LAWS 1985	
Ch.	Sec.	Action	Ch.	Sec.
1	1	AMD	307	1
1	2	AMD	307	2
1	3	AMD	307	9
1	4	AMD	307	4
1	5	AMD	307	8
1	6	AMD	307	3
9	1	AMD	57	1
11	4	AMD	395	3
13	1	REP	5 E1	13
13	2	REP	5 E1	13

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LAWS 1983 1ST EX. (cont.) LAWS 1985				LAWS 1983 1ST EX. (cont.) LAWS 1985					
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
46	96	AMD	174	1			(Effective 1/1/86)		
46	101	AMD	457	18	72		6 AMD	381	2
46	113	AMD	107	1	72		7 AMD	381	3
46	124	REP	457	28	72		10 AMD	370	82
46	125	AMD	457	19			(Effective 1/1/86)		
46	126	REP	457	28	72		12 AMD	370	83
46	132	AMD	248	1			(Effective 1/1/86)		
46	132	AMD	457	20	72		13 AMD	408	1
46	133	REP	248	9	73		2 AMD	36	3
46	155	AMD	7	150	73		3 AMD	36	4
46	162	AMD	4	E1 10	74		1 AMD	370	79
46	163	AMD	57	73			(Effective 1/1/86)		
46	173	AMD	458	8	74		2 AMD	370	80
46	180	AMD	413	1			(Effective 1/1/86)		
46	180	REEN	413	1	74		3 AMD	370	81
50	11	AMD	230	6			(Effective 1/1/86)		
51	1	AMD	439	1	75		1 AMD	365	2
52	6	AMD	7	127	75		1 AMD	461	8
53		ADD	17	5	75		2 AMD	365	1
53	3	AMD	17	6	75		2 AMD	461	9
53	5	AMD	17	1	75		4 AMD	365	3
53	8	AMD	17	7	75		4 AMD	461	1
53	15	AMD	17	2	75		5 AMD	365	5
53	20	AMD	17	3	75		5 AMD	461	2
53	21	AMD	17	4	76		ADD	405	407
54	1	AMD	466	54	76		2 AMD	14	101
54	7	AMD	57	20	76		3 AMD	14	102
55	1	AMD	2	2	76		8 AMD	405	101
55	2	AMD	132	1	76		10 AMD	405	102
55	2	AMD	222	1	76		11 AMD	405	103
60	2	AMD	446	1	76		15 AMD	14	103
60	3	AMD	446	3	76		17 AMD	14	104
61	5	AMD	59	1	76		22 AMD	405	104
61	6	AMD	59	2	76		24 AMD	14	106
62	10	AMD	7	156	76		27 AMD	14	107
64	1	AMD	390	35	76		27 AMD	405	106
65	3	AMD	7	129	76		29 AMD	405	107
66	1	AMD	431	3	76		31 AMD	405	108
67	1	AMD	361	4	76		36 AMD	14	108
67	2	AMD	361	6	76		37 AMD	14	109
67	3	AMD	361	7	76		51 REP	14	202
67	4	AMD	361	9	76		53 REP	14	204
67	5	AMD	361	10	76		54 REP	14	204
67	7	AMD	361	11	76		55 REP	14	204
67	9	AMD	361	12	76		56 REP	14	204
67	11	AMD	7	147	76		57 REP	14	204
67	18	AMD	361	18	76		58 REP	14	204
67	21	AMD	361	15	76		59 REP	14	204
67	23	AMD	361	13	76		60 REP	14	204
67	28	AMD	361	17	76		61 REP	14	204
67	36	AMD	361	3	76		62 REP	14	204
67	41	AMD	361	14	76		63 REP	14	204
70	4	AMD	57	70	76		64 REP	14	204
72	5	AMD	370	86	76		65 AMD	14	205
		(Effective 1/1/86)			76		66 AMD	405	203
72	5	AMD	381	1	76		71 AMD	14	206
72	6	AMD	370	87	76		72 AMD	405	204

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Ch.	Sec. Action	Ch.	Sec.	Ch.	Sec. Action	Ch.	Sec.
9	16 REP	296	3	75	19 AMD	290	13
	(Effective 6/1/91)			75	20 REP	290	25
9	17 REP	296	3	75	22 REP	290	25
	(Effective 6/1/91)			75	24 AMD	290	24
9	18 AMD	117	3	76	3 REP	68	1
9	18 AMD	326	28	80	3 AMD	307	6
9	18 REEN	326	28	84	1 AMD	44	19
9	21 REP	296	3	87	1 AMD	57	33
	(Effective 6/1/91)			92	1 AMD	189	2
10	1 AMD	70	1	94	2 AMD	466	51
10	2 AMD	70	2	94	3 AMD	466	52
17	4 AMD	201	1	94	4 AMD	466	33
17	5 AMD	201	2	97	3 AMD	259	2
17	8 AMD	201	3	101	1 AMD	144	1
17	9 AMD	201	4	102	3 AMD	342	1
17	10 AMD	201	5	104	1 AMD	351	1
17	14 AMD	201	6	108	1 AMD	19	1
17	17 AMD	201	7	108	1 REEN	19	1
25	3 AMD	124	3	108	2 AMD	19	2
27	1 AMD	273	1	108	3 AMD	19	3
28	1 AMD	6	15	108	3 REEN	19	3
34	2 AMD	6	8	111	1 AMD	393	1
34	7 AMD	367	11	116	1 AMD	332	5
40	4 AMD	49	2	120	1 AMD	291	1
40	6 REP	49	6	120	2 AMD	57	8
40	8 AMD	49	3	120	2 AMD	291	3
49	1 AMD	289	1	123	1 AMD	345	1
49	1 REEN	289	1	123	2 AMD	345	3
50	2 AMD	390	27	125	1 REP	110	2
52	2 AMD	384	3		(Effective 6/30/90)		
57	1 AMD	39	1	125	2 REP	110	2
57	1 REP	39	9		(Effective 6/30/90)		
	(Effective 6/30/91)			125	3 REP	110	2
57	2 AMD	39	2		(Effective 6/30/90)		
57	2 REP	39	9	125	4 REP	110	2
	(Effective 6/30/91)				(Effective 6/30/90)		
57	3 AMD	39	3	125	5 REP	110	2
57	3 REP	39	9		(Effective 6/30/90)		
	(Effective 6/30/91)			125	6 AMD	466	53
57	4 REP	39	7	125	9 REP	110	2
57	5 REP	39	7		(Effective 6/30/90)		
57	6 AMD	39	4	125	10 REP	110	2
57	6 REP	39	9		(Effective 6/30/90)		
	(Effective 6/30/91)			125	11 REP	110	2
57	7 AMD	39	5		(Effective 6/30/90)		
57	7 REP	39	9	125	12 AMD	466	47
	(Effective 6/30/91)			125	13 AMD	466	48
57	8 REP	39	7	125	18 AMD	7	151
59	1 AMD	6	20	125	18 REEN	7	151
59	2 AMD	6	21	125	18 AMD	67	1
66	1 AMD	381	1	125	18 REEN	67	1
70	1 AMD	170	1	125	20 AMD	110	2
70	1 AMD	473	2	125	21 REP	6	27
75	4 AMD	290	1	128	3 AMD	44	3
75	8 REP	290	25	128	4 AMD	44	4
75	10 AMD	290	3	130	4 AMD	88	1
75	15 AMD	290	9	131	5 AMD	348	1
75	17 AMD	290	10	135	2 AMD	7	2

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136	1	AMD	323	1	149	48	REEN	31	8
138	12	AMD	414	9	149	49	REEN	31	9
140	1	REP	5	E1 13	149	51	REEN	31	10
143	21	AMD	414	8	149	53	AMD	31	11
147	2	AMD	141	1	149	53	REEN	31	11
149	1	REEN	11	2	149	54	AMD	31	12
149	2	REEN	11	3	149	54	REEN	31	12
149	3	REEN	9	2	149	55	REEN	31	13
149	4	REEN	30	4	149	56	AMD	31	14
149	5	REEN	23	2	149	56	REEN	31	14
149	6	REEN	23	3	149	57	REEN	31	15
149	7	REEN	23	4	149	61	REEN	31	18
149	8	REEN	30	5	149	62	REEN	31	19
149	9	REEN	30	6	149	64	REEN	30	38
149	10	AMD	30	7	149	65	REEN	30	39
149	10	REEN	30	7	149	67	REEN	30	40
149	11	REEN	30	8	149	68	REEN	30	41
149	12	REEN	30	9	149	69	AMD	30	42
149	13	REEN	30	10	149	69	REEN	30	42
149	14	REEN	30	11	149	72	AMD	30	44
149	16	REEN	30	12	149	72	REEN	30	44
149	17	AMD	30	13	149	74	REEN	30	45
149	17	REEN	30	13	149	75	REEN	30	46
149	18	REEN	30	14	149	76	REEN	30	47
149	19	REEN	30	15	149	78	REEN	30	49
149	20	REEN	30	16	149	80	AMD	30	50
149	21	REEN	30	17	149	80	REEN	30	50
149	22	REEN	30	18	149	81	AMD	30	51
149	23	REEN	30	19	149	81	REEN	30	51
149	25	AMD	30	23	149	83	REEN	30	52
149	25	REEN	30	23	149	84	REEN	30	53
149	26	AMD	30	25	149	85	AMD	30	54
149	26	REEN	30	25	149	85	REEN	30	54
149	27	AMD	30	26	149	87	REEN	30	55
149	27	REEN	30	26	149	88	REEN	30	56
149	28	AMD	30	27	149	89	REEN	30	57
149	28	REEN	30	27	149	90	REEN	30	58
149	29	AMD	30	28	149	91	REEN	30	59
149	29	REEN	30	28	149	93	AMD	30	60
149	30	AMD	30	29	149	93	REEN	30	60
149	30	REEN	30	29	149	97	REEN	30	65
149	31	AMD	30	30	149	98	AMD	30	66
149	31	REEN	30	30	149	98	REEN	30	66
149	33	REEN	30	31	149	99	AMD	30	67
149	34	REEN	30	32	149	99	REEN	30	67
149	35	REEN	30	33	149	101	REEN	30	68
149	36	REEN	30	34	149	104	REEN	30	70
149	38	AMD	30	36	149	107	REEN	30	72
149	38	REEN	30	36	149	108	AMD	30	73
149	39	AMD	30	37	149	108	REEN	30	73
149	39	REEN	30	37	149	110	REEN	30	74
149	41	REEN	31	2	149	111	REEN	30	75
149	42	REEN	31	3	149	112	REEN	30	76
149	45	REEN	31	5	149	114	REEN	30	78
149	46	REEN	31	6	149	116	REEN	30	84
149	47	AMD	31	7	149	117	REEN	30	85
149	47	REEN	31	7	149	118	REEN	30	86
149	48	AMD	31	8	149	119	AMD	30	87

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149	119	REEN	30	87	154	7	AMD	19	3
149	120	REEN	30	88	154	7	REEN	19	3
149	121	REEN	30	89	155	8	AMD	421	1
149	122	REEN	30	90	155	9	AMD	421	2
149	123	REEN	30	91	155	10	AMD	421	3
149	124	REEN	30	92	155	11	AMD	421	4
149	125	AMD	30	93	155	16	AMD	421	5
149	125	REEN	30	93	155	31	AMD	421	6
149	126	AMD	30	94	160	1	AMD	341	4
149	126	REEN	30	94	160	2	REP	341	17
149	128	REEN	30	95	160	3	AMD	341	13
149	129	REEN	30	96	160	4	AMD	378	19
149	130	REEN	30	97		(Effective 7/1/86)			
149	131	REEN	30	98	161	1	AMD	293	1
149	132	AMD	30	99	161	14	AMD	293	4
149	132	REEN	30	99	165	1	AMD	7	132
149	133	REEN	30	100	169	5	AMD	440	1
149	134	REEN	30	101	175	1	AMD	466	24
149	135	REEN	30	102	175	1	REP	466	73
149	136	REEN	30	103		(Effective 6/30/89)			
149	137	REEN	30	104	175	2	AMD	466	25
149	138	REEN	30	105	175	2	REP	466	73
149	140	REEN	30	106		(Effective 6/30/89)			
149	141	REEN	30	107	175	3	AMD	466	26
149	142	REEN	30	108	175	3	REP	466	73
149	143	AMD	30	109		(Effective 6/30/89)			
149	143	REEN	30	109	175	4	AMD	466	27
149	144	AMD	30	110	175	4	REP	466	73
149	144	REEN	30	110		(Effective 6/30/89)			
149	145	REEN	30	111	175	5	AMD	466	28
149	146	AMD	30	112	175	5	REP	466	73
149	146	REEN	30	112		(Effective 6/30/89)			
149	149	AMD	30	116	175	6	AMD	466	29
149	149	REEN	30	116	175	6	REP	466	73
149	150	AMD	30	117		(Effective 6/30/89)			
149	150	REEN	30	117	175	7	AMD	466	30
149	153	REEN	30	119	175	7	REP	466	73
149	154	REEN	30	120		(Effective 6/30/89)			
149	157	REEN	30	124	175	8	AMD	466	31
149	158	REEN	30	125	175	8	REP	466	73
149	161	REEN	30	129		(Effective 6/30/89)			
149	162	REEN	30	130	175	9	AMD	159	2
149	163	REEN	30	131	175	9	REP	466	76
149	164	REEN	30	132	175	12	AMD	466	72
149	165	REEN	30	133	175	13	AMD	466	73
149	167	REEN	30	134	176	1	REP	466	76
149	168	REEN	30	135	176	2	REP	466	76
149	171	REEN	8	2	176	3	REP	466	76
149	172	AMD	8	3	176	4	REP	466	76
149	172	REEN	8	3	176	5	REP	466	76
149	173	REEN	30	137	176	8	REP	466	76
149	174	AMD	10	2	176	9	REP	466	76
149	174	REEN	10	2	176	10	REP	466	76
149	175	REEN	30	138	181	2	AMD	40	1
149	179	REEN	30	3	184	20	AMD	292	1
153	12	AMD	7	60	186	22	REP	445	13
154	6	AMD	19	1	186	23	AMD	445	12
154	6	REEN	19	1	188	1	AMD	257	10

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201	1	AMD	108	1	258	303	AMD	389	3
203	1	AMD	469	29	258	304	AMD	389	4
203	2	REP	281	30	258	306	AMD	389	5
204	2	AMD	57	87	258	307	AMD	389	6
204	9	AMD	184	1	258	310	AMD	389	2
204	14	AMD	184	2	258	311	AMD	443	13
205	5	AMD	5	E1 7	258	313	AMD	389	7
205	7	AMD	42	1	258	319	AMD	389	8
205	7	AMD	270	2	258	322	AMD	389	9
205	7	AMD	299	1	258	323	AMD	57	59
205	9	AMD	285	3	258	324	AMD	407	2
207	1	AMD	75	1	258	325	AMD	211	1
207	1	AMD	86	1	258	325	AMD	407	4
207	1	AMD	468	1	258	326	REP	407	6
207	1	AMD	473	1			(Effective 1/1/86)		
209	3	AMD	346	5	258	327	AMD	351	6
209	5	AMD	443	6	258	328	AMD	352	1
210	2	AMD	221	1	258	338	AMD	57	27
212	1	AMD	57	88	260	18	AMD	194	1
212	4	AMD	454	1	260	19	AMD	194	2
219	2	AMD	352	2	260	20	AMD	194	3
221	24	AMD	57	79	260	29	AMD	276	1
225	2	AMD	57	83	260	36	REP	294	1
225	5	AMD	57	82	260	37	REP	294	1
227	2	AMD	13	2	260	38	REP	294	1
227	3	AMD	13	3	260	39	REP	294	1
230	44	AMD	7	121	260	40	AMD	276	5
230	82	AMD	6	4	260	41	AMD	276	14
230	83	AMD	13	5	261	4	AMD	44	2
232	1	AMD	362	1	263	3	AMD	303	1
240	5	AMD	464	8			(Effective 9/1/85)		
240	6	AMD	243	1	263	4	AMD	303	2
240	6	AMD	464	9			(Effective 9/1/85)		
242	1	AMD	57	23	263	5	AMD	303	4
242	2	AMD	199	1	263	7	AMD	303	5
242	3	AMD	213	28	263	10	AMD	303	6
244	1	AMD	6	9	263	15	AMD	303	7
244	1	REP	471	12	263	18	AMD	303	8
244	2	AMD	57	42	263	19	AMD	267	3
244	2	REP	471	12	263	19	AMD	303	9
244	3	REP	471	12	263	22	AMD	303	10
248	1	REP	179	1	263	24	AMD	303	12
248	2	REP	179	1	263	29	AMD	7	104
248	3	REP	179	1	263	29	AMD	24	1
248	5	REP	179	1	263	31	AMD	303	3
250	2	AMD	452	1	266	2	AMD	3	E1 1
250	4	AMD	7	155	266	5	AMD	3	E1 2
251	1	AMD	6	3	267	6	AMD	390	31
251	2	AMD	6	19	269	2	REP	110	2
251	4	AMD	6	25			(Effective 6/30/90)		
253	1	AMD	126	1	270	1	AMD	455	2
253	2	AMD	126	2	270	1	REP	455	22
253	3	AMD	126	3			(Effective 7/1/95)		
256	1	AMD	13	6	270	2	AMD	455	3
256	1	REEN	13	6	270	2	REP	455	22
257	2	AMD	6	12			(Effective 7/1/95)		
258	89	AMD	240	2	270	3	AMD	455	4
258	104	AMD	303	14	270	3	REP	455	22

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Ch.	Sec. Action Ch.	Sec.	Ch.	Sec.	Sec. Action Ch.	Sec.	
	(Effective 7/1/95)			278	17 AMD 341	16	
270	4 AMD 455	5		278	17 AMD 370	68	
270	4 REP 455	22			(Effective 1/1/86)		
	(Effective 7/1/95)			278	17 AMD 390	30	
270	5 REP 455	22		278	18 REP 370	105	
	(Effective 7/1/95)				(Effective 1/1/86)		
270	6 AMD 455	7		278	19 AMD 370	91	
270	6 REP 455	22			(Effective 1/1/86)		
	(Effective 7/1/95)			278	20 REP 370	105	
270	7 REP 455	22			(Effective 1/1/86)		
	(Effective 7/1/95)			279	4 AMD 326	29	
270	8 AMD 455	8		279	57 AMD 117	3	
270	8 REP 455	22		279	57 AMD 326	28	
	(Effective 7/1/95)			279	57 REEN 326	28	
270	9 AMD 455	10		279	94 AMD 7	109	
270	9 REP 455	22		282	7 AMD 466	62	
	(Effective 7/1/95)			282	8 AMD 466	63	
270	10 AMD 455	11		285	101 AMD 14	101	
270	10 REP 455	22		285	102 AMD 14	102	
	(Effective 7/1/95)			285	107 AMD 405	101	
270	11 AMD 455	12		285	109 AMD 405	102	
270	11 REP 455	22		285	110 AMD 405	103	
	(Effective 7/1/95)			285	114 AMD 14	103	
270	12 AMD 455	13		285	117 AMD 405	104	
270	12 REP 455	22		285	118 AMD 14	106	
	(Effective 7/1/95)			285	119 AMD 14	107	
270	13 AMD 455	14		285	121 AMD 405	107	
270	13 REP 455	22		285	123 AMD 405	108	
	(Effective 7/1/95)			285	126 AMD 14	109	
270	14 AMD 455	15		285	201 REP 14	202	
270	14 REP 455	22		285	203 REP 14	204	
	(Effective 7/1/95)			285	204 REP 14	204	
270	15 AMD 455	16		285	205 REP 14	204	
270	15 REP 455	22		285	206 REP 14	204	
	(Effective 7/1/95)			285	207 REP 14	204	
270	16 AMD 455	17		285	208 REP 14	204	
270	16 REP 455	22		285	209 REP 14	204	
	(Effective 7/1/95)			285	210 REP 14	204	
270	17 AMD 455	18		285	211 REP 14	204	
270	17 REP 455	22		285	212 REP 14	204	
	(Effective 7/1/95)			285	213 REP 14	204	
270	18 AMD 186	1		285	214 AMD 14	205	
270	18 AMD 455	19		285	215 AMD 405	203	
270	20 REP 455	22		285	219 AMD 14	206	
	(Effective 7/1/95)			285	220 AMD 405	204	
270	21 AMD 455	20		285	221 AMD 405	205	
270	21 REP 455	22		285	222 AMD 405	206	
	(Effective 7/1/95)			285	224 AMD 405	207	
272	1 AMD 354	29		285	304 AMD 405	301	
	(Effective 1/1/86)			285	305 AMD 405	302	
273	5 AMD 289	1		285	306 AMD 405	303	
273	5 REEN 289	1		285	307 AMD 14	301	
273	6 AMD 382	1		285	308 AMD 14	302	
277	1 AMD 456	1		285	310 AMD 14	303	
277	2 AMD 456	2		285	402 AMD 14	401	
277	6 AMD 456	5		285	501 AMD 405	401	
278	6 AMD 384	2		285	502 AMD 14	501	
278	8 AMD 403	1		285	505 AMD 14	502	

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285	506	AMD	14	503	39	5	REP	39	9
285	508	AMD	405	403			(Effective 6/30/91)		
285	510	AMD	405	404	57	42	REP	471	12
285	511	AMD	405	406	71	2	AMD	332	9
285	524	AMD	14	504	110	1	REP	110	2
285	601	AMD	14	601			(Effective 6/30/90)		
285	601	AMD	405	502	142	2	AMD	376	4
285	607	AMD	57	85	182	2	AMD	464	6
287	21	REP	37	18	185	3	REP	185	32
287	34	AMD	402	6			(Effective 6/30/90)		
287	36	AMD	340	3	185	4	REP	185	32
287	55	AMD	360	11			(Effective 6/30/90)		
287	62	AMD	370	48	185	5	REP	185	32
		(Effective 1/1/86)					(Effective 6/30/90)		
287	65	AMD	370	16	185	6	REP	185	32
		(Effective 1/1/86)					(Effective 6/30/90)		
287	72	AMD	114	1	185	7	REP	185	32
287	84	AMD	77	1			(Effective 6/30/90)		
287	89	AMD	6	13	185	8	REP	185	32
287	89	REEN	446	2			(Effective 6/30/90)		
287	90	AMD	6	14	185	9	REP	185	32
287	98	AMD	185	5			(Effective 6/30/90)		
287	98	REP	185	32	185	10	REP	185	32
		(Effective 6/30/90)					(Effective 6/30/90)		
287	108	AMD	466	70	185	11	REP	185	32
289	17	AMD	409	5			(Effective 6/30/90)		
					185	12	REP	185	32
					185	13	REP	185	32
					185	14	REP	185	32
					185	15	REP	185	32
					185	20	REP	185	32
					185	21	REP	185	32
					185	22	REP	185	32
					185	23	REP	185	32
					185	24	REP	185	32
					185	25	REP	185	32
					185	26	REP	185	32
					185	27	REP	185	32
					185	28	REP	185	32
					212	1	AMD	1	E1 3
					231	1	REP	231	11
							(Effective 6/30/91)		
					231	2	REP	231	11
							(Effective 6/30/91)		
					231	3	REP	231	11
							(Effective 6/30/91)		
					231	4	REP	231	11

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231	6 REP	231	11	455	14 REP	455	22	
	(Effective 6/30/91)				(Effective 7/1/95)			
231	7 REP	231	11	455	15 REP	455	22	
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231	8 REP	231	11	455	16 REP	455	22	
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**HISTORY OF STATE MEASURES FILED WITH THE
SECRETARY OF STATE
(SUPPLEMENTING 1983 LAWS, PAGE 2339)**

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 455 (Shall the state be directed go seek, to require payment in gold of state held securities having a gold clause?)--Filed January 9, 1984 by Robert Ellison of Seattle. This measure refiled as Initiative Measure No. 461.
- *INITIATIVE MEASURE NO. 456 (Shall Congress be petitioned to decommercialize steel-head, and state policies respecting Indian rights and management of natural resources be enacted?)--Filed January 13, 1984 by Ellis Lind of Redmond and S/SPAWN. Sponsor submitted 201,188 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: For--916,855 Against--807,825
- INITIATIVE MEASURE NO. 457 (Shall minimum age requirements by public and private entities be reduced to age 18 except those relating to drinking alcohol?)--Filed January 9, 1984 by Martin D. Ringhofer of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 458 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)--Filed January 18, 1984 by Joseph L. Williams of Mercer Island. This measure refiled as Initiative Measure No. 459.
- INITIATIVE MEASURE NO. 459 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)--Filed January 20, 1984 by Louise Miller of Woodinville. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 460 (Shall an additional tax be imposed, on beer, liquor, and out-of-state wine, for crime victims, alcohol rehabilitation, enforcement, and education?)--Filed January 12, 1984 by E.C. Renas of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 461 (Shall the state seek to require corporations which issued securities having a gold clause to make payment in gold coin?)--Filed January 23, 1984 by Robert Ellison of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 462 (Shall Congress be memorialized to create a space shuttle/energy lottery to increase space travel and achieve energy independence?)--Filed January 13, 1984 by Jeff Vale of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 463 (Shall the legislature be directed to petition Congress to either propose a balanced budget constitutional amendment or call a convention?)--Filed January 24, 1984 by James R. Medley of Seattle. No signatures were presented for checking.
- *INITIATIVE MEASURE NO. 464 (Shall the value of trade-ins of like kind property be excluded from the selling price for the sales tax computation?)--Filed February 24, 1984 by Eugene A. Prince of Thornton. Sponsor submitted 196,728 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: For--1,175,781 Against--529,560
- INITIATIVE MEASURE NO. 465 (Shall state sales and business tax rates be reduced and limitations imposed on state general fund spending and tax increases?)--Filed February 16, 1984 by Kent Pullen of Kent. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 466 (Shall Nevada type gambling, regulated by the State Gambling Commission, be permitted if approved by voters in cities and counties?)--Filed February 10, 1984 by Fred M. Ladd of Ocean Shores. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 467 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)--Filed February 14, 1984 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 468 (Shall real property tax rates be generally limited to one percent of 1975 property tax values, subject to limited adjustments?)--Filed March 20, 1984 by Martin H. Ottesen of Tacoma. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 469 (Shall the State Gambling Commission be abolished and the net proceeds of some gambling activities be taxed 25% for schools?)--Filed March 15, 1984 by Michael J. Kinsley of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 470 (Shall public funding of abortions be prohibited, and state funding required to prevent deaths of unborn children and pregnant women?)--Filed April 2, 1984 by Michael Undseth of Brier. This measure refiled as Initiative Measure No. 471.
- INITIATIVE MEASURE NO. 471 (Shall public funding of abortions be prohibited except to prevent the death of the pregnant woman or her unborn child?)--Filed April 16, 1984 by Michael Undseth of Brier. Sponsor submitted 162,324 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was rejected by the following vote: For--838,083 Against--949,921
- INITIATIVE MEASURE NO. 472 (Regarding federal initiative and referendum powers.)--Filed June 25, 1984 by Steven A. Panteli of Bellingham. Attorney General declined to write a ballot title because time limit expired.
- INITIATIVE MEASURE NO. 473 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)--Filed January 7, 1985 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 474 (Shall property taxes be reduced by deleting taxes previously paid on property now exempt from the 106% tax levy calculation?)--Filed January 31, 1985 by Orville L. Barnes of Spokane. This measure refiled as Initiative Measure No. 477.
- INITIATIVE MEASURE NO. 475 (Shall Congress be requested to call a constitutional convention solely to propose an amendment providing federal initiative and referendum powers?)--Filed January 23, 1985 by Steven A. Panteli of Bellingham. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 476 (Shall denturists be licensed by the state and permitted to supply dentures to people without written directives from a dentist?)--Filed February 25, 1985 by Eldo Al Hohman of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 477 (Shall maximum permissible regular property tax levies be reduced by excluding inventory taxes, and voter-approved taxes from the 106% limitation?)--Filed March 14, 1985 by Orville L. Barnes of Spokane. No signatures were presented for checking.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

INITIATIVE TO THE LEGISLATURE NO. 86. (Shall the legislature submit a state constitutional amendment requiring taxes be approved by voters and full funding of retirement systems?)--Filed August 17, 1984 by James L. King, Jr. of Tacoma. No signatures were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 87. (Shall juvenile diversion agreements require home or nonsecurity residency or placement in secure facilities if a juvenile thereafter runs away?)--Filed October 19, 1984 by Theresa J. Green of Seattle. No signatures were submitted for checking.

**HISTORY OF CONSTITUTIONAL AMENDMENTS
ADOPTED SINCE STATEHOOD**

No. 74. Adding Section 43, Article II. Re: **Redistricting**. Adopted November, 1983.