

Subscribed and sworn to before me this day of
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Passed the Senate March 9, 1986.
Passed the House March 5, 1986.
Approved by the Governor April 1, 1986.
Filed in Office of Secretary of State April 1, 1986.

CHAPTER 180

[Senate Bill No. 3352]

EDUCATION INFORMATION—SUPERINTENDENT OF PUBLIC INSTRUCTION
TO COLLECT, SCREEN, ORGANIZE AND DISSEMINATE

AN ACT Relating to education; and adding a new section to chapter 28A.03 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28A.03 RCW to read as follows:

(1) Recent and expanding activity in educational research has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on education, the superintendent of public instruction shall act as the state clearinghouse for educational information.

(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, screen, organize, and disseminate information pertaining to the state's educational system from preschool through grade twelve, including but not limited to in-state research and development efforts; descriptions of exemplary, model, and innovative programs; and related information that can be used in developing more effective programs.

(3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system, and other applicable materials. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost.

(4) The superintendent of public instruction shall coordinate the dissemination of information with the educational service districts and shall

publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state.

Passed the Senate January 20, 1986.

Passed the House March 6, 1986.

Approved by the Governor April 1, 1986.

Filed in Office of Secretary of State April 1, 1986.

CHAPTER 181

[Substitute Senate Bill No. 3453]

LIENS—NONCONSENSUAL COMMON LAW LIENS

AN ACT Relating to liens; amending RCW 60.28.010; and adding a new chapter to Title 60 RCW.

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

NEW SECTION. Sec. 1. (1) It is the intent of this chapter to limit the circumstances in which nonconsensual common law liens shall be recognized in this state.

(2) For the purposes of this chapter:

(a) "Lien" means an encumbrance on property as security for the payment of a debt; and

(b) "Nonconsensual common law lien" is a lien that:

(i) Is recognized now or hereafter under the common law of this state;

(ii) Does not depend upon the consent of the owner of the property affected for its existence; and

(iii) Is not a court-imposed equitable or constructive lien.

(3) Nothing in this chapter is intended to affect:

(a) Any lien provided for by statute;

(b) Any consensual liens now or hereafter recognized under the common law of this state; or

(c) The ability of courts to impose equitable or constructive liens.

NEW SECTION. Sec. 2. Nonconsensual common law liens against real property shall not be recognized or enforceable. Nonconsensual common law liens claimed against any personal property shall not be recognized or enforceable if, at any time the lien is claimed, the claimant fails to retain actual lawfully acquired possession or exclusive control of the property.

NEW SECTION. Sec. 3. No person has a duty to accept for filing or recording any claim of lien unless the lien is authorized by statute or imposed by a court having jurisdiction over property affected by the lien, nor does any person have a duty to reject for filing or recording any claim of lien.

NEW SECTION. Sec. 4. No person has a duty to disclose an instrument of record or file that attempts to give notice of a common law lien. This section does not relieve any person of any duty which otherwise may